

WYOMING ASSOCIATION OF PROFESSIONAL ARCHEOLOGISTS NEWSLETTER

Newsletter of the Wyoming Association of Professional Archaeologists

Volume 7 Number 1

April, 1985

1985 LEGISLATIVE REPORT

Agency battles over control of state historic sites and the State Historic Preservation Office were once again hotly debated issues in this year's legislative session. One Senate bill and two different House bills were introduced, each giving sole authority to either the Recreation Commission or the Archives, Museums, and Historical Department, or splitting up the sites. The bills were first referred to the House Travel, Recreation, and Wildlife Committee. This committee decided that they could do nothing to resolve the conflict. They did, however, pass a bill giving the Governor the authority by executive order to decide who would have control over what, and slating both agencies for sunset review. This bill was passed by both the House and Senate and signed by Governor Herschler.

The Governor's executive order is as follows. The Recreation Commission will retain sole control over South Pass City, Fort Fred Steele, Connor Battlefield, Independence Rock, and the State Archeologist. The Archives, Museums, and Historical Department will have sole authority over Trails End, Fort Fetterman, the Governor's Mansion, Fort Phil Kearny, Fort Bridger, and the SHPO. Any historical interpretation at WRC sites will have to be done in consultation with AMH.

This bill will affect the archeological community in that SHPO and Cultural Records will be transferred to AMH, and Dr. Robert Bush, director of AMH, will assume SHPO duties. At present, preparations are being made for the transfer of personnel. Latest word is that administratively, SHPO will remain intact, with the Cultural Records office and National Register Archeologist staying in Laramie. No date for the actual transfer has been set.

RESEARCH DESIGN COMMITTEE WORKING ON STATE PLAN

The WAPA Research Design Committee has embarked this year on an ambitious project to help the SHPO develop the archaeological component of the State Plan for Historic Preservation. Under the Resource Protection Planning Process (RP3) the Park Service requires that each SHPO develop a management framework for the cultural resources within its jurisdiction. A model plan for the Wyoming Basin has already been developed by Sharon Bollinger, SHPO Historic Section Chief. Mark Miller, Tom Marceau, and Josie Kantner have been assembling and pursuing all of the known regional literature on other state plans in preparation for a full discussion of WAPA's potential input into the RP3 program.

(Continued on page 2.)

PRESIDENT'S REPORT

This year has been a productive one for WAPA. Elsewhere in this issue you will find committee announcements describing efforts regarding the State Plan; IMACS forms; BLM permitting, collection, and reburial policies; liason with other professional and preservation organizations; and a membership drive. We are investigating a group health insurance plan, a permanent endowment for research, and a change in our tax status. The bylaws have been reprinted in this issue, along with proposed changes, as well as a full membership list with current addresses and phone numbers. Ongoing projects include the scholarship fund and the peer-review file. Lastly, the committees have been reorganized geographically.

Formal committee assignments and membership are also presented in this newsletter. Those members listed have been contacted and asked to serve as the steering committee for each full committee because of their geographic proximity to one another. It is hoped that this will facilitate communication. Everyone else is urged to participate in the committees of their choice, regardless of where they live, by contacting the chairmen or steering committees. The committees are WAPA; I encourage you to let them know how you feel on the issues facing our profession today. Their full reports will be delivered at the Spring Meeting.

As you know by now, the Spring Meeting will be held April 11-13 at the Saratoga Inn in Saratoga. I erred in the announcement regarding the proposed dance; it would be held after the banquet Friday night, not Saturday night, depending on member interest. Thirty rooms have been set aside for us at the Inn. Please make your reservations as early as possible. Leslie Wildesen, Colorado State Archaeologist, will speak at the banquet on the "Big Picture" of CRM in the U.S. today.

We hope to streamline the business meeting this year by printing much of the routine business in this newsletter, leaving more time for discussion. I urge all of you to try and make it to the meeting. See you there.

Greg Smith

RESEARCH DESIGN COMMITTEE (Continued from page 1.)

Regional expertise is needed to write the archaeological component of the plan. You, as Wyoming archaeologists, are the experts. Your input is vital to the process. Information on areal and temporal data gaps, as well as the state of current research within each region of Wyoming, is needed by the Research Design Committee to formulate a strategy for writing the plan. Contact Mark Miller or Tom Marceau for more details.

1985 WAPA DUES ARE PAYABLE NOW OR AT THE SPRING MEETING!

Send \$10.00 to John Albanese, WAPA Treasurer, P.O. BOX 1397,
Casper, Wyoming, 82602

NEW EXTERNAL AFFAIRS
COMMITTEE SPLIT

A new External Affairs Committee has been formed and its responsibilities split between two sets of members. The Wyoming chapter is chaired by Dave Vlcek and will concentrate on improving our contacts with the Wyoming Archaeological Society (WAS), and developing new liasons with the Wyoming Historical Society (WHS), and the new Wyoming Historic Preservation Association (WHPA). The Colorado Chapter is chaired by Steve Chanko and will perform the same functions with regard to the Colorado Council of Professional Archaeologists (CCPA).

The development of external contacts is an important goal if we are to increase our political effectiveness as professionals. There is strength in numbers and many others out there that share our views and concerns about historic preservation. Suggestions and participation are welcome.

NEW REGULATORY AFFAIRS
COMMITTEE FORMED

The old External Affairs Committee has been renamed Regulatory Affairs. Bryan Arvazian has agreed to continue to chair this committee which will monitor government and industry policy towards archaeology. This year, they will concentrate on the new BLM reburial policy that was such a hot topic at the Fall meeting. In addition, they will take up problems associated with the new Antiquities permitting regulations and procedures. Members are encouraged to communicate their thoughts on these matters to Bryan.

A more general responsibility of this committee will be to keep an eye on developing legislation and government regulations (e.g. Oil and Gas Order No. 1). In time, it is hoped, an alliance of professional and preservation groups could contribute to a network of information regarding political matters and pool their resources to fight undesirable legislation and burdensome regulations. You can contribute to this fledgling network by forwarding information and ideas to Bryan and the Steering Committee.

* * * * *

The Wyoming Association of Professional Archaeologists publishes this Newsletter twice yearly, in October and April. Members and others interested in archaeology in Wyoming are invited to contribute materials.

President.....Greg Smith Vice Pres.....Julie Francis

Secretary.....David Eckles Treasurer.....John Albanese

Exec. Committee Members at large: Steve Sigstad and David Vlcek

Newsletter Editor: Russ Tanner
1508 1/2 Custer
Laramie, Wy 82070

RESOURCE BASE CONTINUING
INVESTIGATION OF IMACS
FORM AND COLLECTION POLICY

Dave Reiss and the Resource Base Committee this year are analyzing the utility of the current Intermountain Antiquities Computer System (IMACS) site forms proposed for statewide use by the BLM and USFS. Specific comments on the vegetation and ceramic sections were sought from WAPA this winter by BLM; the former were the subject of a previous mailing to the entire membership. Responses were few, but they did indicate a dissatisfaction with the form in general. One important question that has been raised is whether the form violates the spirit of the Paperwork Reduction Act of 1980. Information collected by specialists in vegetation, landforms, soils, and other environmental variables is currently maintained by other government agencies, and could be used by the BLM and USFS more accurately. There also seems to be a consensus among field archaeologists that these variables have little to do (since they change over time) with prehistoric site location or analysis. Their chief value lies in predictive modeling for clearance purposes today.

The BLM's current artifact collection policy is also under the scrutiny of the Resource Base Committee. It differs from district to district and has the potential to significantly increase the number of sites considered eligible for the National Register, because the collecting of artifact samples is considered by BLM to be a form of mitigation, requiring the site to have National ~~Part~~ Register status.

Your input is desired on these issues. Contact Dave Reiss or the steering committee. A full report will be presented at the business meeting.

MEMBERSHIP AND ETHICS
COMMITTEE ACTIVE ON
WAPA'S BEHALF

Julie Francis and the Membership and Ethics Committee have launched a membership drive this year. First on the recruitment list are former members who have let their dues lapse and regular meeting attendees who have never been members. The next phase will be a search for other archaeologists working in Wyoming who don't know about WAPA. If you know of anyone who would be interested in joining our organization, send their names and addresses to Julie.

Paul Sanders is investigating the potential for a group health insurance plan for the smaller consulting firms. As you may know, the more people insured under a single umbrella group, the cheaper the rates. Contact Paul for more details.

Due to apparent lack of active interest, the old Peer Review Committee has been scaled down to a sub-committee chaired by Dave Eckles. Dave is still seeking suggestions and volunteers for a file of people with particular expertise to review and criticize reports submitted to WAPA.

December 18, 1984

Dear Fellow WAPA Members:

The Office of the Wyoming State Archaeologist has been working with SHPO and the University of Wyoming to develop a comprehensive, statewide radiocarbon date list. We plan to complete the project in 1985. The list will be submitted to The Wyoming Archaeologist for publication. This outlet is a good means to circulate the results to the professional and amateur archaeological communities.

Many of you have sent dates for this listing and we are grateful for your contribution. If you want to submit additional dates, please supply the following information. The categories provided below will be used in the publication format.

- 1) Smithsonian site number.
- 2) Site name.
- 3) Provenience of dated sample within the site (e.g., Feature 1, Level 2, 60 cm bd, Test unit 1, etc.).
- 4) Describe the material that was dated (e.g., bone, wood, charcoal).
- 5) List the radiocarbon age in years B.P. and the B.C./A.D. date, complete with the standard deviation (\pm range).
- 6) Provide the laboratory name and number.
- 7) List the corrected B.C./A.D. date, if any, and provide the correction (e.g., MASCA).
- 8) Cite the reference you want used as the primary source of the date. Give complete citation so it can be included in the references for the listing.

Thank you for your cooperation and continued participation. If we work together, we can develop a good research tool for Wyoming. The more complete this listing is, the more utility it will have for the profession.

Sincerely,



Mark E. Miller
State Archaeologist

MEM/lm

From True West magazine, May 1985, Volume 32, Number 3.

How much is the past worth?

Did you pay the cover price of this magazine to unearth the history it contains? Would you offer a historian a reasonable salary to research some forgotten event in the history of the West or to report significant new findings on Wyatt Earp? Would you pay a million dollars to restore a fine old mansion in Dallas? How about two hundred million to dig up the garbage and castoffs of the North American Indians' prehistoric past?

"Digging with Your Dollars," a recent segment on the ABC television show *20/20* questioned the two-hundred-million-dollar annual price tag attached to contract archaeology in America. Buried somewhere beneath the segment's news-as-show-business flamboyance was the concession that much archeology does indeed offer valuable insight into our prehistoric past and that the funds spent on those excavations are well invested. But, in rightfully attacking the unnecessary duplication of evaluations of the same archeological site, the presentation of facts was so biased, statements were so obviously taken out of context, and reporter Tom Jarriel's delivery so emotionally charged, that the segment's overall implication was that contract archaeology in general is a colossal waste of money. That implication demands a response.

Contract archaeology is exactly what it says it is. As opposed to being funded by the museum or university conducting the study, contract archaeology is performed by independent archaeologists under contract to another business or institution, often the government. Laws mandating the evaluation of prehistoric sites before they can be destroyed by construction projects have led to a boom in contract archaeology in recent years. Admittedly, some needless duplication of studies has resulted, and some contract archaeologists have learned to milk the system. But to overreact to those abuses by discarding the entire contract archaeology program would be to destroy forever an all too precious fragment of our past.

Archaeology is, of course, a relatively young science and the conclusions
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that can be drawn from it often remain tentative. But it is also an extremely precise science, entirely dependent on careful, methodical excavation. Once a site has been disturbed, the scientific value of its artifacts—garbage, pottery, arrowheads, and bones—is lost. Thus, by building a dam and flooding a site or by building a highway and paving it over without first considering its historical significance, we intentionally deprive ourselves of still another chapter from an already disintegrating and worm-eaten history book.

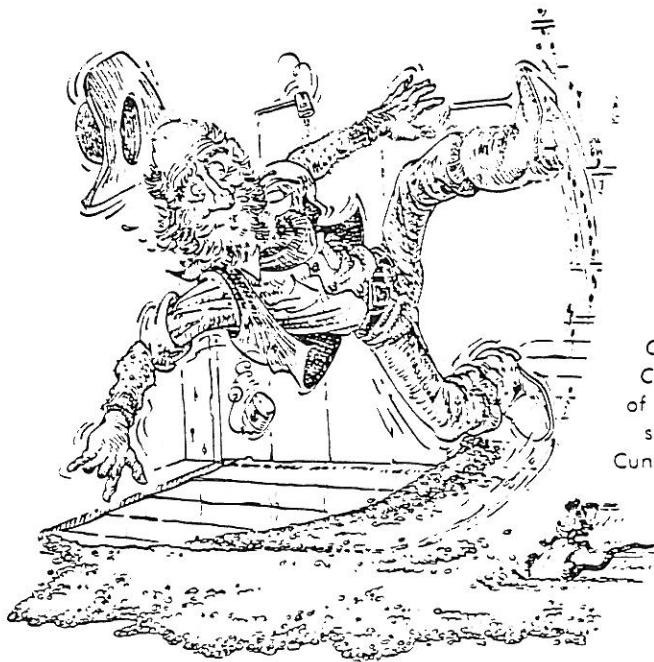
The evidence of human existence was deposited first as physical artifacts, later in written records, and now on film and tape. No thinking reader would advocate the random destruction of newsreels, newspapers, government records or books. Practically speaking, the wanton destruction of a burial ground, cemetery, village site or battlefield amounts to the very same thing.

In criticizing the duplication of archaeological studies, "Digging with Your Dollars" repeatedly cited the thousands and thousands of arrowheads and bones stored away in drawers and boxes in museums and universities. The sheer number of artifacts may seem impossible to deal with rationally. Yet computer-assisted methods of statis-

tical analysis have been developed to study innumerable artifacts, giving us the ability to understand humanity's procession through prehistory with a degree of precision undreamed of only a few years ago. That we may not now possess the intellectual tools to deal with certain artifacts is no reason to destroy those artifacts for future generations. Further, to be confronted by a room full of drawers full of arrowheads is to glimpse the immense history of human industry from a perspective unavailable through books or magazines. And to stand surrounded by human skeletons and holding in one's hand the six-thousand-year-old skull of a fellow human being is to be overwhelmed with and humbled by a sense of kinship for our countless predecessors.

It is universally agreed that the greatest present we can give our children and grandchildren is a future. The most valuable tool we can give them to deal with that future is a confident sense of their past. Surely such a tool is worth any price.

—John Joerschke



Cowboys, Cooks, and Catastrophes, a series of wild and woolly true stories by Reba Pierce Cunningham begins with "Chapter 1: Par" in this issue.

MINUTES

The Fall, 1984 meeting of the Wyoming Association of Professional Archaeologists was called to order at 12:25p.m. on November 9, 1984 by President Mark Miller.

Minutes

Tom Marceau made a motion that the minutes of the Spring, 1984 meeting be approved and accepted; the motion was seconded by Steve Chomko and carried on a voice vote.

Treasurer's Report

Treasurer Julie Francis reported that the Association has a checking account balance of \$907.44, and no outstanding debts. She also reported that an Internal Revenue Service taxpayer number has been obtained for the Association and that the Association should have tax exempt status within a year. Chomko made a motion to approve the treasurer's report; the motion was seconded by Mike Gear and carried on a voice vote.

Reports from Representatives of Federal Agencies

Bureau of Land Management State Archaeologist Ray Leicht reported on the Bureau's formulation of a human remains reburial policy that has been formulated recently. Extensive discussion followed this report and included expression of numerous concerns of Association members. Steve Chomko made a motion that WAPA write a statement to the Bureau outlining our concerns over this issue. Julie Francis seconded the motion and it carried on a voice vote.

Bill Metz, of the State BLM Office reported on the new permitting procedures that have recently been instituted. Wide ranging discussion followed his report with members expressing concerns over permit qualification requirements, qualifications required of federal employees and the BLM collections policy.

United States Forest Service

Steve Sigsted of the USFS introduced Lance Rom who will be working for the Forest Service in the Black Hills area, and Judy Rose who will be working for the Forest Service in the forests entirely within Wyoming.

Presidents Report

President Mark Miller made the following recommendations concerning the administrative structure of the Association:

- Committees are the best way to deal with specific issues;
- funds should be allocated to cover committee communication;
- every voting member should serve on a committee;
- a more active commitment to committee work, and the Association generally is needed; and
- the goals of committees need to be refined.

Committee Reports

Membership and Ethics

Chairman Greg Smith reported that six new members were accepted into the Association during the past year, bringing the membership to 74 members. He also reported that there are 30 lapsed memberships, and recommended that those individuals be contacted and asked if

they are still interested in being members. Smith also recommended that the Treasurer be a permanent member of the Membership and Ethics Committee.

Peer Review

Chairman Dave Eckles stated that he has come to the opinion that the original intent of the committee (review of cultural resource management reports) is now a dead issue. Some discussion followed this report but no formal action was taken.

Service Award

President Miller presented the Associations Distinguished Service Award posthumously to Dr. William Mulloy. The award was presented to Dr. Mulloy's widow Emily and his daughter Brigid.

Resource Base

Chairman Tom Marceau reported that a computerized bibliography is being compiled which could be published yearly, a research file is being amassed including a library of reports to be collected at a centralized library and that a date file is being compiled to include mostly c¹⁴ dates and associated information. Marceau made a motion that the Association adopt a policy of voluntary submission of c¹⁴ dates for this central file and that it be incorporated with the files currently being compiled by the University of Wyoming Department of Anthropology and the Wyoming State Historic Preservation Office. Chomko seconded the motion and it carried on a voice vote.

External Affairs

Chairman Bryan Avaisan submitted a letter concerning the Association's

thoughts concerning the Bureau of Land Management's Oil and Gas Operating Order #1 (included herein). Marceau made a motion that the letter be sent to the Director of the BLM, Russ Tanner seconded the motion and it carried on a voice vote.

Julie Francis reported that three contractors have been selected to do a technical report concerning predictive modeling assessment which was discussed at the Society for American Archaeology meeting at Portland. This project is being conducted by the BLM and the persons chosen to do the report include Jim Ebert and Martin Rose so it sounds like they have some good people according to Francis.

Bill Metz reported that the IMAX Committee has agreed to use the proposed Wyoming vegetation code and to a revision of the topographic location system. Several members discussed the IMAX system of recording sites and Metz (the Wyoming representative on the IMAX Committee) answered several questions.

Greg Smith reported that the Office of Surface Mining's plan the use predictive modeling has been postponed since the OSM does not have land management authority.

New Business

Marceau reported that the SHPO has hired Carl Spath to serve as National Register archaeologist. This position was created to encourage inclusion of more archaeological sites in the NRHP and Association members are encouraged to submit draft nominations to Carl. Marceau made a motion that the following Resolution be passed:

Whereas, the factor of whether or not a site is listed on the National Register is assuming more importance in guiding federal policies; and
Whereas, archaeological sites are weakly represented

in the National Register listings for Wyoming; and Whereas, we have a responsibility to protect those significant sites discovered as a result of CRM surveys; NOW THEREFORE BE IT RESOLVED that the Wyoming Association of Professional Archaeologists encourage its members to submit nominations to the SHPO National Register archaeologist for consideration and submission to the Wyoming State Review Board

Francis seconded the motion and it carried on a voice vote.

RP3

Steve Chomko reported on the SAA update of the Arley-House Report stressing the importance of RP3 reports. Marceau reported that Wyoming's RP3 has been submitted to Washington, although at this point Wyoming is still in control of the situation. He suggested that the Research Design committee be consulted concerning the RP3 report process.

Student Paper Award

George Brox reported that he has been working, as a representative of the Wyoming Archaeological Society, with Tom Larson, representing WAPA, to devise a criteria and procedure for the two organizations to offer a student paper award. They hope to have these things finalized next month.

Lonetree Burial/BLM Commendation

Russ Tanner made a motion that a letter of commendation be sent to the State Director of the Bureau of Land Management complimenting the Bureau employees involved in getting felony convictions against individuals for vandalism of a protohistoric burial near Lonetree, Wyoming. Francis seconded the motion and it carried on a voice vote.

ByLaws

President Miller recommended that an Ad Hoc Committee be appointed to make several revisions in the Associations By Laws and then publish them in the Newsletter so they can be considered at the next meeting.

Election

The results of the Associations election of new officers was announced:

President	Greg Smith
Vice President	Julie Francis
Secretary	Dave Eckles
Treasurer	John Albanese
Committee Members	Dave Vlcek
	Steve Sigstad

Greg Smith took over as President and suggested the following ideas: --funding committee correspondence,

- making committees geographically based and rotating them,
- more membership cooperation on committees.

Smith asked Russ Tanner to stay on as Editor of the Newsletter.

Tanner accepted the appointment.

Smith appointed Mark Miller to chair an adhoc committee to revise the by laws.

Smith announced that the Spring meeting will be held in either Cheyenne (with the W.A.S.) or in Saratoga.

Dave Eckles was appointed to chair the Research Design Committee.

Julie Francis made a motion to adjourn the meeting, the motion was seconded by Mark Miller and carried on a voice vote. The meeting was thus adjourned at 4:30 p.m.

CONSTITUTION AND BYLAWS

WYOMING ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS

Section I - NAME

1. The name of the organization shall be the Wyoming Association of Professional Archaeologists (WAPA), hereinafter referred to as the Association.

Section II - DURATION

1. The period of the existence and the duration of the life of this organization shall be perpetual.

Section III - PURPOSE

1. The Association is a non-profit voluntary association that exists for the purpose of maintaining and promoting the goals of professional archaeology in the State of Wyoming.

2. These goals shall include but not be limited to:
- establishing and promoting high standards of archaeological research, reporting and management.
 - establishing and promoting professional archaeological interests in political and public forums.
 - establishing and promoting communication with the archaeological community and a forum for discussing research problems and data.
 - promoting public education and interest in the preservation and investigation in the fields of prehistoric and historic cultural resources and the benefits from conserving these.
 - providing Association input to appropriate State, Federal, and local agencies.

Section IV - MEMBERSHIP

1. Voting Members

- Qualifications
 - Minimum of a BA or BS degree in anthropology.
 - Minimum of 12 months full-time professional archaeological experience in Wyoming.
 - Exceptions to i and ii will be considered on a case-by-case basis by membership and ethics committee.
 - No breaches of the Association Code of Ethics since its adoption.
- Entry Procedures
 - Application, including submission of vitae and statement of research interests in Wyoming Archaeology.
 - Acceptance by a majority vote of the Membership and Ethics Committee after a review of credentials.
- Rights and Duties
 - Adherence to the Code of Ethics.

- Regular participation in the activities of the Association.
 - Full voting rights in all Association business.
 - Eligibility to serve as an Association Officer or member of any Association committee.
 - Receipt of all Association publications.
2. Associate Members
- Qualifications
 - BA in, or active participation in a BA degree program in anthropology.
 - Exceptions will be considered on a case-by-case basis by the Membership and Ethics committee.
 - Entry Procedures
 - Application, including vitae and statement of interests in Wyoming Archaeology.
 - Acceptance by majority vote of the Membership and Ethics Committee after review of credentials.
 - Rights and Duties
 - Adherence to the Association Code of Ethics.
 - All rights of Voting Members except voting on Association business, membership on standing committees, and serving as an Association Officer.
 - May serve as a non-voting member on any ad hoc committee.
 - Receipt of all Association publications.
3. Honorary Members
- Qualifications
 - An honorary, non-voting membership can be awarded to persons who make a significant contribution which furthers the goals of the Association.
 - Entry Procedures
 - Acceptance by the Membership and Ethics Committee, or nomination at a regular meeting, followed by a 60 percent acceptance by the voting membership.
 - Rights and Duties
 - Acceptance of the Code of Ethics.
 - All rights of voting members except voting on Association business, membership on committees, and serving as an Association Officer.
4. Institutional Members
- Qualifications
 - An institutional, non-voting membership can be awarded to any organization wishing to house WAPA newsletters or any other Association publications in its library.
 - Entry Procedures
 - Acceptance by the Membership and Ethics Committee, or nomination at a regular meeting, followed by a 60 percent acceptance by the voting membership.
 - Rights and Duties
 - Acceptance of the Code of Ethics.
 - Receipt of all Association publications.

Section V - MEETINGS

1. The Association shall meet semi-annually in regular sessions in October-November and in February-March April and on other occasions as the the membership shall deem necessary. A petition by ten voting members may request that the Executive Committee call a special meeting. Notice must be placed in the mail at least 4 weeks prior to all meetings, regular or special.

2. Passage of a motion at a meeting will require 51 percent sustainment by the voting members present at the regular business meeting, whereas business conducted at a special meeting must be sustained by a 3/5 (60 percent) affirmation by the voting membership, to be contacted by mail ballot.

3. Modification of these by-laws requires a 60 percent affirmation by the voting membership.

Section VI - FINANCES

1. Dues shall be paid to the organization at the rate(s) established by a majority vote of the membership.

2. Finances shall be administered by the Treasurer. Records will be available for inspection by the membership at all times and shall be audited for the preceding fiscal year prior to the Annual Meeting.

3. Dues shall be used for the purpose of financing the business of the organization, including but not limited to such things as fees for secretarial services, expenses of officers incurred in the normal course of Association business.

4. Single expenditures in excess of \$200 require the prior concurrence of the President; single expenditures in excess of \$500 require the prior concurrence of the Executive Committee, and shall be within the constraints of available funds.

5. a. The Association may receive, maintain, and hold, by request, devise or gift, or otherwise, either absolutely or in trust, for any of its purposes, property, either real or personal, any fund or funds, without limitation as to amounts or values;

b. The Association may convey such property and to invest and reinvest any principal and interest; and to direct, manage, and expand the income and principal of the association and the agency or agencies making such funds available, and for the uses and purposes herein set forth.

6. No officer or member of the Association in the absence of fraud committed by himself shall become personally liable for any debts or liabilities arising against or incurred by the Association or its officers, agents, employees, or members, and the private property of the officers and members of this organization shall be exempt from a liability for any and all debts, obligations or liabilities of the Association.

Section VII - OPERATION

1. The place of business for the organization will be the place of business or location of the Secretary.

2. Robert's Rules of Order shall govern the procedures at each meeting, or other rules as established by the President or presiding

officer at the beginning of the meeting.

Section VIII - OFFICERS

1. The Association shall have four officers: President, Vice President, Secretary and Treasurer.

a. President. The President shall serve as the Association's representative in all its official affairs and transactions. The President will preside over the meetings. The President may appoint committees as necessary with the assent of the Executive Committee.

b. Vice President. The Vice President shall act with the powers of the President in the event that the President is unwilling or unable to perform appointed duties. In addition, he will chair the Membership and Ethics Committee.

c. Secretary. The Secretary shall announce all meetings to the membership of the Association and shall maintain minutes of all meetings.

d. Treasurer. The Treasurer shall keep membership rolls of the Association, shall maintain records of financial transactions in accordance with standard bookkeeping practices, and is authorized to disperse funds according to Section VI.

2. The Association shall appoint or retain a legal Counsel, as needed.

3. The Association shall appoint an Editor who shall solicit and edit material for a newsletter of the Association and, when authorized, develop other official publications.

Section IX - ELECTION OF OFFICERS

1. All officers shall hold office for one year.

2. The officers of the Association and the other members of the Executive Committee will be elected by a mail ballot of the membership, requiring a simple majority of the votes cast. Completed ballots will be mailed in a signed, sealed envelope. Nominations will be accepted at the regular meeting in the spring, ballots will be mailed in the late summer and newly elected officers will assume office at the fall meeting. Ballots will be counted by two voting members appointed by the current President. The President will not vote, except to break a tie.

Section X - PUBLICATIONS

The Association shall publish a newsletter. The Association may from time to time authorize the publication of other single or serial items.

Section XI - ADOPTION

These Bylaws shall become effective upon ratification by a 2/3 sustainment of those registered by the time of the second organizational meeting.

Section XII - DISPOSAL OF ASSETS

In the event of dissolution, the Executive Committee shall dispose of all its assets to an educational or scientific institution that is

aid any individual or organization in the sale, trade, or transfer of any antiquity (archaeological object, site, or project) for the purpose of anyone's personal profit.

b. As a professional archaeologist, he/she will actively discourage vandalism of all archaeological sites, objects, and properties.

8:7. The WAPA member shall be sensitive to, and respectful of legitimate concerns of, groups whose culture histories are the subjects of archaeological investigations.

9:8. WAPA members shall respond to legitimate requests for information about their projects and research by other archaeologists.

Section XV:IXV - CENSURE

1. Determination of a probable breach of the Association Code of Ethics will require:

a. A written, signed statement requesting such a determination deposited with the Membership and Ethics Committee,

b. A majority vote by the Membership and Ethics Committee that there was a possible breach of ethics, whereupon it will be brought to the attention of the Executive Committee.

2. Upon notification of a possible breach of ethics, the Executive Committee will:

a. upon majority vote determine whether there has or has not been a breach of ethics,

b. decide on an appropriate action, and carry out such an action.

3. Censure actions can include, but are not limited to:

a. a letter of complaint from the Association to the offending individual or organization, and announcement of the censure action at a regular meeting;

b. all of the above plus letters to any other individuals or organizations deemed relevant by the Executive Committee;

c. all of the above plus removal of an individual from the Association;

d. all of the above plus further active resistance (by the Executive Committee and Association members) of continued unethical behavior and/or archaeological work in the state.

4. Removal of Association membership will require a majority vote of members attending a regular meeting.

5. Any determination of unethical behavior, or the specific censure actions set forth, may be appealed by deposition of a written signed appeal with the Executive Committee:

a. The Executive Committee will then make a recommendation on the basis of the appeal and announce it at a regular meeting.

b. After further discussion, final Association rejection or acceptance of the appeal will be decided by a majority vote of members attending a regular meeting.

6. The above censure procedures may be applied to any state, federal, private or foreign organization, as differentiated from censure action against an individual, and as differentiated from any statements of Association policy and position that might be sent in accordance with Section III.

exempt from taxation under the then current code of the Internal Revenue Service.

Section XIV:XIII - STANDING COMMITTEES

1. Executive Committee

a. The Executive Committee shall be composed of the Association Officers, the newsletter editor, and 2 elected Members-at-Large. Members-at-Large are to be elected in alternate years for 2 year terms.

b. The Executive Committee shall act in behalf of the Association to further the goals of the organization as set forth in the constitution and bylaws.

2. Membership and Ethics Committee

a. The Membership and Ethics Committee shall be composed of the Vice President and 4 Voting Members, appointed by the Executive Committee, no more than 2 of which are Executive Committee Members. The Vice President shall chair the committee.

b. The purpose of the Membership and Ethics Committee shall be review and vote on new members which will then be accepted by a majority vote of the committee.

c. The Membership and Ethics Committee shall recommend that matters involving archaeological ethics of the members of WAPA, or of persons or organizations external to WAPA, be brought to the attention of the Executive Committee for action.

Section XV:XIV - CODE OF ETHICS

1. a. A member of the Association shall adhere to the goals outlined in Section III (2), satisfying his or her colleagues that the highest standards of research are maintained. The Association member agrees that all archaeological work is anthropological research, since, for example, this is the only way to determine the potential of archaeological resources.

b. Other ethical standards include (but are not limited to) prompt reporting of results, maintenance of adequate facilities and staff, no employment of unqualified personnel in any capacity, use of common and professional courtesy in all potential or realized interaction with other archaeologists, and a strong commitment to conservation of cultural resources.

3:2. All specimens recovered through survey and excavation will be prepared and deposited with an institution with facilities for permanent curation.

4:1. Members of the Association who author or sign a research report dealing with Wyoming archaeology shall deposit a copy of the said report with the Wyoming State Historic Preservation Officer.

5:4. Members of the Association agree to allow a peer review committee to review reports which they have deposited with the SHPO.

6:5. Members serving as principal investigators shall submit an annual report of their archaeological activities in Wyoming to the Executive Committee for the Association records, including vitas of all crew members, field school students, volunteers, and so on, and the capacity in which they were employed.

7:6.a. No member will deal in, sell, or trade or knowingly

Section XVI: - DELINQUENT DUES

If dues remain unpaid for two consecutive meetings, voting membership and newsletter will be revoked.

WAPA COMMITTEES
1985

Membership and Ethics - membership drive, tax status, newsletter, dead file storage, peer review.

Chairperson - Julie Francis, VP
OWSA
P.O. Box 3431
University Station
Laramie, WY 82071
Phone: 307-766-5301

Standing Committee - John Albanese, Treasurer
Phone: 307-234-1379

Russ Tanner, Newsletter
Phone: 307-742-9699

Dave Eckles, Peer Review Subcommittee
Phone: 307-766-5301

Paul Sanders, Peer Review Subcommittee
Phone: 307-742-4371

Research Design - State Plan for Historic Preservation.

Co-chairman - Mark Miller
OWSA
Phone: 307-766-5301

Co-chairman - Tom Marceau
SHPO/WRC
Herschler Building
Cheyenne, WY 82001
Phone: 307-777-6696

Steering Committee - Josie Kantner
Phone: 307-777-6530

Rick Bryant
Phone: 307-777-6292

Bill Metz
Phone: 307-778-2229

Resource Base - IMACS form, BLM collection policy.

Chairman - Dave Reiss, OWSA
Phone: 307-766-5562

Steering Committee - Mary Feathers
Phone: 307-766-5423

Erin Williams
Phone: 307-766-5463

Steering Committee (cont.) -

Bill L. Stady
Phone: 307-766-5562

Jeff Hauff
Phone: 307-766-5562

Regulatory Affairs - BLM burial policy, Oil and Gas Order No. 1, RMOGA Liason, regulation watch.

Chairman - Bryan Aivazian
Pronghorn Anthropological Associates
1738 S. Poplar St.
Casper, WY 82604
Phone: 307-235-5215

Steering Committee - John Jameson
Phone: 307-347-6121

Jim Welch
Phone: 307-347-8848

Dick Enders
Phone: 307-472-3969

John Greer
Phone: 307-472-4016

External Affairs (Wyoming) - Liason with WSA, WIS, WHPA.

Chairman - Dave Vlcek, BLM
P.O. Box 632
Kemmerer, WY 83101
Phone: 307-877-3933

Steering Committee - Dudley Gardner
Steve Creasman
Phone: 307-382-2121

Ed Jess
Phone: 307-324-6813

George Brox
Phone: 307-324-2003

External Affairs (Colorado) - Liason with CCPA, professional solidarity.

Chairman - Steve Chonko
IAS/CPS
P.O. Box 25287
Denver, CO 80225
Phone: 303-733-7624

Steering Committee -

Steve Sigstadt
Phone: 303-234-4082

Tom Peebles
Phone: 303-328-6244

Gail Firebaugh
Phone: 303-258-7334

Narcia Tate
Phone: 303-321-2217

AD HOC COMMITTEES

Cultural Records - Carbon 14 dates, bibliography, National Register nominations.

Members -

Tom Marceau
Mary Feathers
Carl Spath
Phone: 307-766-5323

Research Foundation - establishment of...

Members -

Mark Miller
Dave Eckles
Greg Smith
Phone: 307-777-7052

Bylaws - revision of...

Member -

Mark Miller

WAPA/WAS Scholarship - coordination of...

Members -

George Brox
Tom Larson
Larson-Tibeson Associates
421 S. Cedar
Laramie, WY 82070
Phone: 307-742-4371

Spring Meeting - Wyoming coordinators.

Members -

Josie Kantner
Rick Bryant
Greg Smith
WDO/LQD
Herschler Building
Cheyenne, WY 82002

1985 EXECUTIVE COMMITTEE

President -

Greg Smith

Vice President -

Julie Francis

Treasurer -

John Albanese

Secretary -

Dave Eckles

Newsletter Editor -

Russ Tanner
1508 1/2 Custer
Laramie, WY 82070

Members at Large -

Steve Sigstadt (Fall 85)
Dave Vlack (Fall 86)

Wyoming Association of Professional Archeologists (WAPA)
 Membership List (February 11, 1985)
 Phone Code: H-Home W-Work S-School

Bryan Avazian
 Pronghorn Anthropological Associates
 1738 S. Poplar Street
 Casper, Wyoming 82604
 307-235-5215 W

John Albanese
 Box 1397
 Casper, Wyoming 82602
 307-234-1379 W

Jenny Anderson
 Pioneer Archeological Consultants
 Route 6, Box 136
 Longmont, Colorado 80501
 303-772-5893 W

Debra Angulski
 838 19th Street
 Boulder, Colorado 80302
 303-551-3171 H

John Benko
 2065 N. 9th #3
 Laramie, Wyoming 82070
 No Telephone Listed

Dianne Berrigan
 717 Date Street
 Rawlins, Wyoming 82301
 307-324-6813 W

Karen Bridger
 OWSA-Survey
 Department of Anthropology
 University of Wyoming
 Laramie, Wyoming 82071
 307-766-5301 W

Jim Brechtel
 P.O. Box 1923
 Ft. Collins, Colorado 80502
 303-484-7942 W

George Brox
 1128 E. Seventh
 Poudre Canyon, Wyoming 82301
 307-324-2803 H

Rick Bryant
 500 East 26th
 Cheyenne, Wyoming 82001
 307-777-6292 W

Tim Burchett
 Powers Elevation
 P.O. Box 1180
 Green River, Wyoming 82935
 307-382-7334 W

Mike Surney
 Western Archeological Consultants
 P.O. Box 7063
 Boulder, Colorado 80306
 303-449-5722 W

George Burns
 2025 N. College #33
 Ft. Collins, Colorado 80524
 303-482-4369 H

Richard Carrasco
 1130 Fillmore Street
 Denver, Colorado 80205
 303-322-2819 H

Mona Charles
 824 S. 2nd
 Montrose, Colorado 81401
 303-249-2971H

Steve Chomko
 6680 W 36th Place
 Wheatridge, Colorado 80033
 303-236-4652 W

Cary Craig
 Department of Anthropology
 Box 3431, University Station
 Laramie, Wyoming 82071
 307-766-5136 S

Steve Creasman
 Western Wyoming College
 P.O. Box 328
 Rock Springs, Wyoming 82901
 307-382-2121 W

Dave Darlington
 1033 Boxelder
 Casper, Wyoming 82604
 307-234-3174 H

Dean Decker
 Bureau of Land Management
 Folsom Resource Area
 Folsom, California 95630
 916-988-0205 W

Dan Eakin
 OWSA-Survey
 Box 3431, University Station
 Laramie, Wyoming 82071
 307-766-5301 W

Dave Eckles, Director
 OWSA-Survey
 Department of Anthropology
 University of Wyoming
 Laramie, Wyoming 82071
 307-766-5301 W

Dick Enders
 Archeological Energy Consulting
 2923 Harrington
 Casper, Wyoming 82604
 307-472-3969

Reid Farmer
 Gilbert-Commonwealth
 1625 S. Elizabeth
 Denver, Colorado 80210
 303-741-2600 W

Gail Firebaugh
 P.O. Box 298
 Nederland, Colorado 80466
 303-258-7334 H

Bob Williams
 624 S. Williams Street
 Denver, Colorado 80209
 303-321-2217 W

Julie Francis
 OWSA-Survey
 Department of Anthropology
 University of Wyoming
 Laramie, Wyoming 82071
 307-766-5301 W

Paul Friedman
 Powers Elevation
 P.O. Box 2612
 Denver, Colorado 80201
 303-321-2217 W

Dr. George Frison
 Department of Anthropology
 University of Wyoming
 Laramie, Wyoming 82071
 307-766-5136 W

Mary Beth Galvan
 802 Steele
 Laramie, Wyoming 82070
 307-745-7091 H

Dudley Gardner
 Western Wyoming College
 P.O. Box 428
 Rock Springs, Wyoming 82901
 307-382-2121 W

Mike Gear
 Pronghorn Anthropological Associates
 1738 S. Poplar
 Casper, Wyoming 82604
 307-235-5215 W

Terry Girouard
~~1385 Brentwood Street~~ 6310 S. Burnside
~~Lakewood, Colorado 80215~~ Arv. D.
 Unlisted Telephone (303) 427-0707

Kinzie Gordon
 2920 Pearl Street
 Boulder, Colorado 80306
 303-443-4490 W

Carling Malouf
525 E. Central
Missoula, Montana 59801
406-549-1017 H

Thomas E. Marceau
State Historic Preservation Office
Wyoming Recreation Commission
122 West 25th, Henschler Building
Cheyenne, Wyoming 82002
307-777-6696 W

Dave McGuire
3003 Valmont #140
Boulder, Colorado 80301
303-440-7703 H

Mike Metcalf
Metcalf-Zier Archeologists
P.O. Box 899
Eagle, Colorado 81631
303-328-6244 W

Bill Metz
1127 Lummis Court
Cheyenne, Wyoming 82001
307-778-2229 W

Dr. Mark Miller
State Archeologist
OWSA-Department of Anthropology
University of Wyoming
Laramie, Wyoming 82071
307-766-5301 W

Jeanne M. Moe
OWSA-Survey
Box 3431, University Station
Laramie, Wyoming 82071
307-766-5301 W

Janet Newberry-Creasman
Western Wyoming College
Box 428
Rock Springs, Wyoming 82901
307-382-2121 W

Asa Nielson
CEMS-SYU
700 Kimball Tower
Stephen Young University
Tulsa, Oklahoma 74102
918-475-2216 H

Ogsha District
Army Corps of Engineers
ATTN: Library
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102
Lucille Sutera
402-221-4111 W

Jana Pastor
919 Lee Street
Rock Springs, Wyoming 82901
307-382-5507 H

Anne Peebles
P.O. Box 916
Eagle, Colorado 81631
303-328-6244 W

Tom Peebles
P.O. Box 916
Eagle, Colorado 81631
303-328-6244 W

Dr. Charles Reher
Department of Anthropology
University of Wyoming
Laramie, Wyoming 82071
307-721-5152 H

David Reiss
OWSA--Survey
Department of Anthropology
University of Wyoming
Laramie, Wyoming 82071
307-766-5562 W

Bruce Rippeteau
3480 E. Easter Pl.
Littleton, Colorado 80122
No Telephone Listed

Judy Rose
1718 Garfield
Laramie, Wyoming 82070
307-745-8971 W

Chris Zier
P.O. Box 899
Eagle, Colorado 81631
303-328-6244 W

Paul Sanders
Larson-Tibesar Associates
421 South Cedar
Laramie, Wyoming 82070
307-742-4371 W

Jack Savini
630 Trigood Drive
Casper, Wyoming 82601
307-235-4865 H

James Schoen
2958 Harrison, Apartment D
Laramie, Wyoming 82070
No Telephone Listed

Robert L. Schuyler
University Museum
33rd & Spruce Streets
Philadelphia, Pennsylvania 19104
215-898-4000 W

Beth Sennet-Walker
Box 8117
Reno, Nevada 89507
No Telephone Listed

Steve Sigstadt
1044 S. Parfet Ct.
Lakewood, Colorado 82401
303-234-4082 W

Alan Skinner
AR Consultants
P.O. Box 820727
Dallas, Texas 75382
214-233-8261 W

Greg Smith
1717 Russell Avenue
Cheyenne, Wyoming 82001
307-777-1052 W

Dr. Carl Spath
SHPD Cultural Records
Department of Anthropology
University of Wyoming
Laramie, Wyoming 82071
307-766-5323 W

Steve Sutter
OWSA-Survey
Box 3431, University Station
Laramie, Wyoming 82071
307-766-5301 W

Russ Turner
1508 1/2 Custer
Laramie, Wyoming 82070
307-742-9699 H

Marcia Tate
Powers Elevation
Suite 1201, 600 S. Cherry
Denver, Colorado 80222
303-321-2217 W

William Tibesar
Larson-Tibesar Associates
421 South Cedar
Laramie, Wyoming 82070
307-742-4371 W

Jim Truesdale
Box 153
Laramie, Wyoming 82070
307-721-5152 H

Dave Vlcek
1314 Lincoln Heights Drive, #1
Kemmerer, Wyoming 83101
307-877-3933 W

Brian Waitkus
P.O. Box 1411
Laramie, Wyoming 82070
307-766-5563 W

Danny Walker
Department of Anthropology
University of Wyoming
Laramie, Wyoming 82071
307-766-5301 W

Jim Welch
P.O. Box 1315
Norland, Wyoming 82401
307-347-2218 W

Wyoming Association of
Professional Archaeologists
% Department of Environmental
Quality/Land Quality Division
Herschler Building
Cheyenne, WY. 82002

December 3, 1984
Page Two

Director
USDOI Bureau of Land Management
18th & C Streets, NW
Washington, D. C. 20240

Dear Sir:

The Wyoming Association of Professional Archaeologists is the non-profit organization representing the professional community of archaeologists and historians conducting scientific research and cultural resource investigations in the state of Wyoming. This letter expresses our concern over a certain aspect of 43 CFR 3164.1.III.E (Onshore Oil and Gas Operating Orders, Cultural resource Clearance).

As it is currently worded, "Survey work and a related report shall be required only if (emphasis added) the SMA has reason to believe that properties listed, or eligible for listing, on the National Register of Historic Places (NRHP) are present in the area of potential effect". The wording of this regulation, and the operational interpretation of it, have created a situation where the burden of proof has been reversed to where the professional community must now prove a strong likelihood that a significant site will be present in the area of potential impact before requiring a Class III cultural resources inventory. In the past such inventories have been conducted to determine whether or not significant cultural properties were present and would be affected by a given action. As a concerned professional group we take exception to this shift in the burden of proof and firmly believe that it is virtually impossible to meet the letter and intent of the existing laws relating to the protection and enhancement of our Nation's cultural heritage.

The Bureau of Land Management, under these new regulations, is requiring an actual surface inventory to be conducted only when a records and literature review (a Class I study) has been completed which demonstrates that a significant site may be present. The guidelines for a minimal area of search is the quarter section for the proposed section, plus each of the surrounding quarter sections. For a single well location this constitutes a 1,440 acre tract. While the idea of conducting the on-ground studies only when needed sounds reasonable, in practice the available data and analytical tools at our disposal are not sufficient to provide the Federal agencies with the results they wish to achieve.

Currently, only 4% of the state of Wyoming has been subject to intensive cultural resources investigation. Furthermore, a substantial portion of that acreage was examined before the rigorous standards, associated with contemporary cultural resource management regulations, were developed. As a result, we are left with a very small sample of the state by which to base our evaluations

of possible site location and significance. This sample is also biased in that a great many areas which are undergoing oil and gas related development have never been subject to any prior cultural resources study.

Most of the Class I overviews being conducted are no more than a records search with a subjective evaluation of site potential based upon circumstances of locational setting. In the best of cases, the researcher may have a great amount of prior work in the immediate area to draw upon. However, this is usually the exception, rather than the rule. Even with a body of previous work in the local area, the conclusions derived are highly subjective and often subject to a large degree of variation (both in seemingly similar settings by the same researcher, and in the exact same setting by different researchers).

In recent years a great deal of attention has been focused on the possibility of utilizing "predictive models" to determine the likelihood of cultural resources in a given location. This also seems to be the central intent of Operating Order No. 1. Such efforts would be based on wide areal concerns and utilize mathematical models to determine the site potential of an area. Such approaches would have the best chance at serving the desires of the land managing agencies to determine where sites are located, but the professional community is not even close to developing practical, tested models capable of making such predictions. While work is in progress by a number of researchers along these lines, such work is considered experimental and is a long way from possible practical application.

Some general results have been indicated by the predictive modeling efforts so far. These tend to have demonstrated that a reasonable minimal sample would have to be much larger than the overall 4% we have to work with, that individual models would have to be developed for numerous geographic areas, that separate models directed at different time periods in the past may be much more effective than a single model for all site locations, and that to achieve a substantial degree of reliability in the prediction of potential site locations a very large portion of the sample universe would have to be retained for actual inspection.

Another potential flaw in the use of subjective or mathematical predictive models is that they are focusing on the potential for a locus of past human behaviour. The question of the significance of such sites is not, and cannot, be taken into consideration. Since most significant sites are considered to be important based upon the scientific data contain within them, an assessment of the quantity and quality of that data must be made before a final evaluation of site significance may be made. Both past and present cultural processes, as well as varying geomorphological actions, very strongly influence the condition of a site. There is no substitution for an actual field inspection, often coupled with subsurface testing, in the legitimate site evaluation process. This is very important since the wording of the Operating Order clearly

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Page Three

indicates that it is only concerned with the reasonable potential for the presence of significant sites before requiring an actual inspection.

The original intent of the wording of this regulation was aimed at eliminating the need for cultural resources inventories in those areas where there was little chance of finding a site. Conceptually, this sounds fine. In practice, it is extremely difficult to effect. While some surface situations may be considered to have potential for cultural resources, such as geologically old exposures and areas of extensive natural or cultural disturbance, virtually all other areas have a chance for the presence of site. Although some areas have much lower site densities than others, the sites in the low probability areas are often more important individually, since their virtual presence is in itself somewhat of an anomaly. These exceptions to the general rule are essentially impossible to predict, but they form a very important part of the data base for understanding the prehistoric and historic developments of a region.

At the present time we strongly suspect many oil and gas companies are using these regulations to avoid a Class III intensive surface inventory. Often these Class I studies are submitted in conjunction with a letter from private landowners stating that they do not wish to have an archaeological study conducted on their surface, regardless of the fact that a Federally owned minerals (thus constituting a Federal undertaking). We believe that the elimination of Class III inspections on the basis of these limited Class I overviews does not meet either the letter or intent of the laws which were passed to protect the cultural heritage of this country.

At the Regional Oil and Gas Meeting in Casper this Spring the Federal Solicitor (Mark Seiffert) went so far as to state that sites were still under the protection of the law, regardless of whether an inventory was conducted or not. That is to say that if cultural resources were impacted by development activities which were located on properties not inventoried because the BLM waived the need for a Class III study (based upon the findings of a Class I overview) the company which conducted the impact would be legally and financially responsible for those impacts.

Time delays within the well permitting framework and overall costs are blamed as the reasons for needing to "streamline" the cultural resources protection process. Under the new guidelines the production of a Class I may take as long, if not longer, than doing the actual on-ground inspection. Furthermore, the review of the Class I needs concurrence by the State Historic Preservation Office, while if there is nothing found on the Class III inspection the cultural resource clearance may be processed without state involvement. As far as the costs are concerned, a Class III inspection is generally about half again as much as a Class I may run. The selling point for the Class III report is that it is a concrete statement of fact, based upon what can

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Page Four

actually be seen in a project area. The Class I overview is merely an opinion based upon previous studies from the local area (if present) and data extrapolated from a map. Soils, vegetation, geomorphological conditions, and topographic setting have to be estimated. To use such data to form the basis for a conclusion regarding the ultimate disposition of a non-renewable resource (i.e. cultural resources) could have tragic results.


The system of conducting an actual surface inspection prior to any land modifying action is the most reliable, and in the long run most cost-effective, method of safeguarding our cultural past. This portion of the Operating Order is an attempt to create a system whereby perceived problems with cultural resources may be reduced or eliminated. Instead, it has opened up a situation where little, if any, time or money might actually be saved; scientific data regarding our prehistoric and historic past may be damaged or lost forever; and the energy companies which were supposed to be aided by the new regulations might actually be placed in situations whereby they could incur legal and financial responsibility for damage to sites which otherwise could have been avoided if their presence was known in the first place.

In light of these situations it would make much more sense to approach the identification and management of cultural resources from a position of obtainable fact, rather than speculation. As a possible compromise in this matter, the use of the existing procedures (the elimination of a Class III inventory based upon the results of a Class I overview) might be applied to situations where a surface inspection is not possible within the limitation of a short lease period or where a delay in the drilling of a well would cause a major financial loss to a company (such as stacking a drill or loss of venture capital). When snow obscures the ground surface for long periods during the winter, these procedures would allow for an alternative to the oil and gas operator. However, it should be understood that legal obligations regarding possible impacts to a site still exist. Under no circumstance should the field inspection be waived if the surface of the project area is clear and visible.

The laws which were designed to protect our cultural past are clear in their purpose and intent. While it may be argued that the specific implementation of these laws is subject to interpretation the current guidelines issued under Operating Order No. 1 fall short of serving either the resource base or the development interests. A return to a Class III inspection in all instances would serve as the best means of protecting this resource base and would allow the oil and gas industry to work from a position of readily attainable facts, rather than one of speculation.

Thank you for taking into consideration our concerns in this matter.

Sincerely,


Greg Smith
President, Wyoming Association
of Professional Archaeologists

GS/11
cc: Senator M. Wallop
Senator A. Simpson
Congressman D. Cheney



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20210

JAN 22 1985

IN REPLY
REFER TO:
5110(341)

2

Mr. Greg Smith, President
Wyoming Association of Professional Archaeologists
c/o Department of Environmental Quality
Land Quality Division
Herschler Building
Cheyenne, Wyoming 82002



Dear Mr. Smith:

Thank you for your letter of December 3, 1984, in which you expressed your Association's concerns relating to Onshore Oil and Gas Order No. 1 and the more general topic of predictive modeling in cultural resource management. Similar concerns have been raised within the Bureau of Land Management (BLM), and we have taken steps to forestall misapplication of the basic principles involved. First, allow us to provide some background information.

It appears that the root of your concerns in each case is the affirmative responsibility placed on Federal agency officials by section 106 of the National Historic Preservation Act. As you are aware, section 106 is implemented by regulations of the Advisory Council on Historic Preservation, 36 CFR Part 800. Upon original publication of the regulations, it was stated in the preamble that "[t]he Council has adopted a reasonable effort standard for Federal agencies to meet in identifying National Register and eligible properties" (Federal Register, Vol. 44, No. 21, p. 6069). The standard referred to is the process set out in 36 CFR 800.4(a)(1) and (2), which in brief consists of consultation with the State Historic Preservation Officer and other knowledgeable persons, review of existing information from previous identification efforts, recommendations on the need for further survey, and a reasoned decision on the part of the agency official. In recent years the Council has actively encouraged BLM and others to adopt alternatives to "100 per cent" survey where possible. At the Council's initiative, a number of memoranda of agreement executed in accordance with 36 CFR 800 have drawn on accumulated knowledge to reduce or eliminate needless survey. In fact, we believe that predictive modeling began to receive the attention you noted as a result of the Council's interest and involvement in promoting modeling as a basis for limiting the extent of inventory work.

Section III.E. of Onshore Oil and Gas Order No. 1 has been subject to various interpretations. It was intended to guard against imposition of unreasonable survey requirements on the oil and gas industry. As you correctly pointed out, absence of information may not be sufficient basis for concluding that nothing of importance is present. Rather, as we think you will agree, there are certain conditions under which it may reasonably be concluded that survey would be unnecessary. With this in mind, we issued instruction to our Field Offices on the intended interpretation of the Order. A copy of Instruction Memorandum No. 84-368 is enclosed for your information. Please note that the Code of Federal Regulations citation you used in reference to the Order is in error; the Order itself is not codified.

On the second topic, we agree with your comments that predictive modeling may not be an appropriate technique for reaching certain kinds of conclusions about the distribution and nature of undiscovered cultural resources. However, we believe that there may be potential for applying modeling to several aspects of cultural resource management, especially long-range planning, and we have initiated a study under contract to examine the subject as comprehensively as possible. A team led by Dr. W. James Judge is presently preparing a technical report, which we hope will serve as a basis for defining and guiding the proper uses of modeling. A draft of the report is scheduled for completion in Spring 1985.

Thank you again for sharing your Association's concerns.

Sincerely,

Director

1 Enclosure
Encl. 1 - Instruction Memorandum No. 84-368

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AGENDA

Spring Meeting of the Wyoming Association of Professional Archaeologists, April 11-13, 1985, Saratoga, Wyoming.

Thursday, April 11

6:00-8:00 PM Executive Committee Dinner

8:00-12:00 PM Early Bird Party, Swimming, Cash Bar, Video Party.

Friday, April 12

8:00-10:00 AM Committee Meetings/Breakfast

10:00-12:00 Business Meeting--Agency Reports

Noon-2:00 Lunch

2:00-4:00 Business Meeting--Committee Reports

4:00-6:00 Open Forum

6:00-7:00 Cocktail Hour, Cash Bar

7:00-9:00 Banquet--Leslie Wildeson, Colorado State Archaeologist,
Guest Speaker

9:00-12:00 Dance, Swimming, Cash Bar

Saturday, April 13

8:00-10:00 Breakfast, Free Time

10:00-12:00 Open Forum

12:00-2:00 Wyoming Archaeological Society Lunch

2:00-4:00 Museum Tour

For Reservations call the Saratoga Inn 326-5261, East Pike Road, in Saratoga. Other motels are also available, WAPA activities will take place at the Saratoga Inn.