

WYOMING ASSOCIATION of PROFESSIONAL ARCHEOLOGISTS

Volume 9, Number 1

March, 1987

PRESIDENT'S LETTER

The past several months have been busy with WAPA voicing opinions about several governmental matters, both state and national. In November of 1986, Christian Vosler, State Director of the BLM, requested WAPA's comments on the draft copy of "Reporting Standards for Data Recovery Projects." I solicited comments about the letter from members of the WAPA Executive Committee plus other WAPA members. A letter to the BLM incorporating these comments in included in this Newsletter. Additional comment letters from Judy Rose, Steve Creasman, Mark Miller and Julie Francis were also sent to the BLM. I hope this is the beginning of a dialogue between WAPA and the BLM that will continue in a mutually beneficial way.

Another matter concerning WAPA and the BLM arose regarding various meetings around the state that the BLM held on proposed "Standard Stipulations for Survey and Limited Testing Cultural Resource Use Permits." I received copies of comments sent to the BLM by WAPA members John Greer and Jim Welch. Valid objections to some of the proposed BLM regulations were expressed in the letters. At the meeting in Casper on January 26th, as President of WAPA, I reiterated their comments plus some of my own. I believe that these comments plus those of John Greer, who was also at the meeting, had some effect, as the BLM has revised the regulations and will issue the final decree in April. I am also sure that comments by WAPA members who attended the other meet-

ings held in the state were also instrumental in causing the change in proposed regulations.

Another matter relating to WAPA's ability to comment on proposed BLM activity concerns planning and environmental documents that involve public input. I have requested from the BLM State and District Offices that copies of such documents be sent to WAPA so that we can review and comment on them. It is difficult to keep on top of such matters if you don't know what is going on.

Probably the most important legislative matter concerning professional archaeologists was the introduction of Senate Bill S-187 on January 6, 1987 by Senator Melcher of Montana. This bill, "The Native American Cultural Preservation Act," if enacted as introduced, would have a profound effect on the archaeological profession within the United States. I consider it so important that a separate section of the Newsletter is devoted to it. Please read it carefully and write to Senators Simpson and Wallop, plus the Senate Committee members, about this bill.

The fall meeting at Thermopolis was lively as you can see from the minutes. One main topic concerned the Bridger-Teton DEIS and Forest Plan. Jamie Schoen was appointed to look into the matter. His comments plus those of the WAPA Executive Board were included in a letter sent to the Forest Supervisor. A copy is contained in this Newsletter. I thank Jamie Schoen for the work that he put into the matter.

Last but not least, the situa-

tion regarding the present IMACS form and its problems was discussed at the fall meeting. Mary Hopkins, acting as WAPA representative, attended the last IMACS meeting in Salt Lake City, plus a subsequent meeting. Her comments are included in the Newsletter. I recommend it for your perusal.

Mary Leakey will visit Wyoming during the latter part of April and the first portion of May. She will speak at Laramie, Casper and Sheridan. We will hold our spring meeting at the same time as her presentation and that of George Frison's on April 29th in Casper. See you there.

SENATE BILL S.187 (S.2952)
"NATIVE AMERICAN PRESERVATION ACT"

by
John Albanese, President WAPA

On October 18, 1986, Senator John Melcher of Montana introduced S.2952 into the United States Senate. The bill was not acted on in that session and "died." The same bill was subsequently reintroduced by Senator Melcher on January 6, 1987 as S.187. Hearings were held on February 20, 1987 by the Select Committee on Indian Affairs, of which Senator Melcher is a member. Representatives of various Native American Tribes, the SAA, the Smithsonian Institution and the Advisory Council testified at the hearings. As of March 5, 1987, no date had been set for additional hearings on the bill, nor have any changes or amendments been offered.

I first became aware of the bill in the November 1986 Bulletin of the SAA, in which the bill was thoroughly discussed in the Presidents Report. This bill, if enacted as presented, will have profound effects on the activities of professional archaeologists working in the United States. Letters expressing

concern about the bill were sent to Senators Wallop and Simpson and Representative Cheney on January 16, 1987. As yet, I have not heard from Senator Simpson or Representative Cheney. However, Senator Wallop's Casper office has been most cooperative. Mrs. Susan Cole of that office has kept me informed about the bill's status. Her latest communication is attached. Warren Carlson, Senator Simpson's Casper representative, has informed me (13 March 1987) that a reply to my letter has been written and is awaiting the Senator's signature.

Copies of the letters sent to the Senators and Congressman are enclosed within this Newsletter. I urge you to read them along with the attached letters by Mark Miller and Julie Francis and the November SAA Bulletin. If the bill passes, it will essentially put the Native American tribes in control of the archaeological profession and create numerous problems.

I strongly urge all WAPA members to write to their Senators and express their opinions about the bill. For the convenience of WAPA members who reside in Wyoming, the addresses of their Senators are:

Senator Malcolm Wallop
Senate Office Building
Washington, D.C. 20510

Senator Allan K. Simpson
261 Dirksen Building
Washington, D.C. 20510

WAPA FALL 1986 MEETING MINUTES

The 1986 fall meeting of the Wyoming Association of Professional Archeologists was called to order on October 31, 1986 by President Julie Francis.

TREASURER'S REPORT

Judy Rose said we have \$900 in the account.

MEMBERSHIP AND ETHICS COMMITTEE

John Albanese reported there have been five new membership applications received.

RESEARCH DESIGN COMMITTEE

Rick Bryant reported on RP3 progress. A draft historic section with statewide coverage of homesteads and cattle ranching is in draft to the National Park Service. SHPO is trying to digitize the prehistoric site data. Rick Bryant reported on the Digitizing Project. SHPO, Bureau of Land Management (BLM), and Geography and Recreation Department at the University of Wyoming (UW) are working together on this effort. The goal is to combine cultural resource data with soils, water, wildlife, topography. The site locations and survey areas are to be digitized. There was supposed to be a contract with the BLM (due October 15, 1986) to assemble the data, but it has not been finalized. Steve Creasman asked how others could help with RP3, such as site location data. Steve was told to talk to Mark Miller. Dave Vlcek asked if RP3 was tied into historic preservation legislation as compliance, in order to become a certified state program. Rick Bryant answered not specifically; RP3 is a comprehensive survey of available literature.

RESOURCE BASE COMMITTEE

IMACS was then discussed. Julie Francis reported on a letter to the IMACS Council and Senator Malcom

Wallop. An invitation to attend the IMACS meeting in Las Vegas was received but no WAPA representative could attend. The next meeting will be in Salt Lake City, and WAPA should attend. The visit should be coordinated through Rich Fike, BLM Utah State Office [ed. note: see report by Mary Hopkins below]. Julie Francis complained that Utah IMACS had only one site on record for Wyoming and asked where are all the IMACS forms going? The IMACS system should work like this: An agency sends information to Utah (IMACS); then a consultant requests IMACS information from Utah; Utah sends a hard copy to the consultant. Talks with Al Lichty indicated that the IMACS Council is confused about where BLM's IMACS direction is going. Julie Francis recommended writing a letter of inquiry to BLM Wyoming State Office on where is Wyoming's IMACS information. The membership then discussed who from WAPA should attend the next IMACS meeting. The membership decided to send Mary Hopkins, Brian Waitkus and Steve Creasman to the Salt Lake City IMACS meeting, if possible. A general discussion of IMACS then ensued, with comments on poor photocopy's of IMACS form, bubble form has adequate room for text, etc. Dave Vlcek brought up (per Ray Leicht's instructions) that the BLM's Automatic Data Processing (ADP) direction is unsure. BLM may go to personal computers (PCs). Will this make IMACS obsolete? No.

SHPO AGENCY REPORT

Fred Chapman reported on the new 36CFR800 regulation changes and presented a flow chart of the regulatory process. Generally, the Advisory Council on Historic Preservation's (ACHP) role is lessened in Wyoming cases. The SHPO's role is increased. "No Effect" situations won't require ACHP involvement (as opposed to the draft regulations which called for this type of consultation). An agency can choose

ACHP or SHPO for No Adverse Effect determinations. Individuals can query the ACHP on any federal project that effects NRHP eligible properties and thus get involved in the compliance process. This significantly "opens up" the ACHP to archaeologists who are interested in seeing if a project is in compliance.

Fred Chapman continued with a statement that Native Americans are more involved than before. The definition of "undertaking" has changed. The agency consults with SHPO over the nature of the effect. SHPO has 30 calendar days to respond. If no response is received, the federal agency is required to consult with ACHP regarding the effects. SHPO has 15 days to comment on No Effect. If SHPO disagrees with the No Effect determination, the federal agency decision is overturned. This point is a big change from the way things were in the past. New regulations call for more Memorandum of Agreements (MOA's).

Mike Bies brought up the need to consult with SHPO on the need for inventory and the potential conflict with Onshore Oil and Gas Order #1. Mark Miller asked if an archaeological excavation proposal (presumably research oriented, instead of a Cultural Resource Management (CRM) project) would trigger a "106" request, and also noted a streamlining of the new regulations. Judy Rose noted the National Environmental Protection Act (NEPA) and that it was necessary to do Environmental Assessments (EAs) for excavations. The membership was reminded to read the new regulations.

Carl Spath reported eleven sites are now in Washington for review for listing on the National Register of Historic Places (NRHP). John Albaese reported that six to nine more were recently approved by the Wyoming consulting committee, with more new applications at every meeting.

Rick Bryant discussed the Wyoming State Land Board response to listing NRHP sites on State land. The Land Board said this was OK if the state can still develop the land (N.B. Catch-22). Julie Francis suggested a letter in support of the nominations program from WAPA to the State Land Board would be appropriate.

Dave Vlcek brought up a recent Department of Interior Board of Land Appeals (IBLA) decision affecting National Register sites and their listings. The IBLA is type of court hearing land cases, and is also the final word on lands decisions in the Interior Department. The decision said that if a federal agency and SHPO concur on national register eligibility status of a property, then the property had the same full protection afforded under the law as if the property was actually listed on the National Register in Washington. This was an important clarification of a possible loophole in the law. Dave Darlington made a motion to write the Wyoming State Land Board a letter concerning National Register sites on state land. The motion was seconded by B.J. Earle and carried.

BLM AGENCY REPORT

Dave Vlcek reported on the evaluation of the BLM cultural resource program. The cultural resource manual will be rewritten. Vlcek also discussed BLM's cooperative agreements with Western Wyoming College (WWC) and UW for cost-sharing of research projects and cooperation. Use of the cooperative agreement would not interfere with regular projects that would go out on bid. The agreements were for mutual research instead of CRM projects.

The BLM monograph on the Sage Creek site should be out by the end of November. Contact Ray Leicht or Bill Latady for information.

Due dates from End-of-the-Year reports are now January 30.

Draft Data Recovery Reporting

Standards were discussed. Various WAPA members expressed an interest in being involved on the standards before the BLM decides on them. Russ Tanner made a motion to form a WAPA committee to review the draft Data Recovery Reporting Standards. The motion was seconded by James Truesdale and carried. Appointed to this committee were Mark Miller, Steve Creasman, Rick Bryant, and John Albanese.

Dave Vlcek reported that BLM compliance is getting better, and occurring more often. One permittee has lost his permit. Vlcek urged caution when hiring staff, to make sure all candidates are "in good standing." In response to Julie Francis's question regarding how does one find out about "good standing," Vlcek responded "Talk to Ray (Leicht)."

FOREST SERVICE (USFS) AGENCY REPORT

Judy Rose reported the Region III (USFS) lawsuit had been resolved, and a copy of the resolution would be available to WAPA. The settlement calls for close monitoring of projects, supervision of paraprofessionals, greater use of seasonals, and better training of paraprofessionals when used. Rose also informed WAPA of a planned salvage project on Fremont Lake in May. She would appreciate anyone who is free to help with excavations at a site impacted by construction of a camping facility. All WAPA anglers volunteered. Mike Bies brought up the Bridger-Teton Forest Management Plan/DEIS now out for public comment. J. Schoen noted problems with the plan, such as calling for the use of paraprofessionals, lack of detail, wrong statements in the effected environment, etc. Julie Francis asked if WAPA should respond and review the plan. After discussion, Judy Rose made a motion to have Jamie Schoen prepare a review, and submit it to the WAPA Executive Committee for their review before submission.

B.J. Earle seconded the motion, and it carried.

OLD BUSINESS

Julie Francis reported on feedback from the Oregon-California Trails Association (OCTA) burial excavation issue. Nasty letters from OCTA and letters of support from the public have been received. WAPA also sent a letter to the National Geographic Society regarding their coverage of the exhumation. There has been no response. It was noted that Jude Carino is on the OCTA Archaeology Review Committee and could act as an intermediary for WAPA.

Julie Francis reported on actions regarding site significance standards put out by the BLM without professional comment. Senator Malcolm Wallop has made inquiries on WAPA's behalf. Requests for comments on Data Recovery Standards may be an improvement. Dave Vlcek noted the importance of communication with the congressional delegations. We should write Senator Wallop a follow-up letter noting improvements with Wyoming BLM.

Mike Bies noted that WAPA should get on the mailing list for EAs and EISs so they would be able to comment. John Albanese will follow up on this. Julie Francis mentioned the Wyoming Centennial Committee. There has been no word yet from the Governor's Planning Office.

ELECTION RESULTS

WAPA officers for 1987 are as follows:

PRESIDENT - John Albanese
VICE-PRESIDENT - Dave Vlcek
SECRETARY - Janice Newberry/Creasman
TREASURER - Judy Rose
MEMBER-AT-LARGE - Mark Miller

President John Albanese then took over the gavel.

NATIONAL REBURIAL LEGISLATION

The SAA reburial policy statement was brought up for discussion.

The SAA position is not in support of carte blanche reburial or policy. Sacred communal artifacts may have to be reburied along with human remains. The question was raised should WAPA send a letter on the topic. Mark Miller proposed adopting the SAA position as WAPA's. Jim Truesdale noted that the Smithsonian sent out a mailing to native Americans on reburial, but had received few responses. Truesdale also cautioned that thought be given to possible re-exhumation of human remains if they are reburied. B.J. Earle described a vandalized burial found last summer in the Buffalo BLM Resource Area. When contacted, the tribe (Northern Cheyenne[?]) said to let it be, but also requested a list of burial items (?). Ricky Laurent asked "Why not just let burials erode -- leave them be?" B.J. Earle responded when the Native Americans are contacted, that is not what they wanted. Dave Vlcek added ARPA requires the federal agencies to solicit Native American views, among other legal requirements to manage the sites. Discussion then continued regarding a potential national reburial policy. Julie Francis moved that WAPA write a letter against adoption of a National Law on Reburial, seconded by Mark Miller. The motion carried unanimously. Julie Francis then moved WAPA write a letter to John Melcher (D, Montana) on the artifact reburial with human remains topic. This was seconded by Steve Creasman, and passed unanimously.

MARY LEAKEY VISIT

John Albanese reported that Mary Leakey was going to be in Wyoming in April. John will try to get something set up whereby WAPA would have a chance to meet Mrs. Leakey. After further discussion, Russ Tanner moved WAPA donate \$100.00 to help fund Mary Leakey's expenses. This was seconded by Julie Francis and passed. Discussion then continued on holding the Spring WAPA meeting

at the same time as Mrs. Leakey's trip. John Albanese said he would look into this. [ed. note: see formal announcement below]

DONATIONS

Jack Savini's donation of \$25.00 was acknowledged.

SERVICE AWARD

George Brox was offered as the recipient of the WAPA Service Award. [ed. note: see formal announcement below].

NEW BLM POLICIES

The BLM's policy of sending communications to clients concerning poor quality work by CRM permittees received considerable discussion. The gist was BLM should not get "picky," and should make sure BLM archaeologists are on firm ground when sending (what have been called) nastygrams. Russ Tanner recalled a letter BLM sent in which BLM admitted a previous letter was wrong. Mike Bies pointed out if a poor report was going to hold up an application, the applicant had the right to know why the project was being held up. Dave Vlcek added that Cultural Resource Use Permittees (CRU Permittees) are that, permittees working under a BLM permit, and that BLM's job was quality control. Discussion continued. Reports have to stand by themselves. Reports have to stand up to independent review. "Bad" work can be a difference of opinion. A paper trail is needed to document continued poor performance. The Wyoming BLM state office has a policy on documenting to all applicants poor quality reports. Dave Vlcek then read a newly issued Instruction Memorandum from WSO on procedures for documenting performance of CRU Permittee's work.

Julie Francis asked if BLM was going to implement a Paraprofessional program. Mike Bies answered that "we're studying the situation, talking to other BLM offices,

states, USFS offices, SHPO's regarding their, or prior, paraprofessional programs." Steve Creasman mentioned "horror stories" of paraprofessional programs. Judy Rose indicated that paraprofessional programs run through SHPO were upheld by ACHP. Rick Laurent asked if WAPA should sue the USFS over use of paraprofessionals. Steve Creasman cautioned against this. Fred Chapman reported that Black Hills National Forest is phasing out their paraprofessional program. The Bureau of Indian Affairs (BIA) is looking into the use of Paraprofessionals. After further discussion, Julie Francis moved that WAPA write a letter to BLM, BIA, USFS, SHPO pointing out the weaknesses of paraprofessional programs. This was seconded by Dave Darlington, and passed, with one abstention.

Julie Francis then moved to adjourn the meeting. Seconded by Mark Miller and passed.

ANNOUNCEMENTS

WAS SPRING MEETING

The 1987 Spring Meeting of the Wyoming Archaeological Society, will be held at Casper College, Casper, Wyoming, on April 3-5, 1987. Cynthia Irwin-Williams will be the guest banquet speaker. For more information, contact Carolyn Buff, 1617 Westridge Terrace, Casper, WY 82601.

WAPA SPRING MEETING

The 1987 spring meeting, Wyoming Association of Professional Archeologists will be held at 1:00 P.M., April 29, 1987 in the Downtowner Motor Motel in Casper. This is the same day that Mary Leakey will lecture in Casper. Leakey will discuss recent discoveries in the biological aspects of human evolution and will share the program with George Frison, who will be talking on hunting and gathering patterns of the Great Plains thought to be simi-

lar to those suspected of the earliest humans. The presentation will be moderated by Charlie Love and Charles Levendosky. The Mary Leakey - George Frison presentation will be held at the Krampert Theater on the Casper College Campus at 7:30 P.M. A cocktail party and reception in honor of Mary Leakey will be hosted for WAPA members. Details concerning the time and place will be announced at the meeting in Casper. If you will be interested in attending, please send the attached R.S.V.P. to President Albanese as soon as possible.

The Downtowner Motel will give special rates to WAPA members who stay at the motel. The rates are as follows:

Single (1-2 people, 1 bed) =
\$26.00 plus tax.
Single King (1-2 people, 1 bed)
= \$28.00 plus tax.
Double (2-4 people, 2 beds) =
\$31.00 plus tax.

The Downtowner's phone number is (307) 235-5713. Please make your own reservations.

1987 DUES

Judy Rose wishes to remind members that 1987 dues can now be paid any time. There are also some members who are still in arrears for 1986. Check with her for which years need to be paid. Dues can be paid at the meeting in Casper or sent directly to Judy.

WAPA SERVICE AWARD

The 1986 WAPA Service Award was presented at the Fall, 1986 meeting to Mr. George W. Brox, Rawlins, Wyoming. This award was presented to George Brox because of his long period of commitment to Wyoming archaeology. George is a long-time member and past president of the

Cherokee Trail Chapter of the Wyoming Archaeological Society. He is also a past president of the state organization as well, serving in 1975-1976. He was awarded the society's Golden Trowel Award in 1981. George has served as editor of The Wyoming Archaeologist for the last decade. The Fall 1986 issue [Volume 29(3-4)] was the final issue for his editorship. George is also the only member of both WAS and WAPA to volunteer and serve as liaison between the professional and avocational organizations.

George Brox's interest in Wyoming archaeology spans more than half a century. He published the John Gale site report in 1974 in The Wyoming Archaeologist. He has also been a regular volunteer on many other archaeological projects throughout the state since the early 1970s. His experience as a carpenter has been well established at many of these sites. He has made numerous pieces of equipment over the years, both for field and laboratory studies. In addition, George and his wife Mary always keep their home in Rawlins open as a major watering hole for wayward archaeologists. With this award, Wyoming's professional archaeologists formally acknowledge George W. Brox for his integrity and enduring contributions to the discipline.

IMACS UPDATE

by
Mary Hopkins, SHPO Office

In January, 1987, the spring IMACS meeting was held in Salt Lake City, Utah. I represented WAPA Data Base Committee and SHPO concerns. These included problems with the lithic section, vegetation, landforms, and curation. The Council was more than willing to listen to our concerns, however we all came to

the conclusion that most of our problems could be solved on a state level instead of at the IMACS Council. The purpose of IMACS is to be a data cooperative, not a regulatory agency. IMACS is concerned with the consistency and quality of data in the five state region. The problem of inadequate documentation of sites is not the concern of IMACS, but of Wyoming BLM and SHPO. IMACS cannot set policy to regulate or enforce that each site is properly documented and evaluated. The result was that Wyoming BLM, SHPO and WAPA needed to meet on these problems and resolve them at the state level.

On February 18, 1987, all three parties met in Laramie. Ray Leicht, Ranel Stephenson, Jude Carino, Mike Bies, Tom Marceau, Sandra Todd, Steve Creasman, Brian Waitkus, Dave Reiss, Julie Francis and myself were present. We discussed the possible use of the Nevada short form, problems with the lithic section, and the review of all forms by BLM and SHPO. We also talked about the data entry arrangements and the time schedule of BLM to get the IMACS data on line.

The WAPA Data Base Committee asked to have a lithic inventory sheet added to the attachments for all sites with a lithic component. This will most likely be required in the future by BLM, as the IMACS form calls only for estimates. The sheet will be a basic list of artifacts, material types, and counts. If you have sampled a site or conducted in field analyses of artifacts, you should include a listing of artifact types observed. The forms are the complete documentation of what was done, what was observed, and collected at a site. SHPO will begin to return forms if they are not complete, do not have the correct attachments, or are not typed. This will be done not only for the consulting community, but for federal agencies. We are pushing a "get tough" policy of data collection and

documentation.

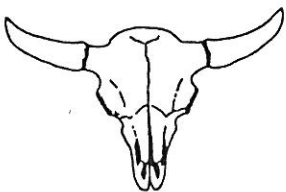
The Nevada Short Form received much discussion. This is a one page sheet which Nevada uses for recording isolates and "small sites." The short form contains nearly all the same data as the regular IMACS form, but greatly reduces space. It is almost impossible to use a short form without the encoding manual in hand. The group suggested that we keep the Administrative Section of the standard IMACS form and only attach the needed pages of parts B and C. We thought this would decrease the amount of paper and still adequately document sites. It was suggested that a version of the short form could be used for isolates. The definition of isolate was discussed, and we decided that you could use the form in cases of isolated features such as fire-cracked rock and stone circles. If there was a case where an isolated feature is judged to be significant and could be considered eligible, then the long form should be used. The group did not come to complete agreement on these issues. If you have any opinions, please send them to Ray Leicht A.S.A.P., with a copy to myself. Ray would like to receive comments on the short form before issuing new permit stipulations.

As of the Fall 1986 WAPA meeting, no Wyoming sites were in the IMACS data base. Problems with BLM data entry were discussed. At present, BLM is only entering their in-house forms or opscan (bubble) forms being used by some consultants. A tape containing data from 7000 Wyoming sites (out of 42,000) was transmitted by BLM to IMACS before the Council meeting. BLM does not anticipate any increased efforts to step up coding and data entry, and at the present rate, it will be about seven years before there is a complete data base. IMACS used to send encoding sheets to the Denver Service Center for key punching

and data entry. Using the Denver Service Center, there is a 50% error rate per item in the IMACS data. Wyoming BLM had made the decision not to use the Denver Service Center for data entry and developed the opscan (bubble) form for quick, more accurate entry. We discussed alternatives to the existing opscan sheets. These included a shortened, one page opscan encoding form, ARCHEOCOMPUTE, or other data base management systems for both main frames and personal computers. At present, there appears to be no one in the BLM State Office coordinating data entry. Data entry appears to be done on a district by district basis. In our discussion, we emphasized that all data must be checked and proofed before entry, and until something more is on-line, we cannot check the usability of the data base.

We will most likely meet again before BLM sends out new permit stipulations. The BLM has been open to our suggestions and cooperative, which is a step in the right direction. I can only ask you to please send us your comments on the IMACS short form, and existing and proposed permit stipulations A.S.A.P. so we can deal with them before decisions on the IMACS form have been made.

Overall, I am hopeful that we will make progress in the coming year. I plan to attend the fall meeting of IMACS, as it was a true learning experience. If we continue to communicate with all parties involved, and try to work within the system, I believe we will eventually meet our goals and have an excellent data base.



WYOMING ASSOCIATION of PROFESSIONAL ARCHEOLOGISTS

December 8, 1986

P. O. Box 1397
Casper, WY 82602
(307) 234-1379

Mr. L. Christian Voster
Deputy State Director
Lands and Renewable Resources
Bureau of Land Management
P. O. Box 1828
Cheyenne, WY 82003

Dear Mr. Vosler:

This is a reply to your letter 8151 (931), dated November 13, 1986, in which you requested that the Wyoming Association of Professional Archeologists (WAPA) comment on the draft copy of the Bureau of Land Management's Reporting Standards for Data Recovery Projects. WAPA sincerely appreciates your affording them the opportunity to comment on the draft copy. I solicited comments from the executive committee of WAPA plus a number of other members. I did receive written comments plus verbal communications. Copies of some of the written comments are enclosed. The letter by Dr. Julie Francis includes her comments plus other views expressed by many of the staff of the Office of the Wyoming State Archaeologist. I also enclose copies of letters submitted by Dr. Mark Miller, Wyoming State Archaeologist; Mr. Steve Creasman, Director of Archaeological Services, Western Wyoming College and Dr. Judy Rose, Wyoming Zone Archaeologist, U.S. Forest Service.

Rather than repeat all of their comments, I would refer you to the enclosed letters. However, the portion of the draft that recieved the most comments, both verbal and written, concerned the "Research Design" (Section A). The formulation of general theoretical perspectives, regional research problems and testable hypotheses prior to extensive excavation depends on the amount of limited preliminary data secured at a site by surface survey and/or limited testing: If limited testing of only one excavation unit revealed a buried component of unknown age, it would be difficult to formulate a meaningful research design on the basis of the scanty data. It would also be difficult to formulate research designs in areas where an existing data base is lacking, e.g. no buried Early Archaic sites are known to exist in the Powder River Basin. How do you formulate a testable hypothesis concerning such a site if one is finally found? Most of the general comments by WAPA members would stress allowances by the BLM for more flexibility in formulating and implementing Research Design. The "design" may have to evolve rather than be set in "concrete" prior to actual excavation. For other comments, some of which are quite specific, concerning proposed research designs, I refer you to the attached letters.

Mr. L. Christian Voster
December 8, 1986
Page 2

The sections in the draft that concern "Status Report" and "Data Recovery Report" did evoke comment but not to the extent of the preceding section.

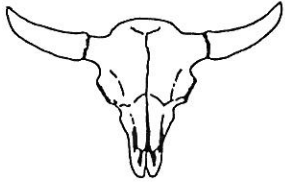
As you can see from the attached letters, comments concerning the draft are numerous and hopefully constructive. WAPA thanks you for giving them the opportunity to comment on the draft copy of the BLM's Reporting Standards for Data Recovery Projects. I would be most happy to meet or correspond with you or your representative in regard to any of the submitted comments by members of WAPA in regard to the proposed draft.

Sincerely,

John Albanese
President
Wyoming Association of Professional Archeologists

JA:rd

Enclosures



WYOMING ASSOCIATION of PROFESSIONAL ARCHEOLOGISTS

John Albanese
P.O. Box 1397
Casper, Wyoming 82602

Mr. Brian Stout
Bridger - Teton National Forest
Jackson, Wyoming 83001

Reference: Comments Concerning Cultural Resources Aspects of
the Bridger - Teton DEIS and Forest Plan

Dear Mr. Stout,

The Wyoming Association of Professional Archeologists (WAPA) held their fall meeting at Thermopolis during this past October. During the course of the meeting, concern was expressed concerning the cultural resources aspects of the proposed Bridger - Teton Draft Environmental Impact Statement and Forest Plan, particularly in regard to the status of the cultural resources inventory of the Forest and the use of archaeological para-professionals in cultural resources inventory projects.

We realize that the use of supervised para-professionals has been recently approved by the Federal Court in New Mexico in connection with cultural resources work on Forest Service lands. Qualified professional archaeologists are supposed to directly supervise complex projects and projects located in high density areas that involve trained para-professionals. However, from a realistic viewpoint, professional Forest Service archaeologists rarely have the time for close supervision of para-professionals. In theory, the use of para-professionals by the Forest Service satisfies compliance with federal regulations contained in ARPA; however, in actuality, the use of para-professionals leaves much to be desired. We urge that plans are formulated in the Forest Plan to insure that high professional standards are adhered to on future cultural resources work.

A major concern of WAPA in regard to the Bridger - Teton DEIS and Forest Plan is the lack of an adequate cultural resources inventory on which to base future planning. Two-hundred

plus historic and pre-historic sites have been recorded to date on the Bridger - Teton Forest. This low number of recorded sites is undoubtedly the result of little survey activity.

An assumption made a number of times in the DEIS/Forest Plan is that there are not many sites on the forest. Pages 187-188 of the Forest Plan states that there has been "low impact on the cultural resources because this forest has a very low site density and projects have been able to avoid the few sites that have been identified while inventorying these projects...". We disagree with this assumption and suggest that if proper surveys were conducted, the reverse would be true. Recent work in the Riley Ridge area in connection with the Exxon project has demonstrated that significant sites eligible for the National Register of Historic Places are present on the forest. Other significant site types which are already known to occur on the forest include major portions of the Lander Cut-off Historic Emmigrant Trail (significant at the National level), associated emigrant burials, historic cabins and tie hack camps, prehistoric war lodges, petroglyph sites, rock shelters, lithic quarry sites, and animal drive lines and traps. In addition, the Boulder Lake area, the Pipestone Lakes, Flat Creek, and Curtis Canyon are recognized in your plan as areas containing many sites. You even go on to say that "Miller Butte has been a favorite local collecting area." (Page II-29 Forest Plan).

Another example of the lack of proper survey and/or evaluation for cultural resources involves the recent campground development at Fremont Lake where a significant archeological site was exposed and impacted by construction activities. Fortunately a private citizen reported the site and further work was halted pending a scheduled evaluation program planned for next spring. If a proper survey had been performed by a qualified archeologist, or if a "Certified para-professional" had recognized the importance of the area as a cultural site, this problem may have been avoided. As pointed out on page IV-5 of the DEIS, 98 acres of new campground will be developed under alternative 10. We hope that proper surveys by professionals will be carried out prior to construction activities at these new campgrounds.

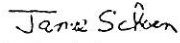
We strongly urge the Forest Service to include provisions in the Bridger - Teton DEIS and Forest Plan that will result in adequate plans for evaluating the cultural resources that exist on the Forest and also provide for their interpretation. Historic and prehistoric sites are fragile resources that are being rapidly depleted. Adequate planning will slow down their destruction and in many cases preserve significant sites so that future generations on viewing them will still have an opportunity to gain a glimpse into the past and an appreciation of how their heritage evolved.

We conclude by saying that members of W.A.P.A. will be available to discuss any of the aforementioned problems and in the future would be pleased and more than willing to assist the Forest Service in the protection and/or salvage of significant cultural resources.

Sincerely,



John Albanese
President
Wyoming Association of
Professional Archeologists



Jamie Schoen
Chairman
W.A.P.A. Committee Concerning
Bridger-Teton DEIS and
Forest Plan

JA/JS:rd

INTEROFFICE MEMO to SUE

DATE: MARCH 2, 1987

cc: Pr. Sec.
A. A.

FROM: JOOI

RE: S. 187, THE NATIVE AMERICAN CULTURAL PRESERVATION ACT

S. 2952 was the bill number for the measure which was introduced in the last Congress but which died at the end of the session. Sen. Melcher reintroduced the bill on January 6, 1987 and hearings were held by the Select Committee on Indian Affairs on February 20, 1987.

Attached is a witness list from the hearing which lasted all day. The concerns of the Wyoming Association of Professional Archeologists were addressed in large part as many professional organizations testified and we have been in contact with Melcher's staff to see how the bill will be revised as a result of the feedback which they are receiving.

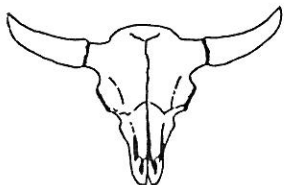
When, and if, changes are made to the measure or amendments are offered they will contact our office so we can keep Mr. Albanese informed.

The bill will be marked up by the Select Committee on Indian Affairs (no date has been set for any bill mark up or for additional hearings on this measure as yet) and members of the Committee are as follows:

Daniel Inouye, of Hawaii, Chairman
John Melcher, of Montana
Dennis DeConcini, of Arizona
Quentin Burdick, of North Dakota
Thomas Daschle, of South Dakota

Daniel Evans, of Washington
Frank Murkowski, of Alaska
John McCain, of Arizona

In addition to our contact it would be a good idea for the Society for American Archaeology et al. to let the above Senators know of their concerns.



WYOMING ASSOCIATION of PROFESSIONAL ARCHEOLOGISTS

P. O. Box 1397
Casper, WY 82602

January 16, 1987

Senator Alan K. Simpson
261 Dirksen Building
Washington, D.C. 20510

REFERENCE: S. 2952 "Native American Preservation Act"

Dear Senator Simpson:

On October 18, 1986 Senator Melcher of Montana introduced S.2952 in the United States Senate. This bill amends the Archaeological Resources Protection Act of 1979 and, if enacted, could have profound effects on the activities and careers of professional archaeologists working in the United States. As President of the Wyoming Association of Professional Archeologists (WAPA) I would like to bring certain aspects of the proposed S.2952 to your attention. I did secure a copy of the introduced bill and have examined it closely. I am enclosing that portion of the November 1986 Bulletin of the Society for American Archaeology which summarizes the main provisions of bill S.2952 and discusses them in what I consider a fair and excellent manner. I recommend it for your perusal.

Bill S.2952 would establish a Native American Advisory Board that would resolve disputes between Indian Tribes or Native Hawaiian groups and Museums in regard to "sacred" artifacts and human remains which in most cases would comprise prehistoric Indian burials. The appointed voting members of the Board would consist of six (6) American Indians, one (1) Native Hawaiian, two (2) members of the House of Representatives, two (2) members of the Senate, two (2) members who are either archaeologists or anthropologists, two (2) representatives of Museums or Universities and one (1) individual who represents the Institute for American Indian Arts. The Native American member of the Board plus the representative of the Institute for American Indian Arts comprise one-half of the Board's voting members. If these eight (8) members voted as a block, they would surely control the Board. The decisions of the Board would be final. The proposed bill specifies that the Board's decisions shall not be reviewable in any court. Non-compliance to a Board's decision by a Museum or University would entail a loss of all Federal Funds for a period of two (2) years. If an Indian or Hawaiian group does not comply, they will cease to be eligible for only those Federal Funds that are provided for historic preservation purposes. In addition to the establishment of a Board, S.2952 would also create a "Native American Center", located within the Library of Congress but administered by the Smithsonian

Senator Simpson
January 16, 1987
Page 2

Institution. The principal function of the "Center" would be to prepare and coordinate an inventory of the skeletal remains, sacred artifacts and other artifacts and collections relating to Native American History or culture that are acquired with the assistance of Federal monies.

Many of the provisions of the bill are unfair and vague. To require a mass inventory of artifacts by museums would be cost prohibitive. Penalties for the non-compliance of Board decisions are much more severe as applied to museums than Native American groups. A critical item in the bill is the definition of what is a "sacred artifact". In some cases a definition would be evident to all parties; however, in many cases a definition would be solely discretionary and based on interpretations by a Board that is dominated by Native American members. The provision in the bill that decisions by the Board are final and not reviewable in the courts puts the Native American Advisory Board above the law of the land and denies due process to any parties involved in a dispute. To place a Native American Center within the Library of Congress yet have it administered by the Smithsonian Institution does not seem too logical a way of administering an agency. It could only result in the creation of administrative problems. The bill does not strike a balance between the interests of archaeologists, physical anthropologists, museums and Native Americans. It would establish another Federal agency and bureaucratic structure that does not serve the interests of all the involved parties. The Board could easily evolve into a dictatorial political organization that could have a profound adverse effect on the professional activities of archaeologists and other anthropologists. The question of what is a prehistoric "sacred object" often cannot be answered by prehistoric specialists. A subjective decision by a Board, even if it were composed entirely of prehistorians would not necessarily be the correct one. The imposition of political or cultural attitudes upon scientific research does not benefit anyone.

The above remarks are based on my own views plus those of other members of WAPA who have reviewed S.2952 and whose opinions I have solicited. All of the professional archaeologists in Wyoming that I have contacted are opposed to the bill, an opinion in which I concur. All non-government, professional archaeologists (principally private contractors) who work in Wyoming deal with the Federal government continually due to the predominance of Federal lands within the state. The Federal regulations concerning cultural resource work on Federal lands are already numerous and burdensome. The proposed addition of bill S.2952 to the regulatory maze is unnecessary and unneeded.

I am enclosing two (2) letters that also discuss S.2952. One is written by the Wyoming State Archaeologist and the other by a member of his staff.

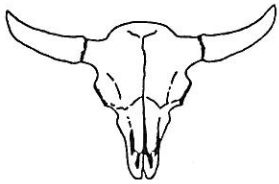
I would welcome any comments that you might have in relation to this matter.

Sincerely,

John Albanese
President
Wyoming Association of Professional Archaeologists

JA:rd

Enclosure



WYOMING ASSOCIATION OF PROFESSIONAL ARCHEOLOGISTS

P. O. Box 1397
Casper, WY 82602

January 16, 1987

Senator Malcolm Wallop
Senate Office Building
Washington, D.C. 20510

REFERENCE: S. 2952 "Native American Preservation Act"

Dear Senator Wallop:

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Senator Wallop
January 16, 1987
Page 2

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I would welcome any comments that you might have in relation to this matter.

Sincerely,

John Albanese
President
Wyoming Association of Professional Archaeologists

JA:rd



THE STATE OF WYOMING

ED HERSCHLER
GOVERNOR

WYOMING RECREATION COMMISSION

122 WEST 25TH - HERSCHLER BLDG

CHEYENNE, WYOMING 82002

ALVIN F. BASTRON, P.E.
Director
777-7695

OFFICE OF THE STATE ARCHAEOLOGIST

765-5301

LARAMIE, WYOMING 82071

P.O. BOX 3431

January 13, 1987

John Albanese, President
Wyoming Association of
Professional Archaeologists
P.O. Box 1397
Casper, WY 82602

Dear John:

I have read the information you provided on Senate Bill S-2952 pertaining to protection of certain archaeological materials. As State Archaeologist and a member of the WAPA Executive Committee, I am opposed to this bill as it was introduced on 18 October 1986. I know that the Society for American Archaeology and other professional organizations are taking a close look at the bill and communicating with members of Congress.

My primary concern is that this bill seems to take all of the teeth out of the Archaeological Resources Protection Act, which our profession worked so hard on to pass. In effect, the "Native American Center" could control all archaeological resources collected through Federal funding. The "Advisory Board" could settle disputes over the disposition of such resources without allowing either side in a dispute any access to due process of law. Laws such as ARPA protect these resources now, and we can ill afford to weaken this legal structure.

Secondly, numerous terms are used on the bill that are undefined, yet vital to the intent of the legislation. These include "sacred objects" and the "culture" of Native Americans. We cannot afford to pass a law based on ambiguous terms. It will only inhibit enforcement once the law is in effect, and ultimately undermine the intent of historic preservation.

John Albanese
January 13, 1987
Page 2

Finally, I believe that if the United States Congress is legitimately concerned with amending ARPA to better define the proper treatment of archaeological resources, it needs to hold hearings to provide members of our profession the opportunity to testify. The fundamental role of archaeological science cannot be ignored in this process. Without archaeology, U.S. citizens would not even know that most of these resources even exist.

Thank you for the opportunity to comment on this issue.

Sincerely,

Mark E. Miller
State Archaeologist

MEM/paw

DAN MADIA PRESIDENT 1017 Victoria Sheridan 82801	JACK D. OSMOND VICE PRESIDENT Box 748 Atlin 83 10	MRS. ROBERT FRISBY TREASURER 2001 Newton Ave Cody 82414	MARK ANSELMI 1630 E. St. Rice Springs 82901	LARRY BIRLEFFI 929 E. Apache Cheyenne 82009	MRS. ELIZABETH FIELD P.O. Box 684 Newcastle 82701	ALBERT PILCH P.O. Box 41 Evanston 82930	E. LAWSON SCHWOPE 900 Poplar Ave Cheyenne 82001	JAMES A. WILCOX 1441 Eastbrook Rd Douglas 82633
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THE STATE OF WYOMING

ED HERSCHLER
GOVERNOR

WYOMING RECREATION COMMISSION

122 WEST 25TH - HERSCHLER BLDG

CHEYENNE, WYOMING 82002

ALVIN F. BASTRON, P.E.
Director
777-7695

OFFICE OF THE STATE ARCHAEOLOGIST
766-5301

LARAMIE, WYOMING 82071

P.O. BOX 3431

January 6, 1987

Mr. John Albanese
Wyoming Association of Professional Archeologists
P.O. Box 1397
Casper, WY 82602

Dear John:

Thank you for sending me the materials on S-2952, the "Native American Cultural Preservation Act". I circulated this among some of our members here and gathered a few comments.

In general, our WAPA members were strongly opposed to this bill. Summary comments include:

1. How great a need is there for a "Native American Museum Advisory Board"? How many disputes are there? It seems that much of what is intended could be accomplished with the existing Advisory Council structure. It seems a duplication of effort to have an advisory board to an advisory board.
2. This bill is too vague. "Sacred" artifacts are not defined, and could include anything and everything depending upon the whim of the board.
3. To have a "Native American Center" established under the Library of Congress and administered by the Smithsonian is not logical. Could not this be accomplished by existing divisions of the Smithsonian?
4. To require museums to re-inventory their collections could well be cost prohibitive for the museums, especially when sacred artifacts are not defined. There could also be a duplication of effort.
5. The bill is unfair to museums - they loose all federal funding; a native tribe looses only their historic preservation money.
6. To have any decision by the board not reviewable by the courts puts the Native American Museum Advisory Board above the law of the land and denies due process to any parties in a dispute.

John Albanese
January 6, 1987
Page 2

This bill does not seem balanced between the interests of archeologists, physical anthropologists, museums, and Native Americans. It would establish unnecessary agencies and bureaucratic structures, and would not serve the interests of all parties concerned.

Thank you for the opportunity to comment. I have sent along some other WAPA stuff that arrived here.

Sincerely,

Julie Francis
Assistant Director Archeological Survey

JF/paw

enclosure

DAN MADIA PRESIDENT 1017 Victoria Sheridan 82801	JACK D. OSMOND VICE-PRESIDENT Box 748 Afton 83110	MRS. ROBERT FRISBY TREASURER 2007 Newton Ave Cody 82414	MARK ANSELMI 1833 E. St Rock Springs 82901	LARRY BIRLEFFI 929 E. Agency Cheyenne 82009	MRS. ELIZABETH FIELD P.O. Box 664 Newcastle 82701	ALBERT PILCH P.O. Box 41 Evanston 82930	E. LAWSON SCHWOPPE 900 Teller Ave Cheyenne 82001	JAMES A. WILLOX 1441 Eastbridge Rd Douglas 82633
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R.S.V.P. NOTICE FOR MARY LEAKEY COCKTAIL PARTY

YES, I WILL BE ABLE TO ATTEND THE COCKTAIL PARTY

NO, I WILL NOT BE ABLE TO ATTEND THE COCKTAIL PARTY

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

Mail to: John Albanese
P.O. Box 1397
Casper, Wyoming 82602

➤ YOUR CONTRIBUTION WILL DETERMINE THE FUTURE OF WYOMING'S PAST ➤

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WYOMING ARCHAEOLOGICAL FOUNDATION
1631 26th St.
Cody, Wyoming 82414

I (we) desire to make a contribution to the Wyoming Archaeological Foundation in the amount of \$_____.

Name: _____

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(All contributions to the Foundation are tax deductible under IRS Section 170.) Identification No. 23 7122769.