APPENDIX IX:

UNIVERSITY OF ARIZONA
PRESENTATION AND ASSOCIATED DOCUMENTS
3 AUGUST 2017 PUBLIC FORUM, FLAGSTAFF, ARIZONA

SB 1418 CRM Forum

3 August 2017

THE UNIVERSITY OF ARIZONA

Introductions:

- **Patrick D. Lyons**, Director, Arizona State Museum, University of Arizona
- **R. Brooks Jeffery**, Associate Vice President for Research – Arts, Culture and Society, University of Arizona

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Purposes of the Forum:

- listen to and seek additional input from CRM stakeholders re: ASM's proposed new rate and fee structure
- improve articulation between ASM's proposed new business practices and the business practices of CRM stakeholders

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Structure of the Forum:

- a moderated, focused discussion
- three two-part segments:
  - brief summary of stakeholder comment(s) already received and ASM's response
  - discussion
- brief summary of input received today

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Structure of the Forum:

- Stakeholder Comments:
  1. Non-binding Estimates
  2. Billing Process
     DISCUSSION
  3. In-Perpetuity Curation Costs
     DISCUSSION
  4. Unintended Consequences
     DISCUSSION

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Stakeholder Comment #1:

- CRM firms and agencies need binding estimates of ASM charges in order to budget for projects. The uncertainty associated with what have been called “non-binding” estimates is problematic.

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ASM Response:

- ASM will issue **project quotes** that are **scope-dependent**.
  - ASM will honor a quote unless there is a material variance in the scope of the project, as measured between information received via the Request for Quote and collections actually submitted.

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ASM Response (cont.):

- A change in project scope will oblige the CRM firm to contact ASM for a revised quote based on the new project scope.

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Stakeholder Comment #2:

- Charges for Collections Intake account for a large proportion of any testing or excavation budget.
  - Uncertainty regarding these charges is a great cause for concern.
- Billing cannot go on indefinitely.
  - CRM firms and agencies must be able to close out projects.

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ASM Response:

- **ASM** will honor quotes for charges related to Collections Intake tasks and **will bill for these costs on a one-time, up-front basis**, with two caveats:
  - material changes in project scope will entail the issuing of a new quote; and

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ASM Response (cont.):

- quotes for these tasks are based on the assumption that CRM firms will turn in collections in accordance with state standards and that ASM will not have to incur additional costs in bringing collections up to standards.

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ASM Response (cont.):

- CRM firms may be subject to additional costs in the future, if submitted collections are found to be non-compliant.

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ASM Project Quote Process:

- Draft Proposed Process Flow for Project Quote Requests (handout)
- Draft web-based Quote Request Form (handout)

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Billing Milestones:

- ASM will not require a 15% deposit and, instead, has proposed a two-bill cycle:
  - a bill for ASM tasks to be completed prior to the submission of collections, due when a quote is accepted; and
  - a bill for collections intake and curation in perpetuity, due when collections are submitted.

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Discussion

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Stakeholder Comment #3:

- ASM proposes to charge for curation of objects and documents in perpetuity, as required by state law.
  - Some refer to this as a 400% increase in the per-box rate and ask that ASM "phase in" this change.

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ASM Response:

- The average cost of submitting a box of artifacts to ASM has increased from $1,000 to $4,325:
  - $1,321 for Collections Intake, and
  - $3,004 for Curation in Perpetuity
- Previously, ASM did not collect funds to cover costs of curation in perpetuity.

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ASM Response (cont.):

- Study of 40 repositories over 10 years:
  - only one increased fees less than 100%
  - two thirds increased fees at least 200%
  - one quarter raised fees at least 300%
  - one tenth increased fees at least 400%
  - one increased fees more than 600%

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ASM Response (cont.):

- More repositories are charging a one-time collections processing fee as well as **annual fees** to cover ongoing costs.
- The use of a one-time processing fee with ongoing **annual fees** is the dominant model in the eastern U.S.

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ASM Response (cont.):

- To cover costs in perpetuity, a repository must:
  - charge a one-time collections processing fee **as well as an annual fee**; or
  - use a funding model akin to a perpetuity due linked to an **interest-bearing account**, as described in ASM's initial and revised draft proposals.

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ASM Response (cont.):

- The use of an interest-bearing account actually allows ASM to charge project proponents **a lower one-time fee and less overall** for curation in perpetuity.
- There is no source of funding available to cover costs incurred during any proposed “phase-in” period.

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Discussion

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Stakeholder Comment #4:

- There will be unintended consequences, including reduced scopes of work for projects, the recovery of smaller samples, non-compliance with state laws, illegal culling of collections, and attacks on the state's statutory and regulatory framework.
  - ASM should develop a culling policy.

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ASM Response:

- The cost of compliance should not be an excuse for noncompliance.
- ASM's extant regulations and policies represent *de facto* acceptance of the premise that, **if cost is an issue, archaeologists should excavate smaller samples but submit for curation all items collected** (except mass-produced objects).

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ABOR Policy 8-204(Q):

- All collections of archaeological or paleontological specimens and all project records that are acquired under the authority of a permit or that result from permitted activities remain the property of the State of Arizona regardless of the repository institution.

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ASM Repository Manual Policy 1.7.1 Collections from State Lands:

- Archaeological projects may not unilaterally discard or otherwise dispose of survey or excavated collections from State lands or any part of them. The Director of the Museum must approve disposal of any cultural material, no matter how trivial in appearance or apparent significance, from any surveys or excavations on State lands. This approval must be in writing.

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Discussion

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Summary of Today's Input

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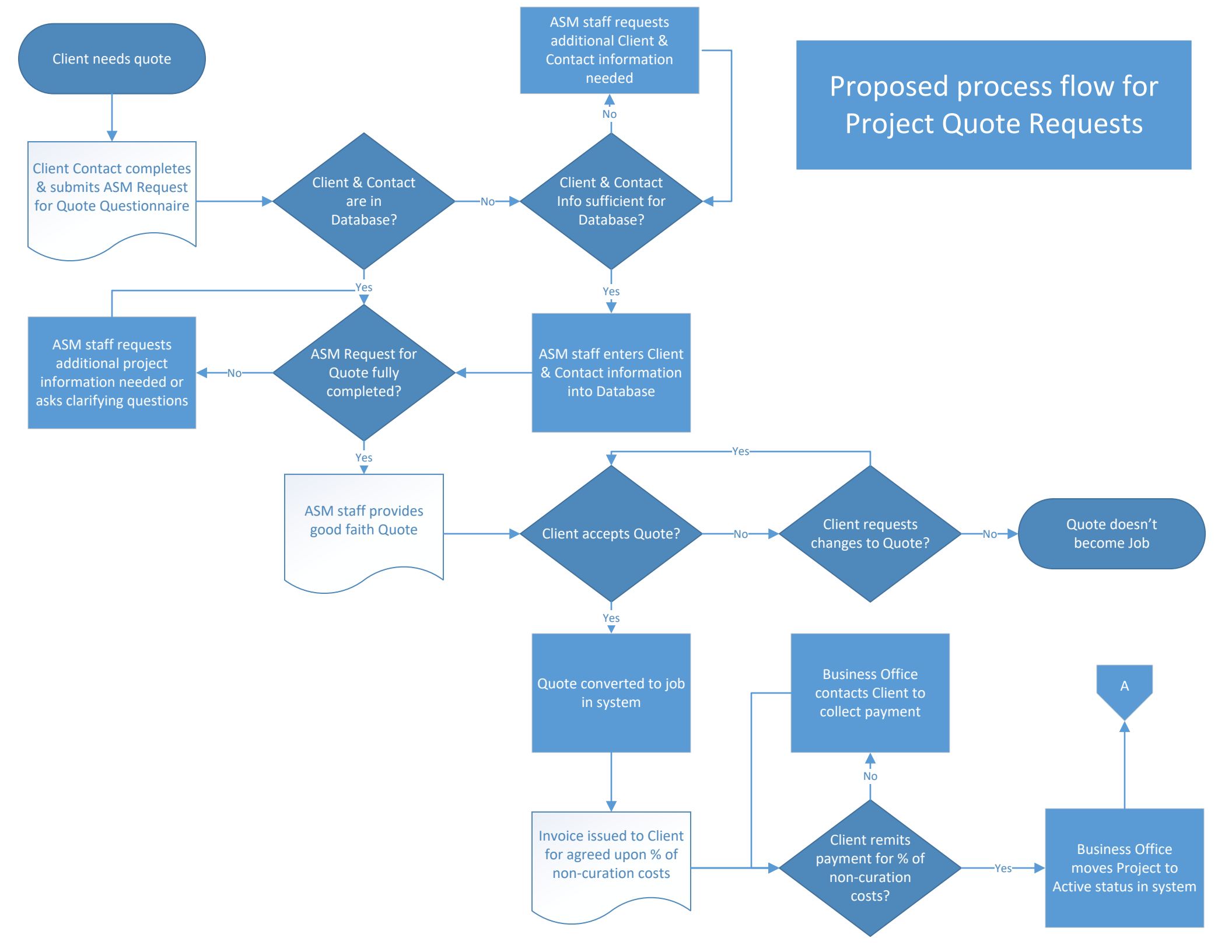
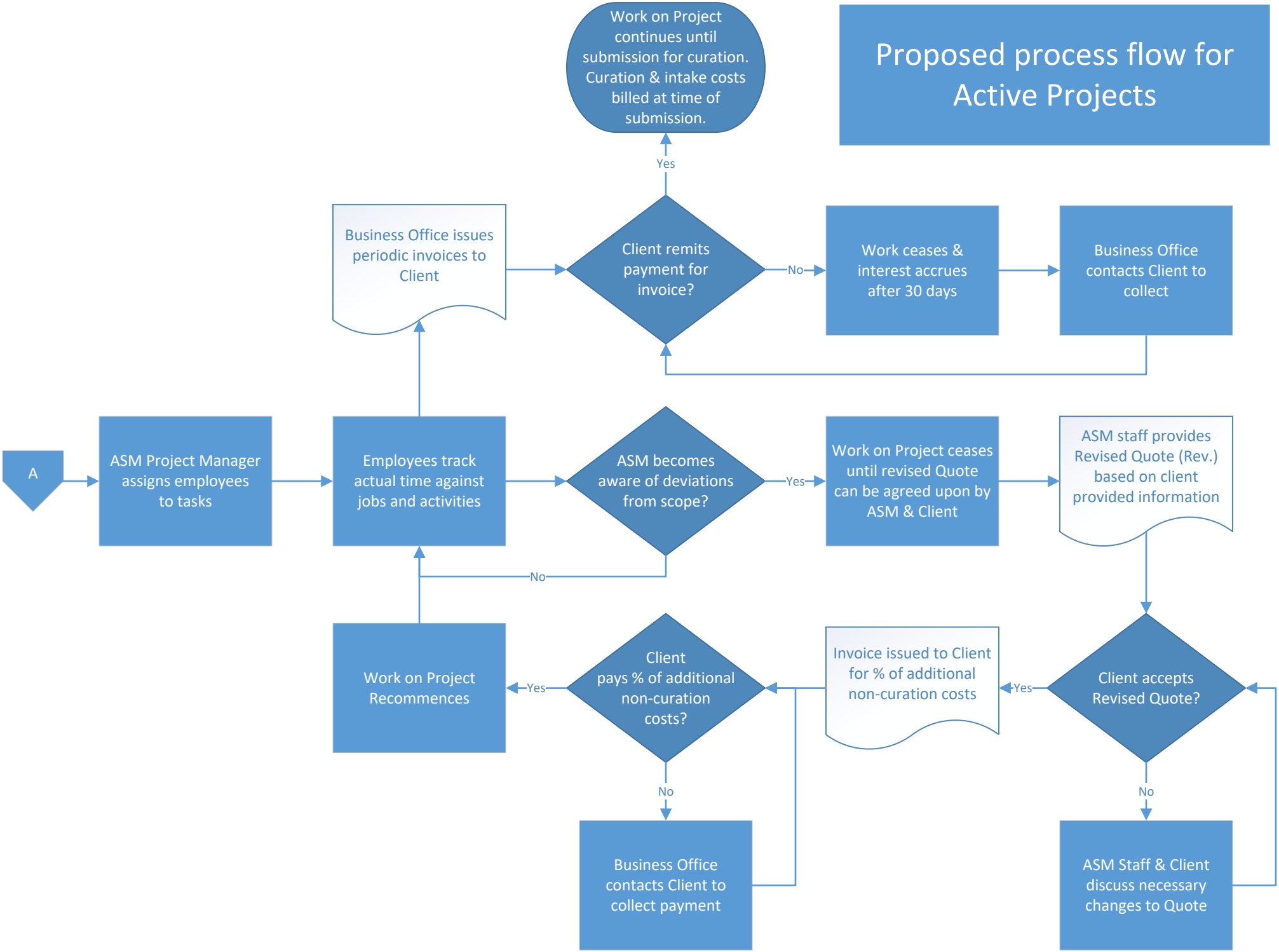
Thank you.


Proposed process flow for Project Quote Requests
Client needs quote
Client Contact completes & submits ASM Request for Quote Questionnaire
Client & Contact are in Database?
No
Client & Contact Info sufficient for Database?
No
ASM staff requests additional Client & Contact information needed
Yes
Yes
ASM staff requests additional project information needed or asks clarifying questions
No
ASM Request for Quote fully completed?
ASM staff enters Client & Contact information into Database
Yes
ASM staff provides good faith Quote
Client accepts Quote?
No
Client requests changes to Quote?
No
Quote doesn't become Job
Yes
Yes
Quote converted to job in system
Invoice issued to Client for agreed upon % of non-curation costs
Client remits payment for % of non-curation costs?
No
Business Office contacts Client to collect payment
Yes
Business Office moves Project to Active status in system
A

Proposed process flow for Active Projects



Arizona State Museum
THE UNIVERSITY OF ARIZONA

DRAFT Framework for Data Points

Client Information:

- Client Name (CRM Firm Name)
- Contact Name
- Contact Email
- Billing Contact Information

Project Identifiers:

- Project Proponent
- Project Name
- Project Description
- Project ID (Client Primary Key)
- Estimated Start Date
- Estimated End Date

Project Inputs (some or all may be relevant, depending upon project type):

- Number of Sites and Person-Field Days at Pre-Hispanic sites?
- Number of Sites and Person-Field Days at Historic Period sites?
- Are any sites on private land? If so, how many?
- Will you be curating at ASM?
- How many half-boxes of bulk archaeological collections do you estimate will be submitted for curation?
- How many artifacts do you estimate will need to be catalogued individually?
- How many digital images do you estimate will be submitted for curation?
- How many linear inches of documentation do you estimate will be submitted for curation?
- How many sites will be monitored, tested, or excavated?
- How many total person-field days do you estimate for this project?
- How many acres will be surveyed?
- How many new sites do you estimate you will discover?
- How many sites do you estimate will require a site card update?
- Does the project fall within any of the following management areas?
  - Salt River Pima-Maricopa Indian Community
  - Gila River Indian Community
  - Tohono O'odham Nation
- Which tribe(s) and/or groups with cultural affinity will be involved?
- Is the work plan general or project-specific?
- Which land ownership category(ies) is (are) involved (State, Private or a combination)?
- How many sets of human remains do you estimate will be excavated?

Quotes will be binding, but for two potential exceptions:

1) Material deviation in scope of the project from that described within the initially submitted Request for Quote form.

2) Submission of collections for curation not in accordance with State Standards, per the **ASM Repository Manual**.

General Facts:

Quote turnaround time is 2 business days of receiving the completed ASM Request for Quote.

There are no fees for quotes.

Quotes cannot be expedited.

REFERENCES:
Sources on the Archaeological Curation Crisis and Studies of Archaeological Repository Fees

Childs, S. Terry and Karolyn Kinsey
2003 *Costs of Curating Archeological Collections: A Study of Repository Fees in 2002 and 1997/98*. Studies in Archeology and Ethnography #1. Archeology and Ethnography Program, National Park Service, Washington, DC.

http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1056&context=natlpark

Childs, S. Terry, and Seth Kagan
2008 *A Decade of Study into Repository Fees for Archeological Curation*. Studies in Archeology and Ethnography #6. Archeology Program National Park Service, Washington, DC.

http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1097&context=natlpark

Childs, S. Terry, Karolyn Kinsey, and Seth Kagan
2010 Repository Fees for Archaeological Collections. *Heritage Management* 3(2):189-212.

available online **for a fee** at:
http://www.tandfonline.com/doi/abs/10.1179/hma.2010.3.2.189

Lyons, Patrick D., E. Charles Adams, Jeffrey H. Altschul, C. Michael Barton, and Chris M. Roll
2006 *The Archaeological Curation Crisis In Arizona: Analysis and Possible Solutions*. Report Prepared by the Governor's Archaeology Advisory Commission Curation Subcommittee, State Historic Preservation Office, Phoenix.

https://d2umhuunwbec1r.cloudfront.net/gallery/asp-archive/committees/downloads/GAAC_Curation_Crisis_Full.pdf

SUMMARY OF COMMENTS/QUESTIONS SUBMITTED TO ARIZONA STATE MUSEUM (ASM) AND RESPONSES OFFERED AT SB 1418 CULTURAL RESOURCE MANAGEMENT FORUM FLAGSTAFF, AZ, 3 AUGUST 2017

- Stakeholders expressed appreciation that ASM has responded to the comments and concerns of cultural resource management (CRM) firms and agencies in developing revised business practices related to the proposed new rate and fee structure (in the areas of quotes and billing). One stakeholder described the revised business practices as "a model that works," "one that shares risk appropriately," and "a system that mirrors our way of working in private industry."
  - ASM remains willing to continue working with stakeholders to further improve the alignment of its business practices with those of stakeholders, regardless of timetables associated with the adoption of rates and fees.

- Stakeholders responded positively to the fact that the nine-month-period between the potential adoption of the proposed new rate and fee structure by the Arizona Board of Regents (ABOR) and the date when the new structure potentially would go into effect allows additional time for stakeholders to work with ASM to better tailor proposed business practices to the needs of stakeholders and to develop a broad-based approach to addressing unintended consequences of increased costs associated with services provided by ASM.
  - As stated above, ASM remains willing to working with stakeholders to further improve the alignment of its business practices with those of stakeholders, regardless of timetables associated with the adoption of rates and fees.
  - ASM will be happy to help organize and participate in a broad-based effort to address unintended consequences.

- There was additional conversation about the notion of a "two-tiered approach" to archaeological data recovery (a model proposed in the 13 June 2017 Forum and discussed in the 20 July Forum). Comments on offered by stakeholders included the following:
  - This approach could be characterized as "salvage versus science," and represents a step backward in the evolution of the historic preservation/cultural resource management profession.
  - Before ASM's recent proposal, costs were already pushing the CRM industry toward more of an emphasis on salvage and less of an emphasis on good science.
  - Determining which portions of a site to prioritize under a two-tiered model would entail an unacceptable level of effort and cost (no real cost savings would be realized).

- As in the forum hosted by the Arizona Department of Transportation (20 July 2017, in Phoenix), there was discussion of an alternative or parallel strategy that would involve better stratifying recovery samples, i.e., better prioritizing of sites to be excavated based on, for example, rarity and research potential (in the context of existing gaps in knowledge).
  - There was discussion of making better use of SHPO Historic Contexts and the possibility of developing overarching mitigation plans like those used by the Bureau of Land Management in New Mexico (The Fruitland Project Mitigation Plan and the Permian Basin Mitigation Program). For more information on the Permian Basin Mitigation Program, see:

    http://www.nmacweb.org/My_Homepage_Files/Download/NewsMAC_2010-1.pdf

    http://www.sricrm.com/news/BLM_Permian_Basin.html

http://www.nmhistoricpreservation.org/assets/files/press-releases/permian_basin_moa.pdf

http://www.saa.org/portals/0/saa/publications/amantiq/articleschlanger.pdf

https://www.cambridge.org/core/services/aop-cambridge-core/content/view/196A11A758BEEA4C5EFE6BF1269DBFAB/S2326376800000735a.pdf/div-class-title-the-permian-basin-programmatic-agreement-after-seven-years-of-implementation-div.pdf

https://www.cambridge.org/core/journals/advances-in-archaeological-practice/article/div-classtitlevalues-based-management-of-archaeological-resources-at-a-landscape-scalediv/FC7AAE375D4CFEFD0DD479437C12185B

- Such overarching, regional plans take a landscape-scale approach to archaeological resources, rather than continuing to manage and treat sites on a project-by-project basis. Landscape-level planning gets around piecemeal decision-making at the project or site level by taking a step back and considering research priorities and how certain types of sites might best contribute to the advancement of scientific knowledge. In the case of the Fruitland Project Mitigation Plan, project proponents contributed funds toward data recovery from sites not directly impacted in order to further research about ancestral Puebloan and Navajo sites in the general project area. Regarding the latter group of resources, this was particularly important, as the project area is the Dinetah, where the Navajo emerged as a unique cultural entity. Project proponents were particularly supportive of this plan because they could see the value in illuminating the earliest archaeology of the Navajo people, compared to digging a few trenches in sites that would yield very little new or meaningful information about the past. In short, project proponents could point to substantive contributions to society as a whole, rather than the archaeological clearance of well pads, pipelines, and roads.
- Stakeholders at the 3 August 2017 meeting suggested that such overarching plans (and Arizona, like New Mexico, would need multiple regional plans), with clearly defined research priorities, can be very helpful to land-managing agencies, in that it would be easier to determine where proposed development projects are likely to be most expensive or least expensive (i.e., where such projects will be in the best economic interest of a land-managing agency, for example, the Arizona State Land Department).
- ASM pointed out that these sorts of plans, which place the decision-making in a sound scientific context at the beginning of the management process (planning), prevent situations where, at the end of the management process (curation), stakeholders are put in the position of discussing and making plans about the possible culling of collections. ASM contends that the best legal, scientific, and ethical approach is to make the best scientifically informed decisions about which sites and which portions of sites to excavate and to then curate the resulting samples in perpetuity to preserve research potential.
- Stakeholders also discussed the benefits of alternative mitigation strategies such as working with existing collections.
- As at the meeting in Phoenix, there was some discussion regarding whether the community should reconsider how eligibility is determined/applied, and whether managers should be more conservative in this area.
- ASM supports the State Historic Preservation Office's (SHPO) position on this issue (as expressed in the Phoenix meeting), i.e., that the use of eligibility is related to a conservation approach to

the archaeological record, and that we, as a community, should focus on how to resolve adverse effects (e.g., through alternative mitigation plans and practices) rather than the issue of eligibility.

- Consensus settled on the notion that SHPO is an absolutely key and central stakeholder in the process of developing plans to avoid unintended consequences. Professional associations representing CRM firms and archaeologists, such as the Arizona Archaeological Council, were also identified as key stakeholders going forward.

- Questions asked at the session included:
  - How much has ASM raised fees over the past ten years (before the current proposal)?

    ASM responded that different fees have increased different percentages and at different rates over the last decade and added that all the historical data on ASM's rates and fees is already posted on the ASM website:

    http://www.statemuseum.arizona.edu/media/statemuseum/_file/Appendix_IV_-_Material_Presented_to_Arizona_Board_of_Regents2.pdf

  - Does the new proposal include charges for the review of archaeological reports by ASM?

    Yes. ABOR Policy 8-203 (Conditions for Work Under Permits) sets forth standards for archaeological reports, and in order to ascertain that permittees have met the conditions of their permits, ASM must review submitted reports. Charges for this activity will be billed as part of collections intake.

  - Will ASM allow project proponents to ask for project quotes? This may help to maintain a "level playing field" among CRM firms competing for the same work.

    Yes. ASM will allow project proponents to request quotes and ASM will proffer quotes to project proponents. An important caveat is that most project proponents will require the assistance of a CRM firm in order to assemble the information necessary to complete the questionnaire ASM will use to create a quote.

  - Is it possible that ASM's rates and fees could decrease if the museum has access to less expensive collections storage options?

    Yes. ASM is currently engaged in a number of efforts that could potentially lower its costs and, therefore, lower its fees and rates. These include renovation of an off-campus warehouse space for collections storage, the continued purchasing and use of space-saving compactor shelving, the upgrading or replacement of ASM's computerized collections information systems, and the transition to less expensive digital storage models.

  - SB 1418, as a new legal requirement, seems mainly to be focused on transparency related to fees and rates. Why is there such an emphasis on ASM not gifting or subsidizing any of the costs associated with providing its services?

    The SB 1418 process laid bare to the University and to ABOR that ASM had long been subsidizing development in Arizona by not recovering the full costs of the services it provides. ASM was not

in compliance with state statute or the state constitution in this regard and cannot continue in this way.