

**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 Dinétah, 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.