

The University of Wyoming Archaeological Repository and Federal Agencies: A Multilateral Partnership

Brad A. Coutant and Judith A. Brown

A cooperative agreement among the Archaeological Repository at the University of Wyoming, the Bureau of Land Management, the Fish and Wildlife Service, the Federal Highway Administration, and the Bureau of Reclamation has allowed the Repository to complete the inventory required by the Native American Graves Protection and Repatriation Act, make improvements to its facility, and begin an inventory of the collection, including the federally owned share. The cooperative agreement, while it has benefitted all parties involved, could be changed to improve cooperation and administration.

This paper examines the cooperative agreement between the federal agencies and the University of Wyoming Archaeological Repository (UWAR) implemented to meet the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and of federal curation requirements in the *Code of Federal Regulations, Title 36, Part 79, Curation of Federally-Owned and Administered Archaeological Collections*. The intent of the authors is first to provide the example of the agreement for other institutions and agencies thinking about cooperative relationships, and, second, to briefly examine a few alternatives to the present agreement.

The Repository

The archaeological collection at the Repository, roughly half of which is federally owned, numbers more than one million artifacts from 25,000 to 30,000 archaeological sites. The collection occupies about 5,300 cubic feet in 3,500 boxes. Federal agencies that curate materials at the Repository include the Bureau of Land Management (BLM), the Bureau of Reclamation (Reclamation), the U.S. Fish and Wildlife Service (USFWS), the U.S. Forest Service (USFS), the Federal Highways Administration (FHWA), and the Corps of Engineers.

The Repository's collection reached its present size and composition through several decades of

growth, originating simply as storage for collections from University of Wyoming research. Because of the association with the premier research institution in the state, the collection grew gradually through the 1950s and then ballooned in size in the 1960s and 1970s. This rapid growth resulted from both the boom in contract archaeology and the University's excavation of several large bison-kill sites. The Repository came to be the unofficial main storehouse in the state for collections from federally sponsored research.

Like the collection, the position of curator also grew over time. The curator was originally a crew member temporarily employed by the Office of the Wyoming State Archaeologist (OWSA). The position was funded by contract funds, or "soft money." The curator was also responsible for field and laboratory work, so she could not devote her attention solely to caring for the collection. From 1983 to 1985 OWSA worked to make the curator's position full-time and permanent. The position was made permanent, but it was still funded by "soft money" and the curator still had to do field and laboratory work. Funding was changed in 1992 — half coming from the State's general fund and half from OWSA's "soft money" — but the curator still had to spend half her time on field or laboratory work. Beginning in 1995, however, the increased work load required the curator to dedicate all her time to curation work.

The Repository is now operated jointly by the university's Department of Anthropology and OWSA under a memorandum of understanding. Staffing, supplies, and equipment are supplied by OWSA, with the facility and facility maintenance provided by the university. The Repository collection used to be stored in four separate locations on campus, but in early 1992 it was gathered together in one curation storage space. The Repository is now housed in a building formerly used by the university's livestock program: it can be truly said that a facility that used to house ungulates on the hoof

now houses ungulates in boxes. Despite its former use, the building is well suited to archaeological curation, and provides a secure space with adequate storage room.

The Cooperative Agreement

The possibility of a cooperative agreement with the Repository arose at a meeting among federal and state agencies held in Denver, Colorado, in March 1994. The meeting was held to discuss needs of federal agencies for NAGPRA inventories and for long-term management of federal museum property. Representatives of BLM, Reclamation, and USFWS discussed these needs in relation to archaeological collections in Wyoming. As a result, they decided to pursue a multi-agency cooperative agreement with the Repository, believing a cooperative approach would provide consistency in the requirements of the federal agencies, relieve the burden on the Repository of having to coordinate with three separate agencies, and provide a way to pool agency funding for cost efficiency (U.S. Department of the Interior 1994a).

The agencies decided that one federal agency would take the lead in working with the Repository: BLM was the logical choice since they hold the largest share of the federal collection at the Repository, and because they had already discussed a cooperative agreement with the Repository for NAGPRA inventory. Tim Nowak, of BLM's Wyoming State Office, assumed the task of developing the cooperative agreement to everyone's satisfaction. He first confirmed that the Repository was interested in such an agreement, and then solicited other federal agencies to participate in the agreement. Federal agencies which elected to join in the agreement were the FHWA (represented by the Wyoming Department of Transportation), Region 6 of USFWS, the Great Plains Region of Reclamation, and the Wyoming State Office of BLM. The Rocky Mountain Region of USFS was contacted, but declined to participate. Funding in the USFS for such an agreement is at the level of individual forests, not at the regional level. Since most of the forests believed they had little or no NAGPRA material at the Repository, they saw little need for joining in the agreement (Liestman 1996).

The cooperative agreement required more than five months to negotiate and finalize. Nowak was the primary author, but he worked closely with Dr.

Mark E. Miller, Wyoming State Archaeologist, and Dr. George W. Gill, then chairman of the university's Department of Anthropology. Comments and suggestions were solicited from the other participating agencies. Changes and refinements were resolved in two meetings, and the cooperative agreement was finally signed in September of 1994 (U.S. Department of the Interior 1994b: 14). The cooperative agreement as constituted is a binding contract formalizing the relationship among the parties and defining the general goals of the agreement: to improve coordination between the Repository and the federal agencies; to facilitate consistency and information standards among the federal agencies for NAGPRA and museum property inventories; to help ensure completion of NAGPRA and museum property inventories; and to help ensure the proper long-term preservation and management of federal museum property (U.S. Department of the Interior 1994b:3-4).

The agreement is a type of federal government contract called a "task order contract." This means that the cooperative agreement itself does not specify the work to be done by the Repository, nor does it stipulate the amount of funding to be provided by the federal agencies. After a taskorder contract has been signed, an agency issues an order for services, called a task order, which specifies a particular task or amount of work to be done by the contractor and the funding the agency will pay in exchange for that work. A task order usually contains specific requirements regarding the conduct of the work, including completion dates and reporting requirements, which are usually negotiated between the agency and the contractor before the task order is issued. Once it has been formally accepted by the contractor, in this case the Repository, the task order becomes a part of the contract. Successive task orders can be issued as work progresses and needs change, and any number of task orders can be issued under the authority of one contract, as long as the term of the contract has not expired.

The first task order under the cooperative agreement was for completion, required by Section 5 of NAGPRA, of an inventory of Native American human remains and associated funerary objects removed from federal lands and curated at the Repository. Other task orders have been (and will be) issued for inventory and long-term curation of all of the federally owned share of the collection.

All parties, especially the Repository, hoped the agreement would simplify contracting and billing processes by allowing federal agencies to act in concert in issuing a single multi-agency task order. Such an order would specify the funds each agency would provide and specify the work the Repository would do for each agency. A joint task order would allow the Repository to avoid the burden of processing four separate task orders, of preparing four separate invoices, and crediting four separate payments. Consolidation would also simplify completion of the NAGPRA inventory as there would be only a single report for the Repository to prepare, rather than four separate reports with different formats and due dates. The Repository would also avoid the confusion of working with four separate federal contracting officers if modification or clarification of the task order was necessary.

A single joint task order was drafted at the same time as the cooperative agreement itself, but BLM discovered, before the agreement was signed, that federal contracting regulations did not allow this sort of joint task order. The single joint task order was therefore rewritten as four separate task orders, one for each agency. Since these first task orders were essentially identical, however, there was consistency in the initial work required of the Repository. Nevertheless, the Repository still had to process, prepare, and credit four separate orders.

Advantages and Disadvantages of the Agreement

Now that the agreement has been in place for four years, we can see major benefits to all the participants. Federal funding allowed the Repository to dedicate time to inventorying Native American human remains and associated funerary objects removed from federal lands. As a result, the agencies have received NAGPRA inventory reports from the Repository in time to meet the legislated deadline. The cooperative agreement also allowed the Repository to consider the inventory as a single project with a single report format, rather than four different formats.

The BLM brought Susan Thomas, curator at BLM's Anasazi Heritage Center in Dolores, Colorado, to assess the Repository's strengths and weaknesses. This assessment was done at no cost to the Repository, and the resulting report was provided to all participating agencies so that a common understanding was reached of the improvements needed to meet federal

curation standards. The Repository has made several improvements to the facility in response to the assessment. Wooden doors have been replaced with secure steel doors, wooden shelving replaced with steel shelving, a new security cabinet has been acquired for sensitive materials, and space has been modified in the building for office and laboratory use. This has allowed the curator and the laboratory to move out of the Repository storage area, reducing traffic through the storage area and improving climate control and security for the collection. These improvements have moved the Repository towards meeting federal curation standards.

Federal agencies are also providing some support for the Repository's continuing effort to inventory and repack the entire collection, and to enter inventory records in a computerized database. Although some of the collection has now been inventoried, seven decades of accessions have left much still to be done. The Repository started inventorying, beginning from the first accession. Thus far, they have inventoried over 500 of the 3,500 boxes in the collection, and have removed artifacts from non-archival packaging to house them in archival quality materials. Contents are also being sorted and boxed by material type to allow for more efficient use of space, and to minimize damage to more fragile materials. Although this process may take several years, a thorough inventory will eventually be completed, providing each agency with a better understanding of the collections for which it is responsible. Federal funds have also been set aside to pay for additional collections care training for the Repository's curator.

The cooperative agreement and the recent emphasis on NAGPRA requirements have also provided the intangible benefit of improving the status of the Repository on campus. Researchers and administrators have been made more aware of the Repository and of the important role it plays in Wyoming archaeology. This awareness has not necessarily resulted in any increase in funding for the Repository, but it has improved the Repository's long-term stability.

While the benefits of the agreement are many, there are a few drawbacks that should be discussed. The primary disadvantage from the Repository's perspective is that they still have to work with four separate task orders and the attendant administrative burdens. Also, the cooperative agreement provides no mechanism for coordination of any future

task orders among the federal agencies, so there will probably be some disparity in the type of inventory or report each agency requests from the Repository to meet needs for museum property management. This also means that there is no way to guarantee that each agency is contributing an appropriate share of the costs of improvements to the facility and of long-term curation of federal collections. Furthermore, in recent years some federal agencies have instituted specific computer software requirements for museum property inventories. These requirements may limit the ability of those agencies to share databases with other agencies, but such software requirements do not prevent an agency from working cooperatively with other agencies to effectively manage Federal collections in non-Federal repositories.

Suggested Improvements

Although the cooperative agreement has greatly improved the working relationship between the Repository and the federal agencies, we believe we are still obligated to seek improvement. We offer the following ideas to make a good agreement even better. One possible approach to a cooperative agreement with the Repository would be to first initiate an interagency agreement among the federal agencies, designating a single lead agency as responsible for representing all the other agencies joining in the agreement. Under this approach the cooperative agreement would be signed only by the Repository and by the lead federal agency. The other agencies would transfer funds to the lead agency, which would, in turn, issue all task orders to the Repository and pay all invoices.

There are several advantages to this approach. Administration of the agreement would be easier for the Repository because they would have to process and complete only one task order, and confer with only one contracting officer-goals of the original cooperative agreement. Federal agencies would be forced to cooperate more closely, reaching agreement on goals, methods, desired products, and appropriate charges. Cooperation might be difficult at first, but would yield long term benefits in more effective use of federal funds and more equitable distribution of costs among the agencies.

Disadvantages of the approach are also significant. The lead federal agency might be required by its own financial management policies to apply an overhead charge to funds transferred from other

agencies. The overhead could be as much as 18%, effectively reducing the funds available to the Repository by this amount. Another impediment to such an approach is the reluctance of some agencies to give up direct control over collection management. They fear that they would not be able to tailor task orders to their liking, and therefore would not receive products or services to tit their specific needs.

There is another approach to cooperative agreements worth considering, which could be easily implemented. The cooperative agreement could be structured like the present agreement, but with the addition of a requirement for an annual meeting among the federal agencies and the Repository. The purpose of the meeting would be to discuss progress, outstanding issues, and the needs of all parties, and to coordinate task orders to avoid redundancy and ensure consistency in the type and format of any report requested of the Repository. While the annual meeting would provide no guarantee of unanimity of opinion among the federal agencies, it should increase the likelihood of some sort of common understanding. The meeting would also provide an opportunity to discuss equitable distribution of costs among the participating agencies.

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References

- Liestman, Terri
1996 Personal communication.
- Miller, Mark
1996 Personal communication.
- United States Department of the Interior
1994a Bureau of Land Management, Wyoming State Office, Memorandum, March 7, Deputy State Director, Lands and Renewable Resources to Director of BLM.
1994b Bureau of Land Management, Wyoming State Office, Cooperative Agreement #K910-A4-0030.

Brad Coutant is an archaeologist in the Bureau of Reclamation's Great Plains Regional Office in Billings, Montana. Judy Brown is a cultural resource specialist (curator) employed by the Office of the Wyoming State Archaeologist at the University of Wyoming Archaeological Repository.