

THE CURATION CRUNCH: EVALUATION AND ACTION BY ONE STATE AGENCY

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ABSTRACT

This discussion will focus on a review of the past policy and future realities in the curation of archaeological collections by a State agency that, as a *de facto* arm of a federal agency, has conducted archaeological investigations and treated the derived collections in accordance with federal regulations. Further consideration is directed toward current efforts to survey past collections and evaluate curational facilities in terms of those federal regulations.

DISCUSSION

The curation or placement of archaeological collections in adequate and appropriate facilities has been an ongoing concern for the California Department of Transportation. By 1988, however, it had become clear that our ability to responsibly house collections was seriously impaired as more and more facilities appeared to be closing their doors to us. The real sense of that problem and of the urgency to solve that problem prompted the staff of the Caltrans Environmental Division to initiate an action plan to present to our management. While federal guidelines and Caltrans policy long had taken into account proper curational procedures, 2 particular and immediate factors served as the catalyst for action at that time: (1) the then imminent codification of the federal guidelines for the curation of collections, 36CFR79; and (2) the clear and present problem that there simply was no more room in the majority of curational facilities for materials retrieved in the course of CRM archaeological investigations.

Just as with all good bureaucratic entities, the first step was to form a committee, or "task force". Recognizing the need for data, this committee set out to gather information from curational facilities and from

other agencies, both federal and state, who curate collections in the course of CRM activities. We developed a questionnaire that dealt with both present policies and future possibilities and proceeded to query 12 agencies and 20 facilities. We will spare you the repetitive statements about the sorry state of curation as reported by our poll, and while we will be the first to state that this was far from a scientific or systematic survey, suffice it to say that the variety of answers included a whole range of problems and a general lack of solutions. The end result of the survey was an in-house position paper entitled "Report on the Status of California Archaeological Collection Repositories", dated April 1990. This paper subsequently became an "out-house" paper that has been quoted extensively in 2 theses and in various other documents, including the draft text for the state curation guidelines. The paper actually accomplished our immediate goals. Our management assumed a forward-looking stance and agreed to a series of preliminary steps including the convening of a brainstorming session for our district archaeologists to survey our own needs and problems in an effort to prepare a course of action for future curation policy and programs.

In the midst of considering the guide-

lines and means for solving our curational problems, the mandate for inventory and repatriation resulting from PL 101-601 and the state's mandate in AB 12, now PRC 5097.991, has served as further impetus for the Caltrans line of action. Since both PL 101-601 and 36CFR79 call for an inventory of collections, although for different reasons, the effort needed for both could be neatly dovetailed into 1 program. Our staff decided that a flexible, phased program would be the efficient and economical course with the preliminary goal being to provide a thorough knowledge of the status and quality of curation of Caltrans' collections and the identification of which of those collections included human remains and grave goods. This goal was to be initiated with a detailed survey of all archaeological undertakings that have generated collections, either by Caltrans or by Caltrans contractors. Relying upon past documentation, corporate memory, and visits to local facilities, district and headquarters archaeologists have identified approximately 500 excavations that have been undertaken by Caltrans in the course of archaeological tests and data recovery. These collections are housed in over 40 institutions or facilities, both in- and out-of-state. Presently, we are in the process of verifying this identification and of developing a system of checklists that will assess the condition of those collections, as well as the condition and operating procedures of the curating facilities.

The next phase of our program will be derived from the subsequent survey and assessment. This phase will be flexible enough to provide for a variety of tasks to be performed at the individual curational facilities including any necessary resorting of materials to identify any overlooked human remains, repacking of materials that are presently in unstable condition, and providing archival quality copy for the accompanying documentation. Where necessary, it is expected that consolidation of multiple collections from single sites will be accomplished, consonant with the direction of 36CFR79. Then, an inventory will be undertaken, in coordination with the appropriate Native American representatives, of all human remains and associated grave goods in Caltrans-generated collections.

At this point, it seems appropriate to note that Caltrans is in a rather unique position due to the ambiguous status of the application of federal laws to the agency. Because the agency is a de facto arm of the Federal Highway Administration in the fulfillment of federal undertakings (i.e., federal highway projects), we proceed under federal law, that is, under the legal requirements of the 106 process and various other regulations as specified by code. FHWA is not, however, a landholding agency, but rather a granting agency, that is, they grant us the money to build roads, but not to own the right-of-way. According to FHWA, this essentially means that we are not bound by PL 101-601 or 36CFR79 which apply to federal land holding agencies, such as the Bureau of Reclamation or BLM. Consequently, Caltrans as an agent of FHWA is not bound to assume responsibility for the maintenance of a curational facility or any collections once those collections have been curated at any given establishment, except where our own excavations have taken place on federal or tribal lands.

Furthermore, FHWA does not pay us for curation costs, although they do pay for data recovery programs as mitigation. Their policy is to consider curation to be a maintenance function, just like highway maintenance, which they do not fund. Thus, we do not fall into the NAGPRA category of a State agency receiving funds, such as a museum. This view may change as the understanding of the regulations is refined. For instance, Section 79.3 of 36CFR79 defines "applicability" in a straightforward way, relating to collections excavated or removed under several authorities, including section 110 of the NHPA. Section 110(a)(1), in turn defines agencies as "all Federal agencies owning, acquiring, leasing, or otherwise controlling properties." Furthermore, presently and of some pertinence here, other federal entities are wrestling with the legal ramifications of "agency" (in the legal sense) as opposed to "jurisdiction". In other words, the establishment of "who" is the causal force in any federal action may have much to do, legally and factually, with the proper and final accomplishment of that action and the responsibilities entailed. We decided, therefore, to proceed with the inventory,

pending further legal clarification. Subsequently, AB 12, the state repatriation law, and the State Historical Resource Commission's newly adopted interim curation guidelines based on 36CFR79, added impetus to proceeding with our effort.

Much of this narrative obviously has more to do with the housekeeping aspects of curation and less to do directly with the "crunch" of the loss of facilities. But, in a sense we are buying time, about 3 years, which is the time span anticipated for the survey and inventory aspects of our action plan. In the meantime, however, we are examining certain options, such as encouraging the planners for the California Indian Museum in their search for funding for expansion. We are networking with federal agencies to keep in touch with their plans for curational solutions. We also encourage consortium efforts. Looking down the road, we see many problems, primarily funding. How will institutions be able to set "reasonable fees" and still plan to collect and curate in perpetuity? Since we are not equipped to curate our own collections and our management would prefer that we don't, we are relying on institutions to charge us appropriate fees that will provide for adequate care and expansion. Perpetuity is a long, long time and space is ultimately finite. The archaeological community and the institutions are going to grapple with the difficult problem of deaccessioning some kinds of materials and setting some time limits for a necessary review of what is worth keeping. We also have to address the needs and rights of Native Americans regarding access and repatriation.

To conclude, we would like to paraphrase comments that have been made in response to the draft guidelines recently proposed by the SCA Curation Committee. Curation is not a one-way street. The archaeologist, the implementing agency, and the repository, all have responsibility in creating the collection to be curated and in ensuring its viability and potential for future research. This mutual responsibility is one in which the research potential, probable resources to be collected, and manner of collection and processing must be carefully considered for any given undertaking, as well as the managing

and preserving of those materials in curatorial facility. The days are over when the archaeologist can rely on a museum or institution to clean up a hastily deposited sack of artifacts or to dump everything that comes out of the ground into archive boxes. In the same way, while the repository has an enormous responsibility for future research, it should consider the issues of future value and the goals of the archaeologist as well as the concerns of the Native Americans. Increasingly, future research will undoubtedly rely more heavily on and include the additional analysis of older collections, and we must provide for the proper housing for those collections as well as for more recent materials that some day will be "old", too.

Meanwhile, we're doing what our agency does best, taking concrete steps to pave the way. In all seriousness, sometime over the next 3 to 4 years of collection survey and inventory, we will have a complete inventory of our collections and those collections will meet the federal standards. Concomitantly, the repatriation of human remains and grave goods will take place. During that time, we hope that some of the more difficult issues will be resolved on a statewide, if not nationwide, level.