



US Army Corps of Engineers
St. Louis District

Regionalization of Corps Collections Frequently Asked Questions



Background:

Q. What is the U.S. Army Corps of Engineers (USACE) Mandatory Center of Expertise for the Curation and Management of Archaeological Collections (MCX CMAC)?

The MCX CMAC is a branch within USACE that was created in 1995 by order of the USACE Director of Civil Works. As an extension of Headquarters, USACE, the Center was chartered to develop and implement guidance, projects and programs that would lead USACE to the curation and preservation of the agency's nearly 49,000 cubic feet of archaeological artifacts and 3,300 linear feet of associated records. As a federal agency, USACE must curate its archaeological collections to the standards outlined in *36 CFR Part 79: Curation of Federally-Owned and Administered Archeological Collections*. These archeological collections include Native American human skeletal remains and cultural items that are subject to the identification and repatriation requirements contained in the *Native American Graves Protection and Repatriation Act (NAGPRA)*. MCX CMAC was designated by USACE leadership to provide centralized management and implementation of the statutory and regulatory requirements associated with NAGPRA and, in a recent report prepared by the Government Accountability Office, USACE and MCX CMAC were identified as having the most effective NAGPRA inventory and repatriation programs in the federal community.

General:

Q. Who provided the authority for regionalization?

In February 2014, MVD command directed the MCX CMAC to review the location, extent, and condition of MVD collections and to prepare a plan for consolidation that would include a program for cost-effective and efficient long-term curation (BG Peter A. DeLuca, 11 February 2013, CEMVD-PD-SP, Policy Letter Regarding Regionalization). Further guidance was provided in the 5 September 2014 memorandum from BG Michael Wehr, MVD Commander (Subject: MVD Regional Consolidation of Archaeological Collections, Preliminary Findings) for those collections generated from properties that are owned in less than fee.

In April 2015, NWD command directed the MCX CMAC to review the current volume and condition of NWD collections in anticipation of curation consolidation and solicit district participation in regionalization efforts. (BG John S. Kem, 10 April 2015, CENWD-PDD, Memorandum Regarding Northwestern Division Archaeological Collections).

Q. Who is leading the regionalization effort?

Dr. Michael K. "Sonny" Trimble, Director of MCX CMAC, and his team are leading the regionalization effort. Andrea Farmer, Chief Curator, is handling the coordination of collections research and establishment of regional centers. Christopher Koenig, Archaeologist and Tribal Liaison, is responsible for coordinating the tribal information meetings. Jennifer Riordan, Physical Anthropologist, handles all NAGPRA-related issues.

Q. How will the divisions and districts be involved in the decision making process for regionalization?



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Consistent and professional management of the collections allowing for efficient access to the collections for education and research is of the utmost importance, and will be paramount in the decision-making process. Input from the divisions and districts will be sought throughout the regionalization process. Districts will conduct the collections research, review the regionalization study report, assist with the coordination of and attend the tribal meeting, and be involved in the selection of the regional center for their collections.

Q. How many regional repositories will be established in each division?

The number of regional repositories will be based on several factors, including geography, cultural areas, and volume of collections. The goal is to have approximately three to four regional repositories per division. Regional repositories may be able to support multiple divisions.

Q. How will this affect our access to the collections?

Most Corps collections cannot currently be accessed easily by a variety of interests. Through regionalization, collections will be relocated to places that can professionally care for them according to federal standards to ensure that they are accessible. Furthermore, we expect access to be improved because collections will be housed in fewer facilities, thus making it easier for tribal representatives to visit collections from more than one district.

Q. How will this affect the Corps' NAGPRA compliance?

The districts will continue to work with tribes to achieve NAGPRA compliance and repatriation of all Native American human remains and NAGPRA cultural objects. If any NAGPRA collections are to be transported, we will ensure that these collections receive the necessary care and attention they require. The MCX CMAC can provide assistance with NAGPRA-related issues.

Q. Who will be responsible for relocating the collections?

The Corps is responsible for the proper care of the collections during transportation and will work with all interested parties to make sure that collections are appropriately transported. Either MCX CMAC or contractor staff will perform the moves. The relocations will be funded by the MCX CMAC's curation line item. No collections should be relocated without MCX CMAC consent.

Q. Will the tribes be consulted so their views can be expressed?

Tribes will be consulted during this process and the Corps will make every effort to address tribal concerns. The decision to move collections has not been made. The MCX CMAC has been given a directive by the Mississippi Valley Division commander to determine the best way to move forward with ensuring our collections meet the standards set by federal law.

Q. What is the Veterans Curation Program and how will it fit into regionalization?



US Army Corps of Engineers
St. Louis District

Regionalization of Corps Collections Frequently Asked Questions



The Veterans Curation Program is an employment and training program administered by the MCX CMAC. The VCP matches OIF/OEF veterans and wounded warriors who need practical skills and a job with the Corps' need to advance the public stewardship of federally owned archaeological collections and associated records. There are currently five VCP locations that support 12 Corps districts. Over 400 veterans have participated in the program, and 89% of the program graduates have found permanent employment and/or continued their education. VCP laboratories will be established in select regional centers based on the need for collections rehabilitation and an available veteran population in the area. (www.VeteransCurationProgram.org)

Q. What is the Digital Archaeological Record and how will it fit into regionalization?

The Digital Archaeological Record (tDAR) is an international digital repository for the digital records of archaeological investigations. One mission of the regionalization effort is to increase accessibility of collections through technology. The digital content generated at the VCP laboratories is being made available on tDAR to be accessed and used by tribal members, educators, researchers, and the general public.

Q. Why is this effort not subject to a Section 106 review?

Collections relocation is not subject to review under Section 106. The Advisory Council on Historic Preservation's (ACHP) position is that "relocation[s] of an archaeological collection from a storage facility to another storage facility, while being an undertaking, is a type of activity that does not have the potential to affect historic properties, and is therefore not subject to further Section 106 consideration." (29 April 2016)

Q. What are considered Corps-owned collections, and how are non-Corps collections being treated under regionalization?

Corps-owned and administered collections are those that were recovered from fee title land. The Corps has a responsibility to ensure that these materials are stored in federally compliant repositories and are rehabilitated up to federal standards. The Corps has no responsibility for non-Corps owned collections, such as donated collections and those recovered from regulatory and permitting actions. Research will be performed to delimitate Corps and non-Corps owned materials. Non-Corps materials will be stored at the state designated repository or another appropriate location, and an intake fee will be arranged as necessary. No annual maintenance fee will be paid for these materials.

Q. How will paleontological collections be handled under regionalization?

For archaeological collections that have a paleontological component, the entire collection will be relocated to a regional repository. Collections that are entirely composed of paleontological materials will remain at their current facility.

Q. What if there are objections to moving collections?

The Corps has the authority to move collections out of their state of origin if it is in the best interests of the collections. While 36 CFR Part 79 indicates that if possible collections should be



US Army Corps of Engineers
St. Louis District

Regionalization of Corps Collections Frequently Asked Questions



kept in their state of origin, it is not a requirement. The Corps must ensure that our collections are housed to federal standards in the most appropriate and cost effective manner. Collections will have to be moved, even if there are objections. The Corps will make every effort to address tribal concerns during collection transport.

Contracting:

Q. Will all contracts go through the St. Louis District or can the districts handle all contracting? Will each district have to develop a contract with the regional center?

The MCX CMAC will administer curation contracts for all regional centers. The collections still remain the responsibility and under the control of the district. Districts will still be responsible for inspecting their collections on an annual basis to ensure proper curation is being maintained. The repositories will send collections status reports to the district and the MCX CMAC. Districts can have representation on the Source Selection Evaluation Board, to be held in the St. Louis District, to assist with selecting the regional center for their collections. Requests should be directed to the Andrea Farmer, Chief Curator.

Q. Can Sole Source contracts be used? If not, why?

FAR—Part 6 outlines competition requirements for federal contracts. Both 10 U.S.C. 2304 and 41 U.S.C. 3301 require, with certain limited exceptions, that contracting officers promote and provide for full and open competition in soliciting offers and awarding government contracts. Sole Source contracting can only be used in instances when a justification can be provided that states that there are no other qualified sources. Guidance is provided (FAR 6.303) to justify a sole source contract. Due to the number of eligible regional repositories, it is unlikely that the use of sole source contracting cannot be justified. Should a district want to pursue sole source contracting, it will be their responsibility to generate the justification.

Q. What will happen to MOUs/MOAs that are already in place with repositories?

Any existing agreements or contracts with repositories will be taken into account during the consolidation process.

Q. How will collections on display and loan be treated under regionalization?

Loans can be made to institutions and individuals for research, educational, religious, and exhibit use. If the collection is moved, but the original repository wants to retain teaching collections, the appropriate loan can be arranged. The appropriate loan documents will need to be prepared, and collections can continued to be displayed.

Funding

Q. Why are one-time curation fees no longer sufficient?



US Army Corps of Engineers
St. Louis District

Regionalization of Corps Collections Frequently Asked Questions



Federal standards require annual maintenance and care for the collections, which should be provided for through annual funding. Contractual arrangements providing for one-time, lump-sum payments for the long-term management of archaeological collections from fee-owned lands is prohibited by 31 USC 3324.

Q. How will the transport and intake fees be coordinated and funded?

The MCX CMAC will arrange for the transport of collections to the designated regional repository. Depending on volume, collections will be mailed or relocated in an appropriately sized vehicle. Either MCX CMAC staff or a contractor will handle the transport, unless a district requests to be involved. An MCX CMAC staff member will be present at each pickup and delivery to perform exit and entrance inventories. Intake fees, which are not already covered under a district's current budget, will be covered by the MCX CMAC's curation budget line item.

Q. How will the districts secure annual funding for the curation contracts?

During the collections research process, the operating project associated with those materials will be identified. The Districts, through the operating projects, will be

Future

Q. How do I get access to the archaeological collections?

Arrangements can be made directly with the repository to access the archaeological collections. Many repositories have an arrangement that permission will need to be granted by the district before collections can be accessed. Researchers, educators, tribal representatives, and the general public now have access to the digital files created by the Veterans Curation Program. The files will be accessible through The Digital Archaeological Record (tDAR) website that is hosted through Arizona State University, as part of a Veterans Curation Program pilot. To learn more about tDAR, please visit <http://www.tdar.org/>.