



HISTORY *Colorado*

**STAKEHOLDER MEETING NOTICE**

**INFORMAL RULEMAKING DEVELOPMENT OPEN DISCUSSION**

September 24, 2016

9:00 AM

Museums of Western Colorado

Whitman Educational Center

248 S. 4th (4th and Ute)

Grand Junction, CO

History Colorado is considering amendment of the rules for the curation of collections in approved museums as specified in section 9 of 8 CCR 1504-7 - the regulations and procedures implementing Colorado's Historical, Prehistorical, and Archaeological Resources Act of 1973 (CRS 24-80-401 to 410).

A public discussion on this issue with a select number of invited western Colorado museums will be conducted as a segment of the Colorado Repository "Pillar" Workgroup's annual meeting held in Grand Junction. The scheduled start time on September 24<sup>th</sup> for this open session will be at 9:00 AM and the discussion is scheduled to end at approximately 10:00 AM. Please contact Todd McMahon, Staff Archaeologist/State Curation Coordinator at 303-866-4607 or [todd.mcmahon@state.co.us](mailto:todd.mcmahon@state.co.us) if there are questions or if anyone would like to obtain an electronic copy of the proposed rule changes to be discussed.

History Colorado encourages invited western Colorado museums and the public to participate in the development of these proposed revised rules (see attached below) by making suggestions and comments in advance of or during this Western Slope stakeholder discussion.

Please be aware that this is an informal non-rulemaking public development discussion meeting. If History Colorado proceeds with amending the regulations, a formal rule making hearing in Denver will be held at a later date to be determined. At that future date, formal notice and solicitation for formal public comment will then be made.

Persons or groups who know in advance they would like to address History Colorado and the Office of the State Archaeologist during this open discussion are asked to notify History Colorado via email to [todd.mcmahon@state.co.us](mailto:todd.mcmahon@state.co.us) with an estimate of the time needed for comments. This is to ensure adequate time is allocated to this agenda item.

**SECTION 9. Curation of collections in approved museums** (proposed changes are marked in blue)

- A. The state of Colorado holds title to all historical, prehistorical and archaeological materials collected from areas owned by the state or any of its political subdivisions.
  
- B. All materials, except human remains and associated funerary objects, collected from state lands or political subdivisions must be curated in a museum, unless a reputable museum, university, college or other recognized scientific or educational institution can assure permanent preservation on the site.
  - 1. Historical, archaeological, prehistorical, and paleontological collections made under permit may include ceramic, lithic, glass, metal, faunal, floral, and synthetic materials, as well as documents, photographs, organic samples (such as coprolites or soil samples), fossils, and human remains and associated funerary objects.
  - 2. Permittees proposing to transport collections out of Colorado must secure a loan agreement between an out-of-state facility and **a held-in-trust reputable in-state museum or curational facility**, subject to the approval of the society, except that ancillary samples may be transported and analyzed without such a loan agreement. Out-of-state analysis of human remains and associated funerary objects is subject to the approval of the society.
  - 3. Proposed analysis of artifacts which would cause their destruction or damage, such as trace-element analysis of materials, may be performed only with the written consent of the society through the state archaeologist, who shall consider whether such artifacts are unique or duplicated in state-owned collections. The society will supply notification of consent to the affected museum.
  
- C. Reburial or repatriation of human remains may supersede their placement in an approved museum.
  
- D. **State collections obtained from a state issued permit in accordance with CRS 24-4-104 must be curated in a reputable Colorado museum or curational repository. The relationship between the Society and another reputable Colorado museum or a curational repository is an express trust. Title and ownership of these collections is not transferred and the Society has the authority to transfer and approve stewardship of the collections through a held-in-trust agreement with an approved reputable museum or curational repository.**
  
- E. **In recognition of the authority of the Society over the state collections, the Society establishes different levels of reputable status for museums and curational repositories to hold held-in-trust state collections having different capacities and goals.**
  
- F. **All collections recovered from lands owned or controlled by the state or any of its political subdivisions shall be deposited at a museum, a curation facility, or at a repository within six months after submission of the permittees' final report. Collections made from permitted archaeological projects occurring over multiple years should not be deposited with different museums or curatorial repositories.**

- G. Responsibilities and requirements of approved museums or curatorial repositories
- Museums and curatorial repositories must be open to the public. They must agree to provide curation of archaeological or paleontological resources in a systematic and accessible manner, and to make them available for study by qualified students and researchers.
1. The held-in-trust museum or curatorial repository must provide proof of a fine art or governmental insurance policy that will adequately cover the care for any one claim, or aggregate claim arising from damage or a loss incident with the State collection to the Society. If no policy exists, the museum or curatorial repository must make arrangements with the Society to ensure proper insurance coverage.
  2. Promptly refer to the State Archaeologist of Colorado all requests (written and oral) for transfer or repatriation of the state collection (or any part thereof).
  3. Maintain separately all descriptive information from the curated state collection, including field notes, site forms and reports in a safe and secure manner.
  4. Not release to any third-party any precise information relating to the exact physical location of a prehistoric site (locale) from which the state collection (or any part thereof) derives except to qualified researchers or obtaining from the State Archaeologist's of Colorado prior written permission.
  5. In accordance with these regulations, be open and subject to inspection by the state archaeologist or his/her designee at least once every three years.
  6. Accept under negotiation with the Society State collections collected from permitted work from their specific regional area guided by these current rules and procedures and the held-in-trust museum's or curatorial repository's collection management policy.
  7. Annually report back to the State Archaeologist of Colorado any changes to the state's collection condition or insurance policy changes and any other tracking requirement methods adopted by the Society and the Office of the State Archaeologist of Colorado.
  8. Properly maintain any State of Colorado personal property (shelving, cabinetry etc.) in its possession associated with the care of the state collection.
  9. Maintain the collection within inert and acid-free storage or packaging.
  10. Not sell, transfer, assign, pledge, encumber, repatriate, discard, or otherwise dispose of the state collection (or any part thereof) or any associated State of Colorado personal property in its possession.
  11. Have an established collections management policy and emergency management plan.
  12. Within five days of the discovery of any loss or theft of, deterioration or damage to, or destruction of the State collection (or any part thereof) or any State of Colorado personal property in the museum's or curatorial repository's possession used to support and care for a State collection, the museum or repository will provide to the Society written notification of the circumstances surrounding the loss, theft, deterioration, damage, or destruction, and will report to the State Archaeologist of Colorado those actions taken to stabilize the State collection and to correct any deficiencies in the physical plant or operating procedures that may have contributed to the loss, theft, deterioration, damage, or destruction.
  13. Any actions that will involve the repair and restoration of the State collection (or any part thereof) and any other State of Colorado personal property in the museum or curatorial repository's possession must be approved in advance and in writing by the State Archaeologist of Colorado.

#### H. Approved Uses

1. Approved held-in-trust museums or curatorial repositories may fully exhibit, photograph, or otherwise reproduce, interpret, and nondestructively study the State collection (or any part thereof) on the museum or curatorial repository's premises, subject to the museum or repository's own collections management policies and in accordance with these regulations.
2. A held-in-trust State collection may be loaned out by an approved museum or curatorial repository to other institutions and organizations by securing a loan agreement between other facilities, subject to the approval of the Society, except that ancillary samples may be transported and analyzed without a formal loan agreement.
3. All exhibits, reproductions, and studies will credit the State Archaeologist of Colorado as follows: "Courtesy of History Colorado, Office of the State Archaeologist." The museum or curatorial repository will provide to the Society two copies of any publications, reports, and other documents prepared by museum or curatorial repository staff studying or exhibiting the State collection (or any part thereof).

#### I. Procedures for approving museums

1. Any institution wishing to serve as a museum for collections from state lands (or any subdivision of state lands) or collected as a result of work carried out under a State permit issued under authority of this Act shall apply to the Society through the State Archaeologist of Colorado for approval.
2. The museum or curatorial repository shall fill out a Request to Serve as a Held-in-Trust Museum or Curatorial Repository form, signed by the director of the institution and must evidence *reputable* status with any of the following credentials:
  - a) Received from the American Association for State and Local History (AASLH) Silver or Gold Certificates by participating in the Standards and Excellence Program for History Organizations (*StEPs*) in the Stewardship of Collections Section within the last five years.
  - b) Show evidence of participation in the Museum Assessment Program in the area of Collections Stewardship from the American Alliance of Museums within the last five years.
  - c) Considered a designated Federal Repository for curating federally-owned and administered archaeological collections under the requirements of Federal Regulations 36 CFR 79.
  - d) Received formal accreditation status within the last ten years from the American Alliance of Museums.
3. Provide proof of a current and active fine art or governmental insurance policy that covers the collection and any associated State-owned property or evidence that the museum or curatorial repository has made an agreement with the State Archaeologist of Colorado ensuring proper insurance care for the state collection and any associated State property.
4. The society has sole discretion to approve or not approve a museum's application.
5. Approval may be withdrawn by the Society through the State archaeologist if deficiencies appear. Approval will be suspended or revoked in accordance with CRS 24-4-104.

6. Under the authority of CRS 24-80-407, the Society may exercise the right to enter into agreement with museums, curatorial repositories, or other public or private entities to fulfill the State's needs for held-in-trust state collections concordant to these rules and regulations.

#### J. Grandfathered museums and repositories holding state collections

1. Previously approved museums and curatorial repositories by the State Archaeologist of Colorado shall honor existing "intent to curate" or similarly worded executed curation agreements with third-party researchers (permittees) for five years after adoption of these revised rules unless individual contractual agreements expire within five years or specify otherwise.
2. Museums or curatorial repositories that hold in custody held-in-trust state collections that were collected as a result of CRS 24-04-104 that decide not to become a newly approved museum or curatorial repository under these revised rules after five years from the date of the adoption of these regulations in their current form should nonetheless attempt to provide the highest possible level of care to their existing state collections currently maintained in their facilities. At a minimum, a level of care that prevents deterioration of, damage to or loss of items in the state collection should be maintained.
3. Within five years of the effective date of the adoption of these revised rules, the museum or curatorial repositories should either submit a plan for the State Archaeologist of Colorado's approval regarding the continued care and management of the state collection or consider the transfer of the state collections to a museum or curatorial repository approved under the revised 8CCR 1504-7 Section 9 (I) of this chapter.

#### K. Financial resources and other assistance

1. All museums and curatorial repositories holding State collections under this chapter are encouraged to enhance their collections management care and their facility space requirements for the state collection to achieve, maintain or exceed their *reputable* status.
2. Therefore, museums and curatorial repositories holding State collections should consider applying to the State Historical Fund and other funding sources for monetary assistance specifically to enhance the collections care of these state held-in-trust collections.
3. All museums and curatorial repositories should also consider contacting or consulting with approved regional State repositories that have made an agreement with the Society to assist other surrounding museums and repositories with their held-in-trust obligations.
4. Other sources of assistance for consideration to museums and repositories are contracting or consulting with current university museum studies students, trained museum professional consulting firms and utilizing trained volunteer members from established State nonprofit organizations.

#### L. Responsibilities of permittee submitting collection

1. In choosing a museum, permittees should attempt to keep the collection in its area of origin and to keep materials from the same site and the same project together. Permittees should confer with staff of the selected museum and have a written agreement prior to collecting materials in the field.
2. They should follow the guidance of museum staff in regard to collecting procedures and sampling strategies. The permittee should adhere to any specific methods of labelling, packaging, and shipment required by the museum **and the Society's current Submission Guidelines for State-Owned Archaeological Collections. All collections however must be placed and delivered within inert and acid-free packaging.**

Please note: The guidelines of the document below, while referenced in the above State rule changes, are not considered a formal part of the proposed regulations



## HISTORY *Colorado*

### Submission Guidelines for State-Owned Archaeological Collections

(Revised January 20, 2012)

These guidelines are offered by the Office of the State Archaeologist (OSAC) to strengthen the statewide curation network. They list standard best practices for collections submitted to Colorado repositories under the authority of a State permit for archaeological work. Please be aware that individual State repositories may have more stringent requirements that will supersede those listed below.

#### Organization and Container Storage Standards

All archaeological collections submitted must reference the official State of Colorado Smithsonian Trinomial Site Number. It is also assumed—with rare exceptions—that material collections to be housed have already been analyzed, and therefore artifact cleaning, conservation, and inventorying have been completed. While specific guidelines are formulated by each repository, at a minimum each State permit holder should ensure the following common best practices.

1. Material collections must be accompanied by all documenting records (field notes, site forms, photos, maps, reports, formal letter of transfer/ownership or deeds of gift, and other contracts preferably printed on acid-free archival paper). An explanation of the indexing method used to organize the boxed materials should also be provided. In addition to the secure hardcopies, documentation in digital format may also be submitted to the repository if they have the means to store these data, as well as an established policy for secure data archiving and migration. If the facility lacks these means then these digital data can be submitted to our office as part of the annual permit report.
2. All materials should be cleaned and preserved using appropriate reversible, nondestructive techniques. Documentation should include a record of any applied techniques performed on any artifact. Justification and repository approval should be provided for retaining any soil matrix adhering to any artifact for future analysis.
3. Specimens needing ongoing conservation should be separated and documented. Exceptional specimens should be noted. If ongoing conservation needs are anticipated, a plan should be drafted to address their long term conservation requirements.
4. All specimens or collections should be labeled or bar-coded individually in accordance with the accessioning, cataloguing, and labeling systems of the repository. Our office should be consulted to determine labeling standards if the repository has not adopted formal standards for cataloguing and labeling.

5. Typically specimens should be individually labeled (with a reversible base coat and indelible stamp, india ink, bar-coded, etc.) with a site designation and field provenience. If specimens are too small to be numbered individually and/or for large groups of similar specimens are from the same provenience, then they may be put together in labeled, appropriately sized acid-free containers.
6. Acid-free fabric or acid-free paper tags should be appropriately affixed to perishable or fragile specimens that are not to be directly marked upon.
7. All artifact bagging should be done with archival quality plastic, rather than paper bags in accordance with the packaging system of the repository.
8. All boxed containers housing bagged materials should be stable and sturdy, in acid-free boxes and should fit the size/shape requirements of the collection and the repository. In our experience storage boxes are typically no larger than one cubic foot, but there will necessarily be exceptions.
9. Larger containers, such as acid-free storage boxes, should be labeled with permanent markers/ india ink or appropriately affixed printed labels on their exterior surfaces. Labels in or on containers should provide the following information: site designation, project name and date, provenience data, analytical group, and number of specimens.
10. Following any artifact study, analytical categories (flaked lithic materials, groundstone, etc.) should be maintained but not disassembled from field provenience organization for housing the collection. For instance obsidian samples removed for specialized sourcing must be returned to their field provenience bag after the analysis has been completed.
11. A specimen inventory list should accompany each collection. This inventory must accurately reflect the quantity of the material and the analysis and packaging order. Analytical group designations on inventories should correspond to those used in the final report and on packaging labels. This list should also be made available in an electronic format (such as a standard MS Excel spreadsheet) that is provided to both the repository and OSAC as part of an issued State Permit's annual and final reporting requirements. Artifact/specimen quantities for annual and final reports should corroborate. Please contact our office to see minimum reporting categories.
12. The quantity of bulk samples (e.g., matrix, soil, burned rock) to be curated should be discussed with the repository prior to any acceptance. A determination must be reached by both the donor and the repository with regard to their acceptance. The determination of acceptance should give comprehensive consideration to the potential of specimens for future research and to the limited space for housing in most repositories.

### **Statement of Transfer/Ownership Requirement**

Each collection of artifacts to be deposited at a state-approved repository should be accompanied by a signed statement of ownership by the collector or a signed Deed of Gift from the private landowner. The signed and dated statement must indicate the owner's name, legal address and contact information. The owner may be a State governmental agency (e.g., Colorado Parks & Wildlife), a political subdivision (City, County, local, district), a private landowner, or corporate or



business entity. Note that private landowners or entities must negotiate directly with each repository for curation agreements unless either through contract or assignment an archaeological consultant assumes the role of legal agent for the private owner.

Copies of any and all artifact contracts, memoranda of agreement (MOAs), memoranda of understanding (MOUs), or other agreements, between an archaeological consultant and the contracting agency or private landowner must accompany the materials delivered for curation. Copied records should be reproduced on acid-free paper. Photographic records (i.e., slides, negatives, prints) should be enclosed in acid-free polyethylene holders or sleeves. All records must be placed in a logical order and especially large collections should be individually indexed.

These guidelines will be subject to review by OSAC at least every five years.