

## DEPARTMENT OF HIGHER EDUCATION

### Historical Society

## HISTORICAL, PREHISTORICAL, AND ARCHAEOLOGICAL RESOURCES

### 8 CCR 1504-7

#### SECTION 9. Curation of collections in approved museums

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. While the society is the official trustee of the State of Colorado (CRS 24-80-202), the society wishes to advance a collaborative partnership with county and local museums or curatorial repositories, (a curatorial repository is a permanent, nonprofit educational or research oriented agency or institution, having professionally trained on-site staff, that provides housing and collections care in-perpetuity), to ensure long-term preservation and interpretation of these items. These institutions help to preserve, interpret and promote the natural and cultural inheritance of humanity in Colorado and they also work in close collaboration with the communities from which their collections originate as well as those they serve, making such an arrangement with the State advantageous to everyone in Colorado.

BC. 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 (vertebrates, invertebrates, paleobotanical, ichnofossils, and associated rock or sediment samples), 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 permanent approved on-site institution, reputable in-state museum, or curatorial repository, 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 or fossils 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 within thirty days.
4. State, County and local agencies or research/educational institutions wishing to ensure collections care of artifacts or specimens permanently on-site (or within close proximity to the origin of the excavated materials) must either be approved through a request to serve as an approved museum or curatorial repository as specified in Section 9 (l) of this chapter or through execution of a special held-in-trust collections agreement with the society.-

CD. Reburial or repatriation of human remains may supersede their placement in an approved museum.

~~D. Responsibilities and requirements of an approved museum~~E. Collections from state or political subdivision lands obtained from an issued permit in accordance with CRS 24-4-104 must be curated in an approved reputable Colorado museum or curatorial repository. The relationship between the society and another reputable Colorado museum or a curatorial 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 an on-site held-in-trust collections agreement or through the approval of a reputable museum or curatorial repository as outlined in Section 9 (I) of this chapter.

F. Collections recovered from lands owned or controlled by the state or any of its political subdivisions shall be deposited at an approved museum, curatorial repository, an approved on-site agency, or institution within six months after submission of the permittee's final report. Collections made from permitted archaeological or paleontological projects occurring over multiple years should not be deposited with different museums or curatorial repositories unless an approved museum, curatorial repository, on-site agency or institution, lacks expertise or environmental conditions necessary to ensure the collection's long-term preservation.

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 free of charge for study by qualified students, and researchers.

1. Provide a copy and maintain a current and active fine art or other commercial insurance policy or if the museum or curatorial repository whose collections are primarily owned or overseen by a governmental entity, acknowledge that the state collection and any associated state property are covered for liability from any loss or damage.
2. If accepting collections from outside researchers, the institution must issue curation or similarly worded "intent-to-curate" agreements to third-party permitted researchers whose wording and format has been approved by the state archaeologist or his/her staff designee.
3. Within ten working days refer to the state archaeologist of Colorado all requests (written and oral) for transfer or repatriation of the state collection (or any part thereof).
4. Maintain separately all descriptive information from the curated state collection, including field notes, site forms and reports in a safe and secure manner.
5. Do 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 after obtaining from the state archaeologist of Colorado prior written permission. If there are questions as to releasing this information, approved museums or curatorial repositories will consult with the state archaeologist of Colorado.
6. 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.
7. Accept state collections from permitted work for their specific regional or local area guided by these current rules and procedures and the approved museum's or curatorial repository's collection management policy.

8. Annually report back to the state archaeologist or his/her designee any changes to the state's collection condition or insurance policy changes, loan agreement status and any other tracking requirement methods adopted by the society and the office of the state archaeologist.
9. Properly maintain any State of Colorado property (shelving, cabinetry etc.) in its possession associated with the care of the state collection.
10. Maintain the collection within inert and acid-free storage or packaging.
11. With the exception of approved repatriation, not sell, transfer, assign, pledge, encumber, discard, or otherwise dispose of the state collection (or any part thereof) or any associated State of Colorado property in its possession without written and signed permission from the state archaeologist.
12. Have an established collections management policy and emergency management plan.
13. Within five calendar days of the discovery of any loss or theft of, deterioration or damage to, destruction of the state collection (or any part thereof), or any State of Colorado items of property used to support and care for a state collection in the museum's or curatorial repository's possession, 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 or his/her designee those actions taken to stabilize the collection, or State of Colorado Items or property, and to correct any deficiencies in the physical plant or operating procedures that may have contributed to the loss, theft, deterioration, damage, or destruction.
14. Other than routine, small and simple paleontological specimen or artifact mending repairs, any planned actions that involve major repair or restoration beyond basic re-attachment of the state collection (or any part thereof) or any other State of Colorado property associated with the state collection must be approved of in advance after consultation with the state archaeologist.
15. The society (in co-ordination with other reputable museums, nonprofit or governmental educational institutions) reserves the right to take custody of state collections in the care of an approved museum, curatorial repository, on-site agency or institution through a loan agreement for temporary exhibit purposes.

#### H. Approved Uses

1. Approved museums or curatorial repositories and the society may fully exhibit and charge reasonable nondiscriminatory admission fees, comparable to fees charged at similar facilities to view these items prepared for interpretive display (either for permanent, temporary or travelling exhibition purposes). Additionally, approved museums or curatorial repositories and the society may photograph 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. Physical reproduction of any state collection item(s) must be approved of in advance by the state archaeologist.
2. State paleontological resources curated at an approved museum or curatorial repository may be cleaned, treated, stabilized and prepared for research, exhibition or loan transportation purposes under standard professional best practices for natural history collections.

3. A held-in-trust state collection may be loaned out by an approved museum or curatorial repository to other institutions and organizations (including for temporary exhibition or study by the society) by securing a loan agreement between the other facilities provided notice of the arrangement is sent to the state archaeologist for tracking purposes. The director of the approved museum or curatorial repository is responsible for all loan transactions of state collections and for ensuring that appropriate and timely administration of the loans is conducted. Relocation inventories must be conducted and included as part of the written loan agreement. Other loan conditions must be addressed in the Collections Management Policy of the curatorial facility that is loaning the material. The loan and transportation of the state collection must be insured for liability purposes through securing a commercial fine art or other insurance policy or be adequately covered by governmental self insurance to fulfill any damage or loss incident. Collections that are not inventoried or cataloged shall not be loaned. Commercial use of loaned collections is prohibited without written consent from the society. Ancillary samples may be transported and analyzed without a formal loan agreement; however, the museum or curatorial repository will provide to the society two copies of any publications, reports, and other documents prepared by researchers studying ancillary samples.
4. 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).
5. Approved museums or curatorial repositories and the society may charge a competitive deposit fee for the collections and reasonable administrative processing fees for "curation" or similarly worded "intent-to-curate" agreements with permittees. Permitted researchers that deliver collections not according to the state archaeologist's current Submission Guidelines for State-Owned Archaeological Collections and these regulations may be subject to corrective hourly labor rate fees plus the cost of supplies by the state approved museum or curatorial repository.

~~Arrangements for study, or in-state exhibit, of items collected under state permit shall be made at the discretion of the approved museum.~~

2. ~~Approved museums have the right to refuse a potential permittee's request for a curation agreement, but shall honor existing agreements.~~

#### EJ. 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~~produced~~ as a result of work carried out under a permit issued under authority of this Act shall apply to the society through the state archaeologist for approval.
2. ~~The application shall be in the form of a letter, signed by the director of the institution with accompanying documentation to support the requirements listed in Section 9.D. The museum or curatorial repository shall fill out a Request to Serve as an Approved Museum or Curatorial Repository for Held-in-Trust Collections form, signed by the director of the institution and must evidence reputable status with any of the following credentials (or their equivalent successor museum program/designations):~~
  - 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. Received Core Documents Verification from the American Alliance of Museums within the last five years.
  - d. Received and maintain formal Accreditation status from the American Alliance of Museums.
  - e. Considered a designated Federal Repository for curating federally-owned and administered archaeological or paleontological collections under the requirements of Federal Regulations 36 CFR 79.
- 3. Provide proof to the state archaeologist of a fine art or other appropriate umbrella insurance policy that will adequately cover the care for the state collection from any one claim or aggregate claim arising from a damage or a loss incident. With the insurance policy documents, the society and the approved museum or curatorial repository should be shown as co-beneficiaries (or additionally insured).
  - a. If the museum or curatorial repository's collections are primarily owned or overseen by a Colorado governmental entity (considered a "public entity" within the meaning of the Colorado Governmental Immunity Act, CRS 24-10-101, et seq.), the museum or curatorial repository must indicate to the state archaeologist that they are self insured in lieu of the fine art or other umbrella insurance policy requirement stated above. If self insured, it is understood that the public entity of the approved museum or curatorial repository will ensure liability to the state collections under its care arising from a damage or a loss incident.
  - b. In the event of a loss incident, a liability assessment of the value of the collection shall be determined by mutual agreement with the society as the sum of the estimated current fair market value and the estimated costs of replacing the scientific and educational information from the lost artifacts or specimen. A determination of these replacement costs may include, but are not limited to: (a) research design development; (b) fieldwork; (c) laboratory analysis; (d) curation; (e) reports or educational materials; and (f) lost visitor services or experience. In some cases, it may be appropriate for the estimated cost of replacement value to be peer reviewed by archaeologists or paleontologists with appropriate expertise and with no conflicts of interest.
- 4. If the museum or the curatorial repository curates collections from permitted researchers outside of their approved institution, provide a copy of a "curation" or similarly worded "intent-to-curate" agreement for approval by the state archaeologist or his/her designee. The agreement form must clearly acknowledge that title to the artifacts or specimens as well as all associated reports, original field notes, maps, drawings, photographs etc., resulting from the investigations to be curated remains solely with the State of Colorado.
- 5. Approval of a museum or a curatorial repository shall be effective for a period of five years, after which time, the curatorial facility may apply for renewal through the procedures in this chapter.
- 6. The completed documentation shall be reviewed by the state archaeologist or his/her designee within 30 days of receipt. If clarification or additional information is requested by the society, the facility shall have 30 days to furnish the information required.

7. The museum or curatorial repository may discontinue accepting new collections from outside researchers by amending their agreement upon renewal to serve as an approved facility. Once approval of a museum or a curatorial repository has been granted however, the express trust arrangement with the State of Colorado continues and is perpetual for any of the existing collections under the institution's stewardship.

8. The society has sole discretion to approve or not approve a museum's or curatorial repository's application.

9. Approval may be withdrawn by the society through the state archaeologist if deficiencies in collections care and non-compliance to these regulations appear. Approval will be suspended or revoked in accordance with CRS 24-4-104.

10. 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.

11. For each deposited historical, prehistorical, archaeological or paleontological state collection, the approved museum or curatorial repository will sign and acknowledge an official deposit receipt form with a simple inventory list of items accepted for permanent curation by the facility, a copy of which will be forwarded to the state archaeologist or his/her designee.

~~3. The society has sole discretion to approve or not approve a museum's application.~~

#### J. Continuance of pre-approved museums and repositories

1. Previously approved non-expiring museums and curatorial repositories shall honor existing "intent to curate" or similarly worded executed curation agreements with third-party researchers (permittees) up to five years after the effective date of these revised rules unless individual contractual agreements expire within five years. Notice from an approved museum or curatorial repository for continuing the acceptance of collections from previously dated permittee agreements must be given to the state archaeologist of Colorado or his/her designee within 30 days after the expiration date for renewal of approved status. The notice shall be made through the *Request to Serve as an Approved Museum or Curatorial Repository for Held-in-Trust Collections* form and the museum or repository must list the number and names of all outstanding agreements along with their expiration dates. Extended approval of these previously approved museums or curatorial repositories shall then be made for a period of up to five years based on furthest dated agreement and shall not extend beyond five years following the effective date of these adopted and revised rules.

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 should nonetheless attempt to provide the highest possible level of care to the 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, previously approved non-renewing museums 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 plan for 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, curatorial repositories, on-site agencies, or institutions 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. Museums, curatorial repositories, on-site agencies, or institutions holding state collections should consider applying to the State and other funding sources for monetary assistance specifically to enhance the collections care of these held-in-trust state collections.
3. All museums, curatorial repositories, on-site agencies, or institutions should also consider contacting or consulting with approved regional state repositories that have made an agreement or participate in a formal workgroup with the society that assists other surrounding museums and repositories with their held-in-trust obligations.
4. Other sources of assistance that are available to approved museums are contracting or negotiating for use of current university museum studies students or trained museum professional consulting firms and utilizing trained volunteer members from established state nonprofit organizations such as the Colorado Archaeological Society or the Western Interior Paleontological Society.

L. Office of the state archaeologist support and mentoring

1. The office of the state archaeologist will provide guidance to current and previously approved museums, curatorial repositories, on-site agencies, or institutions related to the care of held-in-trust collections.
2. The office of the state archaeologist will coordinate management reporting needs of held-in-trust collections with approved museums, curatorial repositories, on-site agencies or institutions.
3. With available data, the office of the state archaeologist will link (PDF/A OCR) held-in-trust collection's inventories to the state's cultural resource database to aid researchers in locating collections.
4. University internship programs and volunteer training opportunities for state collections-care will be facilitated by the office of the state archaeologist.
5. The office of the state archaeologist will promote the study and public exhibition of held-in-trust collections to researchers and museum studies students whenever possible.
- ~~4. Museums may be inspected by the state archaeologist or his/her designee for the purpose of determining whether the requirements for approval are met.~~
- ~~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.~~

MF. 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 whose wording and format was approved by the state archaeologist or his/her designee as specified in Section I (4) of this chapter prior to collecting materials in the field.

2. Permittees ~~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 state archaeologist's current Submission Guidelines for State-Owned Archaeological Collections. All collections must be placed and delivered within inert and acid-free packaging.

3. The permittee is responsible for returning to the office of the state archaeologist a fully signed official state deposit receipt form by the approved museum, curatorial repository, on-site agency, or institution and the office of the state archaeologist of Colorado. The form must be accompanied by a simple inventory list of items accepted by the approved facility for permanent curation.

~~3. In accordance with the museum's instructions, permittees should include the following documentation with any collection submitted to an approved museum:~~

~~a. Copy of Colorado inventory form for site from which materials were collected;~~

~~b. Field notes or copies;~~

~~c. Photographs (negatives, prints, slides, etc.) and photographic log;~~

~~d. Analytical reports;~~

~~e. Description of field and laboratory cataloging system;~~

~~f. Complete catalogue of items submitted;~~

~~g. Letter specifying ownership of items submitted.~~

~~4. In accordance with museum instructions, the permittee also may submit documentation on microfilm, microfiche, computer printouts, transcripts, or tapes; copies of historic documents; bibliographic records; newspaper clippings and other miscellaneous published materials. The museum may determine which of these materials to retain.~~

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