



## Guidelines for the Disposition of Non-Curated State Collections From a Research Lab or a Museum/Repository

These guidelines establish procedures and administrative record requirements for the transfer or disposal only of select artifacts/fossils determined to be of insufficient archeological/paleontological interest and therefore “not curatable”. The guidelines are derived from amendments to 36 CFR 79 (2022) as adapted from the Federal collection disposition process. The artifacts/fossils that are the subject of these guidelines are managed at held in trust approved repositories or held temporarily by a research organization for the purposes of analysis and report writing. The procedures do not apply to entire collections, nor do they affect any material remains defined as “cultural items” or human remains by the Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 3001 et seq.) and subject to that statute. NAGPRA cultural items include Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony

### Avoid Disposition of Non-Curateable Items with Proper Planning

#### Agree to a Collection’s Strategy First

The permitted archaeologist/paleontologist should agree to a collection strategy initially before any testing or field collections are conducted. The permitted researcher or firm should have a contract or written agreement with the approved repository and agree to what will be collected and curated. All parties must make sure the repository can accommodate the anticipated needs. Some institutions may not have the ability to curate certain types of material so make sure this is understood and negotiated first. Other options may need to be explored. Strategies will be guided by the project’s research design, the scope of the project and the scale of the resource.

#### Collection Key Terms

**Ancillary samples** are defined as organic or inorganic specimens, other than human remains or artifacts, gathered for the purpose of analysis to provide information on past environments, diets, chronology, or material source areas. Ancillary samples may include, but are not limited to, charcoal, wood, soil, coprolites, and floral or faunal specimens. Such objects may be transported and analyzed without a formal loan agreement with the State-Approved repository, however, the museum or curatorial repository will provide to History Colorado two copies of any publications, reports, and other documents prepared by researchers studying the ancillary samples.

An **artifact** is a portable object made and/or used by humans in the past.

**Diagnostic artifacts** are artifacts that possess characteristics of a specific time period and/or culture. Artifacts that are **non-diagnostic** lack these characteristics.

**Fossil** means the remains or traces of an organism or assemblage of organisms preserved by natural processes in or on the earth’s crust, exclusive of organisms that have been buried in recent times.

**Paleontological resources** means fossils and other remains of prehistoric animals, plants, insects, and other objects of natural history within Colorado that do not show evidence of human association.

**Prehistoric** means before the period that written records were used to document events in Colorado.



**Principal Investigator** is defined as the permitted person qualified to lead a research investigation as defined in State rules 8 CCR 1504-7 (D1 or E1) or by accepted waiver to those qualifications.

As specified under the Act's rules and procedure (8 CCR 1504-7, Sec. 9(C) 2), ancillary samples (e.g. charcoal, wood, soil, coprolites, and small floral or small faunal specimens) once analyzed may be disposed of appropriately however it may be advisable to retain a small sample of non-analyzed ancillary materials for future study following the rationale and procedure described in section 2 iii below.

### **Who May Propose the Disposal of Artifacts/Fossils?**

Current State-Approved repositories professionally trained staff (conservators, curators, directors, collection managers) and the Principal Investigators (P.I) from current permitted organizations or individuals with verifiable knowledge, working under the oversight of a Principal Investigator (P.I.).

### **Who is Responsible for the Disposal of Artifacts/Fossils?**

The State-Approved director or top management official is responsible for ensuring that particular artifacts/fossil are properly disposed of according to these guidelines.

### **When are Particular Material Remains Considered to be Non-Curateable?**

Particular material remains are considered to be of insufficient interest and "non-curateable" when, on a case-by-case basis by at least one qualified permitted archeologist/paleontologist (P.I.) and one museum/repository official with experience in the type of material remains being evaluated and documented demonstrates that:

(1) Disposition of the non-diagnostic material remains or fossils will not negatively impact the overall integrity of the original collection recovered during the survey, excavation, or other study of a paleontological, prehistoric or historic resource; and

(2) At least one of the following three requirements—lack of provenience information; lack of physical integrity; or overly redundant and not useful for research—are met:

(i) Lack of provenience (locational information on where the artifacts/fossils were found). Lack of provenience information may be established by one or more of the following circumstances:

(A) The labels on the artifacts/fossils or the labels on the containers that hold the artifacts/fossils do not provide adequate information to reliably establish meaningful archeological/paleontological context for the artifacts/fossils;

(B) The labels on the artifacts/fossils or the labels on the containers that hold the artifacts/fossils have been lost or destroyed over time and cannot be reconstructed through the associated records; or

(C) The associated records of the artifacts/fossils have been lost or destroyed and cannot be recovered after a concerted effort to find them is performed and documented.

(ii) Lack of physical integrity. Artifacts/fossils lack physical integrity when, subsequent to recovery during the survey, excavation, or other study of a paleontological, prehistoric or historic resource, the artifacts/fossils were irreparably damaged through decay or decomposition over time, or as a result of a human-caused incident or a natural disaster.



(iii) Overly redundant and not useful for research. Disposition using this criteria must be carefully considered. It is defined as duplicated artifacts or fossils in such high quantities that the number of artifacts or fossils considered for disposition would not harm the intellectual knowledge lost by retaining a smaller representative sample of the whole population or larger set.

**Please note: A determination that artifacts/fossils are overly redundant, non-diagnostic and not useful for research must be carefully considered. Archeological/Paleontological context, research questions, and research potential may vary based on geography, geology, cultural period, scientific or cultural significance, prior analysis, and other factors. It is often difficult to predict if future analytical methods will yield useful information about the material remains proposed for disposal or transfer. As such, a representative sample of the artifacts/fossils useful for future research should be retained for curation.**

The artifacts or fossils are then either approved or denied for disposal or transfer by the State Historical Society of Colorado's (i.e. History Colorado's) President and Board of Directors acting through the State Archaeologist.

### **Bulk Samples in the Lab from the Field**

Bulk sample non-diagnostic redundant artifacts/fossils may be considered to be of insufficient interest when, on a case-by-case basis the permitted principal investigator can document the above listed criteria are met.

### **Manner of Transfer or Disposal**

Always follow and explore this order of options when considering transfer or disposition of non-diagnostic material:

1. *Transfer to another non-profit educational/cultural organization, Indian tribe or governmental agency.*
2. *Other entity donation (name and organization). There must be a public benefit.*
3. *Destruction (final choice only; describe the method and how all other options have been exhausted).*

### **Administrative Record of the Disposition Required**

After the approved repository and the permitted principal investigator has made a recommendation of disposition, the principal investigator and the repository representative must document this determination. The State-Approved repository must retain an administrative record of all disposition actions for a minimum of one hundred years.

The administrative record must document the rationale for the disposition. Paleontological collections that are too fragmented to determine an identifiable element (i.e. femur, shell etc.) by consensus with a principal investigator and the repository can be disposed of if all other options have been considered.

The disposition action should include specific information (such as):

- a description and evaluation of the non-diagnostic objects;
- the method of disposition and the reason for the method chosen;
- names and titles of persons initiating and approving the disposition;
- date of the disposition;



- relevant field or catalog numbers (if assigned);
- evidence of the receipt for the return, transfer, or conveyance of the material remains by the recipient tribe, agency, repository, or institution, including the title to the received material remains, (if applicable);
- photographic documentation, (as appropriate);
- and the name and location of the recipient institution or entity, (if applicable);

The administrative record must be included with the collection's deposited associated records (e.g. field notes and final report). If a sample is to be retained for future studies, a description of the samples must be listed as part of the full collection inventory.

After disposition, the accession and catalog records must be reviewed and amended through a procedure established by the approved repository. The amendments must identify the artifacts/fossils that were deaccessioned and disposed of, the date of disposition, and the manner in which they were disposed.

### **Form and State Archaeologist's Approval Required**

The repository director or top management official and the qualified permitted principal investigator (archeologist/paleontologist) must fill out and sign a "Disposal of Non-Curated State Collections Form (#1661)" to be forwarded and signed by the State Archaeologist acting on behalf of the State Historical Society's (i.e. History Colorado's) President and Board of Directors to document the approval of the transfer or disposal action. The signed and completed form must be forwarded the State Curation Coordinator for tracking purposes.

### **Transfer of Non-Curated Collections Receipt Form**

If after completing the "Disposal of Non-Curated State Collections Form" and the artifacts or fossils will be transferred to a non-profit educational/cultural organization, Indian tribe or governmental agency or other entity with a demonstrable public benefit, the "Transfer Receipt Form (#1662)" must be completed. The signed and completed form must be forwarded the State Curation Coordinator for tracking purposes.

### **Items for Repatriation or Re-burial**

All items designated for repatriation or reburial under Federal Law 101-601 (Native American Graves Protection and Repatriation Act, 25 USC section 3001 et seq. [NAGPRA]) or in compliance with State statute C.R.S.24-80-1301 (Unmarked Human Graves) and Section 13 of the State Rules and Procedures 8 CCR 1504-7 must first be reported and approved by the State Archaeologist.



### Notes on non-repatriated artifacts/fossils for re-burial consideration

As a matter of general policy the Office of the State Archaeologist objects to the practice of artifact re-burial. Under State law C.R.S .24-80-401-411, archaeological and paleontological resources that are excavated or removed from non-Federal public lands remain the property of the State of Colorado and such resources as well as copies of associated records and data must be preserved at a museum or an on-site repository unless approved by the State Archaeologist. Re-burial without proper documentation may disturb the existing context of a site or create problematic deposits for future researchers.

Furthermore, according to the Colorado Council of Professional Archaeologists and the Register of Professional Archaeologists Standards of Research Performance, *a research archaeologist must ensure that specimens and research records resulting from a project must be deposited with an organization with permanent and adequate curatorial facilities, and which permits access by qualified researchers* (CCPA V, RPA Sec. V). Likewise one ethical principle of the Society for American Archaeology states that *archaeologists should work actively for the preservation of, and long term access to, archaeological collections, records, and reports* (SAA Principle of Archaeological Ethics #7) The Society for Historical Archaeology also states that *archaeologists must see that materials are appropriately curated for future generations* (SHA Principle #4). Reburial of State artifacts or fossils therefore without express approval by the State Archaeologist is unlawful and may violate professional ethical principles.