



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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To: All CA Field Offices, All CA Field Managers

From: Deputy State Director, Resources

Subject: Clarification of Bureau of Land Management-California Responsibilities for Museum Collections

The purpose of this Information Bulletin is to clarify the requirements and conditions for the authorized professional care and management of Bureau of Land Management (BLM)-California museum collections.

### Background

Museum collections objects such as archaeological, paleontological and historic materials are the property of the owner of the land at the time of excavation or collection. Millions of museum collections materials that originated on BLM-California lands in the past were, and still are, housed in professional collections facilities throughout California. In addition, the management of vast acres in California and Nevada, create the constant potential for the discovery of new collections for BLM. As authorized under law, regulation and policy, Bureau collections must be deposited in an established professional repository that can provide adequate long term care, otherwise known as curation or curatorial services, and whose mission is to house, preserve, document, research, interpret, and exhibit the material in trust for present and future generations. Museum collections from federal lands are held in trust for all Americans.

### Museum Collections Repository Requirements

Repositories that hold BLM collections may be federal or non-federal. Non-federal repositories may be an established; museum, university department, university laboratory, university museum, tribal museum, historical society, state cultural repository or state geological survey. Standards to determine if a repository possesses the capability to provide adequate curatorial services may be found in 36 CFR 79.9 and in *Checklist for Preservation, Protection and Documentation of Museum Property*, DM 411. Accreditation by the American Association of Museums is indicative of high professional standing. However, as the process requires significant time and resources, not all repositories can or will apply for accreditation and it

would not be applicable to laboratories or university departments. Many repositories have a *Facilities Report* that provides information by which to judge the capabilities of the repository.

#### Unacceptable Policies or Conditions

No BLM-California collection may be curated at a facility that has collections policies or conditions that are inconsistent with federal law and authority. The Agency has no authority to follow such requirements. Such requirements would also create unnecessary and unauthorized workloads and open BLM/permittees to unreasonable/unauthorized delays and/or litigation. No California-BLM Cultural Resources Use Permit can be issued if the curation facility named in the permit has unacceptable policies or conditions.

*Permission* - No collections may be deposited at a repository that requires BLM (or Permittee working on BLM land) to inform and/or receive permission from any group or individual, including tribes, before the repository will accept the collection. BLM cannot accept such preconditions as the Agency is the manager of the collections which are a federal resource. No federal agency may assign, grant, transfer, contract or abrogate the agency's responsibility for management decisions relating to federal lands or resources. Responsibility for the federal resources resides with the agency and curation in a private facility is only a limited administrative function which BLM may authorize.

*Restricted Use or Access* - No collection may be deposited at a repository that restricts appropriate professional use of, or access to, collections, or portions of collections, to any race, sex, age, creed, color, sexual orientation, profession, group affiliation, or physiological state, as it would violate civil rights laws and restrict the mission of federal collections.

#### Donations of Museum Collections to BLM-California

*Museum Collections from Non-BLM-Lands* - No donations of collections which originated from non-BLM lands are acceptable as museum collections carry extensive fiscal and management burdens. Perspective donors should be encouraged to donate collections to a local museum, historical society, college, or university.

*Museum Collections from BLM Lands* - Collections which originated from BLM administered lands cannot be "donated" as ownership of any materials originating on Public Lands rests solely with BLM. Returns to BLM of collections asserted to have originated on Agency lands may only be accepted if there is clear documented provenience and the material can be extensively documented to have originated on BLM administered lands.

*NAGPRA Materials* - No donation of any NAGPRA materials originating from non-BLM administered lands are acceptable. These materials are the property of the land owner, very sensitive, subject to specific legal obligations, and carry with them extensive responsibilities for determining future disposition. Returns of NAGPRA materials from BLM lands may be accepted only if there is clear documented provenience and the material can be extensively documented to have originated from BLM administered lands.

If you have questions regarding this issue, please contact Stephanie Damadio, Senior Program Analyst-Heritage, at [sdamadio@blm.gov](mailto:sdamadio@blm.gov) or (916) 978-4650.

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