

**FISH AND WILDLIFE SERVICE
LIBRARY AND MUSEUM SERVICES**

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OVERVIEW

1.1 What is the purpose of this chapter? This chapter:

- A.** Establishes policy and standards that ensure proper management of the U.S. Fish and Wildlife Service's (Service) museum property consistent with Federal laws, regulations, and Department of the Interior (Department) policy; and
- B.** Provides the authorities, definitions of terms, and responsibilities for this chapter and 126 FW 2, Museum Property Management.

1.2 What are the Service's objectives for the chapters in Part 126? Our objectives are to:

- A.** Provide guidance for employees to determine if they should consider an item as museum property (museum property is a category of personal property that we track in a different way than we do other categories of personal property that we manage (see 310 FW 1));
- B.** Ensure protection and conservation of museum property collections to preserve important cultural, historic, scientific, or artistic integrity;
- C.** Ensure that the management activities associated with museum property, such as those related to accountability and documentation, are consistent with Departmental and Service standards;
- D.** Establish Service standards for preserving and protecting museum property; and

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E. Deliver increased opportunities for interpretation and public and professional access to, and use of, museum property.

1.3. What is the scope of Part 126? The policies in Part 126 apply to:

- A.** All Service duty stations that house and are responsible for museum property, and
- B.** All museum property collections, regardless of whether they are in the possession of Service duty stations, on loan to other institutions, or being held for the Service by non-Federal repositories.

AUTHORITIES AND TERMS

1.4 What are the authorities for this chapter and 126 FW 2?

- A.** Alaska National Interest Lands Conservation Act (Public Law 96-487).
- B.** Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*).
- C.** American Indian Religious Freedom Act (Public Law 95-341).
- D.** Antiquities Act of 1906 (16 U.S.C. 431-433).
- E.** Archaeological Resources Protection Act of 1979 (ARPA), as amended (16 U.S.C. 470aa-mm).
- F.** Curation of Federally Owned and Administered Archeological Collections (36 CFR Part 79).
- G.** Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 524).
- H.** Federal Records Act of 1950, as amended (“Records Management by Federal Agencies” [44 U.S.C. 3101 *et seq.*]).
- I.** Interior Property Management Directives Supplement to the Federal Property Management Regulations (FPMR) (41 CFR Part 101).
- J.** National Historic Preservation Act of 1966 (NHPA), as amended (16 U.S.C. 470).
- K.** The National Wildlife Refuge System, Prohibited Acts, Disturbing Violations: Against Plants and Animals and Non-Wildlife Property (50 CFR Part 27, Subparts E and F).
- L.** National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-668ee).
- M.** Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 U.S.C. 3001 *et seq.*).
- N.** NAGPRA Regulations (43 CFR Part 10).

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- O. Paleontological Resources Preservation Act (PRPA) of 2009 (Public Law 111-011).
- P. Preservation of American Antiquities (43 CFR Part 3).
- Q. Protection of Archaeological Resources (43 CFR Part 7).
- R. Reservoir Salvage Act of 1960, as amended (16 U.S.C. 469-469c-2).
- S. Seizure and Forfeiture Procedures (50 CFR Part 12).
- T. The *Statement of Federal Financial Accounting Standards* (SFFAS) by the Federal Accounting Standards Advisory Board, specifically:
 - (1) SFFAS No. 6 – Accounting for Property, Plant, and Equipment (PP&E);
 - (2) SFFAS No. 8 – Supplementary Stewardship Reporting;
 - (3) SFFAS No. 14 – Amendments to Deferred Maintenance Reporting (amends SFFAS 6 and 8); and
 - (4) SFFAS No. 29 – Heritage Assets and Stewardship Land.
- U. 410 Departmental Manual (DM) 1 and 2, Personal Property Management.
- V. 411 DM 1, Policy and Responsibilities for Managing Museum Property, Volumes 1 and II, and [Accompanying Directives 1 - 32](#).

1.5 What terms do you need to know to understand this chapter and 126 FW 2? See Exhibit 1 for a glossary of terms we use in this chapter and 126 FW 2.

OWNERSHIP AND USE OF MUSEUM COLLECTIONS

1.6 How does the Service end up owning museum property?

A. We own museum property for a variety of reasons, and it comes to us in many ways, each of which we describe below.

(1) Recovered. We acquire museum property through legally mandated activity on lands we own. For example, the Service owns all objects, field data, analytical data, associated records (including photographs), and electronic/magnetic media collected or created under an NHPA undertaking; ARPA, PRPA, or Antiquities Act permit; or Special Use Permit (SUP) on Service-owned lands.

(2) Recovered through federally funded NHPA undertakings on non-Service lands. If Service-required NHPA undertakings generate any collections that meet the definition of museum

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property, the materials remain the property of the non-Service landowner unless we develop an agreement with him/her that specifies the disposition of any such materials.

(3) Acquisitions. This is property we generate, purchase, or acquire as mission-related. Acquisitions include such things as historical items that originated as part of a duty station's day-to-day operations and now qualify as museum property, or collections that come into our possession through stipulations in an agreement as part of a land acquisition.

(4) Donations. These are items that an outside party gives us that meet a duty station's or Region's Scope of Collection statement. The Service accepts donations of personal property and museum property under certain circumstances (see 16 U.S.C. 470w-2(a) and 212 FW 8).

(5) Seizure. These are items we recover from the unlawful activities of others and are not considered museum property unless they meet the definition. The point of contact for these materials should examine the objects in consultation with their Regional Historic Preservation Officer (RHPO) or the National Curator to determine if they meet the definition of museum property. The Service may then either retain them as part of a working collection (see *Departmental Directive 1, Introduction to Managing Museum Collections (Museum Property)*) or accession them as museum property. Any items that do not meet the definition of museum property should be managed according to [50 CFR 12, Subpart D](#),

B. All Service museum property we own must have a Service accession number.

1.7 What museum property may the Service own, but not manage?

A. Other Federal agency action. We do not automatically manage collections recovered from Service lands that were generated by another Federal agency's action. There must be an agreement between us and the other agency (set in place before the agency takes action) that states who manages any generated collections. For example, if another agency conducted an archaeological investigation that included a portion of Service lands, any objects recovered from those investigations would fall to the other agency to manage if that was what was in the agreement.

B. Pre-dating Service ownership. Collections generated before we establish a duty station remain in the possession and ownership of the previous landowner unless there is an agreement stating otherwise or a legislative requirement specifically stating that the Service holds and owns the collections.

1.8 How does the Service use museum property? We must make collections or individual museum objects available for scientific, cultural, educational, and religious use if we can do so and still protect and preserve the condition, research potential, religious or sacred importance, and uniqueness of the object or collection. The Service must ensure that archaeological collections are kept in compliance with 36 CFR 79.10.

1.9 What does the Service manage as museum property? We identify museum property, which we sometimes refer to as heritage assets, within the context of legal requirements, the Service's and duty station's mission and management objectives, and the duty station's Scope of

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Collection statement (see Exhibit 1 to 126 FW 2). Although a duty station may not have a museum, it may still be responsible for property that meets the definition and characteristics of museum property. Museum property includes accessioned collections of archaeological objects; ethnographic, biological, geological, paleontological, and historical objects or specimens; art; archives; and any records associated with these collections. It may also include materials subject to NAGPRA. Un-accessioned materials must be reviewed to determine if they meet the ownership definition of museum property, and any that do should be accessioned as soon as resources allow. Following are descriptions of the types of museum property the Service manages:

A. Archaeological objects result from systematic archaeological compliance investigation, research, or permitted activity on Service lands or from Service projects on other lands.

(1) We are required by law to curate archaeological collections removed from Federal lands.

(2) We must retain all associated records related to archaeological collections as part of the collection.

B. Ethnographic objects are those objects associated with cultural or traditional life-ways of Native Americans and other indigenous or ethnic groups. Examples include basketry, pottery, rugs, jewelry, and other cultural items.

C. Art includes, but is not limited to, such items as paintings, prints, drawings, wildlife mounts (used for artistic purposes), sculpture, and tapestries. It is considered museum property if it:

(1) Is associated with an eminent Service (or predecessor agency) employee, or is commissioned or purchased by or donated to the Service from a notable artist or taxidermist;

(2) Is a limited edition or rare print;

(3) Is associated with or commemorates an important Service event or program; or

(4) Commemorates or is used to interpret an extinct, endangered, or threatened species.

D. Archives include commissioned photographs; correspondence or documents related to Service programs or lands; diaries, books, manuals, maps, or other similar documents associated with an important event or person in Service history; audio recordings; and visual images. Archives may be in hard copy or electronic format and may also include associated records.

(1) Associated records are documentation (original records or copies) generated by archeological investigations (see 36 CFR 79.4) or paleontological work (see PRPA and its regulations) that are, or subsequently may be, designated as museum property.

(2) Associated records are comprised of:

(a) Records relating to the identification, evaluation, documentation, study, or preservation of a resource (e.g., site forms, field notes, drawings, maps, photographs, slides, negatives,

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films, video or audio cassette tapes, digital video discs, oral histories, artifact inventories, laboratory reports, manuscripts);

(b) Records relating to the identification of a resource using remote sensing methods and equipment (e.g., satellite and aerial photography and imagery, side scan sonar, magnetometers, sub-bottom profilers, radar, fathometers);

(c) Public records essential to understanding the resource (e.g., deeds; survey plats; military and census records; birth, marriage, and death certificates; immigration and naturalization papers; tax forms; reports);

(d) Other records essential to understanding the resource (e.g., historical maps, drawings and photographs, manuscripts, architectural and landscape plans, correspondence, diaries, ledgers, catalogs, receipts); and

(e) Administrative records relating to the survey, excavation, or other study of the resource (e.g., scopes of work, requests for proposals, research proposals, contracts, permits, reports, documents relating to compliance with section 106 of the NHPA, National Register of Historic Places nomination forms, and determination of eligibility documentation).

E. Historical objects are related to the history of the Service and its predecessor agencies, the history of its lands and facilities, or management functions and programs. These may include, but are not limited to, well-preserved or representative examples of early scientific equipment or tools, uniforms, boundary signs, books autographed by or belonging to Service employees or other individuals, historic or museum firearms, waterfowl decoys, furniture, collections of materials associated directly with historic sites on Service lands, or scale-models of agency structures.

F. Biological objects and specimens are those items relevant to Service mission functions. These materials may include, but are not limited to, herbaria, animal specimens or animal parts, and taxidermy mounts.

G. Geological objects and specimens include geophysical specimens, soil, and core samples. Duty stations may maintain them to document landforms or to support engineering or other studies.

H. Paleontological objects and specimens include vertebrate and invertebrate fossils. We are required by law to curate paleontological collections removed from Federal lands.

1.10 What type of property is not considered museum property? The following types of materials are not generally subject to the standards and policies of Part 126:

A. Official records, as defined by the National Archives and Records Administration in 44 U.S.C. 3301. These are "...all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations

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or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included."

B. Museum records. These are official records that are created to manage museum property (e.g., accession, deaccession, catalog, loan, and inventory records). These records must be permanently retained, but are not considered museum property.

C. Books (e.g., library reference textbooks, journals, and magazines).

D. Commercially, mass-produced posters or reprints.

E. Working collection specimens and samples. These specimens/samples are consumed in analysis or can be readily replaced. They also may include reference or working collections used for ongoing research that have not been processed or prepared to museum-quality standards for long-term preservation, and they are discarded when the project is complete. Samples and specimens that do not appreciate in value and that are not rare or of public interest are not museum property and are discarded when no longer needed. Items in working collections should be periodically evaluated to determine if their status has changed and should be accessioned and cataloged as museum property, as required (see *Departmental Directive 1, Introduction to Managing Museum Collections (Museum Property)*).

F. Teaching, outreach, and interpretive objects that are expendable.

G. Mounts that have no scientific, historic, or long-term interpretive value.

H. Exhibit cases, dioramas, special lighting, and graphics needed to display museum property.

I. Seized or forfeited objects that are defined and covered by the procedures in 50 CFR 12, Subparts A-C and that do not meet the definition of museum property.

J. Materials without a Service-assigned accession number or un-accessioned items that do not meet the Statement of Collection for a particular duty station, that lack any kind of clear connection to the Service, and where there is not enough information to establish Service title. Such collections may contain materials that could qualify as museum property if a subject matter expert determines how the Service is connected to the materials (see section 1.6).

K. Service-accessioned materials erroneously assigned an accession number or that have been accessioned based on the review of an outside entity (e.g., university or museum) that lacks any authority to accession on behalf of the agency.

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NAGPRA COLLECTIONS

1.11 What should managers and employees understand about NAGPRA collections?

A. NAGPRA collections are subsets of archeological or ethnographic collections that have special designation under the law. These cultural items include:

(1) *Native American human remains.*

(2) *Funerary objects*—objects that are part of the death rite or ceremony of a culture and are reasonably believed to have been intentionally placed with individual human remains either at the time of death or later with or near the individual human remains. Funerary objects can be associated (when found with human remains) or unassociated (when they become separated from human remains).

(3) *Sacred objects*—specific ceremonial objects that traditional Native American religious leaders need to practice a traditional Native American religion.

(4) *Objects of cultural patrimony*—objects having ongoing historical, traditional, or cultural importance central to a Native American group. Such objects are considered ‘inalienable’ or non-transferable by anyone, including members of the particular Native American, Native Alaskan, or Native Hawaiian group.

B. We must safeguard any NAGPRA items we control to the applicable standards established in 36 CFR Part 79, 43 CFR Part 10, and [411 DM 1](#) until the items undergo a NAGPRA review and subsequent disposition.

C. NAGPRA items can come into our possession through various means, but typically as one of the following:

(1) *Archaeological materials* (through recent or past investigations or permitted activities). These are museum property and must remain so until a subject matter expert can review them and determine whether or not they are NAGPRA-related. If they are NAGPRA-related, we must follow the NAGPRA review process in 43 CFR Part 10.

(2) *Law enforcement objects* (not considered museum property and not accessioned). We must hold these until a subject matter expert follows the NAGPRA review process and determines whether or not they are NAGPRA-related. If the review determines they are not NAGPRA items, follow the disposition process in 50 CFR 12. If they are NAGPRA items and are not repatriated, they must be accessioned, considered controlled museum property, and we must safeguard them as required.

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RESPONSIBILITIES

1.12 Who is responsible for museum property management? See Table 1-1.

Table 1-1: Responsibilities for museum property management

These employees...	Are responsible for...
A. The Director	<p>(1) Ensuring the Service has an adequate program in place to effectively manage museum property, and</p> <p>(2) Informing officials of their responsibilities for overseeing museum property by approving Service-wide policy on the subject.</p>
B. The Chief – National Wildlife Refuge System (NWRS)	<p>(1) Serving as the Service's Museum Property Management Officer and Headquarters (HQ) Museum Property Administrator;</p> <p>(2) Overseeing the museum program to ensure Service-wide compliance with Federal requirements;</p> <p>(3) Appointing a National Curator with the appropriate experience, training, and knowledge to coordinate the Service's museum property program;</p> <p>(4) Reviewing Service-wide museum property management documents and data requirements; and</p> <p>(5) Representing the Service on the Department's Museum Property Executive Program Committee.</p>
C. Regional Directors	<p>(1) Serving as the Accountable Property Officer for museum collections in his/her Region, and</p> <p>(2) Appointing subject matter experts who have the knowledge necessary to help with management of museum property that the duty stations maintain.</p>
D. Service National Curator	<p>(1) Serving as the Service's subject matter expert for museum property;</p> <p>(2) Evaluating and updating existing policies, programs, standards, and guidance related to the management, preservation, and use of the Service's museum property;</p> <p>(3) Maintaining a comprehensive knowledge of the scope and breadth of the Service's museum collections and keeping documentation on them;</p> <p>(4) Serving as the senior program contact for museum property-</p>

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These employees...	Are responsible for...
	<p>related audits and reviews;</p> <p>(5) Evaluating the performance and condition of Service and non-Service facilities and repositories housing museum property and implementing corrective actions to address deficiencies, as practicable;</p> <p>(6) Providing the Department with information on Service activities that pertain to the acquisition, documentation, preservation, and use of museum property;</p> <p>(7) Developing and coordinating partnerships with Federal, state, tribal, and local organizations and facilities, as applicable;</p> <p>(8) Meeting the Department’s Standards for Archaeology and Historic Preservation; and</p> <p>(9) Working with the Deputy Federal Preservation Officer to fully integrate museum property as a component of the Service’s cultural resource program.</p>
E. Regional Historic Preservation Officers (RHPOs)	<p>(1) Serving as the primary museum property subject matter expert for the Region,</p> <p>(2) Ensuring that duty stations maintain museum property consistent with this chapter and 126 FW 2 when tracking and reporting archaeological and NAGPRA collections within the Region,</p> <p>(3) Providing expertise for archaeological collections management and seeking other experts when necessary,</p> <p>(4) Responding to data calls from the National Curator, and</p> <p>(5) Meeting the Department’s Standards for Archaeology and Historic Preservation.</p>

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These employees...	Are responsible for...
F. Project Leaders	<p>(1) Serving as the Custodial Property Officer for museum property at their duty stations;</p> <p>(2) Ensuring that accountability records are developed and maintained, including inventory records, to provide effective control of the duty station's museum property;</p> <p>(3) Completing and implementing, as appropriate, museum property management documentation and plans at the duty station level;</p> <p>(4) Ensuring that museum property is managed according to Departmental and Service policies and standards;</p> <p>(5) Consulting and seeking the advice of their RHPO or the National Curator on activities involving the management, preservation, and use of museum property; and</p> <p>(6) Completing and submitting an annual museum property inventory to their RHPO or to the National Curator to verify the presence and condition of museum property collections.</p>
G. Duty Station Curatorial Staff	<p>(1) Assisting the Project Leader, RHPO, and National Curator with museum property reporting;</p> <p>(2) Providing technical expertise to duty stations, as needed;</p> <p>(3) Using the Interior Collections Management System for collections tracking and reporting; and</p> <p>(4) Developing in-house procedures for museum property management and care that conform to applicable Departmental standards.</p>

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

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