

DEPARTMENT OF STATE
DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
900 Division of Historical and Cultural Affairs

902 Curation Fee For Archaeological Collections

1.0 Introduction

- 1.1 The Division of Historical and Cultural Affairs is responsible for the curation of Delaware's archaeological collections. These collections are generated through federally-mandated regulation, municipal directive, and by professional, semi-professional, and avocational endeavors within the State. Archaeological collections are regarded as an irreplaceable, non-renewable resource.
- 1.2 Most new archaeological collections are accessioned into Delaware's qualified repositories as a result of investigations conducted for compliance with provisions of the National Historic Preservation Act of 1966 and as amended in Title 54 United States Code, Subtitle III - National Preservation Programs, Division A - Historic Preservation (54 USC §§306108, 306101) governing federal and federally-assisted construction projects.
- 1.3 To care for Delaware's pre-existing and future archaeological collections, the Division adheres to modern professional practices and collections standards. Foremost of these are the federal regulations defined in Title 36 CFR Part 79, Curation of Federally-Owned and Administered Archaeological Collections. These regulations provide for methods to fund curatorial services (36 CFR §79.7) and specify, in general, that charging costs for curatorial activities is a reasonable means of funding the long-term care of collections.
- 1.4 The Division will charge, collect, retain, and use the fee for the long-term preservation, care, and management of pre-existing and future State-owned archaeological collections.

2.0 Statutory Authority

- 2.1 These regulations are created pursuant to 7 **Del.C.** §5302 which authorizes the Division, with the approval of the Department of State, to promulgate regulations as it deems necessary for the effective execution of its purposes under the chapter, Archaeological Resources in the State.
- 2.2 7 **Del.C.** Ch. 53 defines the Department's duties relative to archaeology in the State.
- 2.3 29 **Del.C.** §8705 delegates the Department's responsibility for 7 **Del.C.** Ch. 53, thus relating archaeological resources and activities in the State to the Division.
- 2.4 7 **Del.C.** §5310 defines the Division as a qualified repository for the State's archaeological collections.

3.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Archaeological artifact(s)" means man-made objects, such as, but not limited to, fragments of glass and ceramic vessels or stone tools, found on archaeological sites, and providing information on the function and time period of a site.

"Archaeological collection(s)" means the objects, material remains, and artifacts recovered from an archaeological context, along with the associated documents, that are curated by the Division. These collections document the pre-history, history, and material culture of the people of Delaware.

"Archaeological investigation" means any surface collection, subsurface tests, excavation, or other activity that result in the disturbance, removal, or collection of archaeological resources.

"Archaeological resource" means any artifact or material remains of past human life or activities which are at least 50 years old and are of archaeological interest, including but not limited to pottery, basketry, whole or fragmentary tools, implements, containers, weapons, weapon projectiles, by-products resulting from manufacture or use of man-made or natural materials, surface or subsurface structures or portions thereof, earthworks, fortifications, ceremonial structures or objects, cooking pits, refuse pits, hearths, kilns, post molds, middens, and shipwrecks; the site, location, or context in which such artifacts or material remains are situated; and any portion or piece of any of the foregoing.

"Associated documents" means the original paper, photographic, and digital records generated in the evaluation, testing, excavation, mapping, analysis, synthesis, and reporting on an archaeological investigation.

DEPARTMENT OF STATE
DELAWARE ADMINISTRATIVE CODE

"Cultural resource management firms" means private companies that are hired by various clients to perform professional archaeological services.

"Curated" or **"Curation"** means the long-term preservation, care, and management of a collection according to professional standards.

"Data recovery" means an archaeological treatment of a threatened site involving the detailed excavation and analysis of a National Register-listed or eligible site, based on a research design developed as a result of an evaluation-level survey.

"Department" means the Department of State.

"Director" means the Director of the Division of Historical and Cultural Affairs of the Department of State.

"Division" means the Division of Historical and Cultural Affairs of the Department of State.

"Evaluation-level survey" means an investigation to determine the eligibility of an archaeological site or property for listing in the National Register of Historic Places.

"Fee" means a monetary amount, based on the specified rates, to be charged for the curation of archaeological collections at the Division's qualified repository; as well as the total revenue generated by these charges.

"Flat" means a box container (measuring 20 by 20 by 3 inches) made of archival-quality plastic or acid-free cardboard used in the curation of archaeological artifacts.

"Half-standard box" means a box container (measuring 6 by 15 by 10 inches) made of archival-quality plastic or acid-free cardboard used in the curation of associated documents.

"Identification-level survey" means an investigation to locate and identify archaeological sites. This level of investigation provides a preliminary assessment of a site's integrity, horizontal boundaries, and possibly, its data potential.

"Oversized artifact" means an artifact that does not fit into a flat or standard box due to its size or weight.

"Qualified repositories" means the University of Delaware and the Division of Historical and Cultural Affairs, which are designated as properly qualified repositories within the meaning of 7 **Del.C.** Ch. 53.

"Specialized storage" means curating an artifact in a location or environment that is different than the general artifact collection.

"Standard box" means a box container (measuring 12 by 15 by 10 inches) made of archival-quality plastic or acid-free cardboard used in the curation of archaeological artifacts and associated documents.

4.0 Fee for Curation of Archaeological Collections

4.1 Applicability.

- 4.1.1 Federal agencies and state agencies, acting on behalf of the federal government, which recover archaeological artifacts and create associated documents through an archaeological investigation in the State, will be charged a fee.
- 4.1.2 State agencies, municipalities, universities, colleges, schools, museums, historical societies, for-profit, non-profit, semi-professional, and avocational, organizations or companies, which recover archaeological artifacts and create associated documents through an archaeological investigation in the State, will be charged a fee.
- 4.1.3 Individuals and cultural resource management firms, acting on behalf of an individual, organization, or company, which recover archaeological artifacts and create associated documents through an archaeological investigation in the State, will be charged a fee.
- 4.1.4 Individuals that seek to donate archaeological artifacts and associated documents collected in the State through curiosity or hobby, will not be charged a fee.

4.2 Pro-rating and waiving of fee.

- 4.2.1 The Division Director may pro-rate or waive the fee, with approval of the State Collections Committee.
- 4.2.2 A written request must be submitted to the Division Director for consideration to pro-rate or waive the fee.

4.3 Rates to be charged.

- 4.3.1 The rate per flat or standard box of archaeological artifacts, full or partially full, is \$350.
- 4.3.2 The rate per standard box of associated documents is \$400.
- 4.3.3 The rate per half-standard box of associated documents is \$200.
- 4.3.4 The rate per oversized archaeological artifact or per archaeological artifact requiring specialized storage is \$500.

4.4 Fee Increase.

4.4.1 Fee rates will increase by 5% every five years from the effective date, but are not to exceed \$1000.

5.0 Implementation of Fee

5.1 Effective date.

5.1.1 This fee schedule is to take effect on July 1, 2018.

5.1.2 This fee shall not apply to archaeological collections derived from investigations for which the associated phase of fieldwork (identification-level survey, evaluation-level survey, or data recovery) started prior to the effective date.

6.0 Responsibility, Collection, and Use of Fee

6.1 Responsibility for paying the fee.

6.1.1 The agency, organization, company, or individual (as referenced in subsection 4.1 of this regulation) that is submitting the archaeological collection for curation with the Division is responsible for paying the fee.

6.2 Collection of fee.

6.2.1 The fee shall be paid prior to or at the time an archaeological collection is hand-delivered to the Division's qualified repository for curation.

6.3 Methods of fee collection.

6.3.1 The fee shall be paid by check or electronic payment, including debit and credit card.

6.3.1.1 Checks shall be made payable to the State of Delaware.

6.3.1.2 Checks may be mailed or hand-delivered to the Division office prior to curation.

6.3.1.3 Checks may be hand-delivered to the Division's qualified repository at the same time that the archaeological collection is hand-delivered for curation.

6.3.1.4 Electronic payment shall be accepted only at the Division office.

6.4 Use of fee.

6.4.1 The Division shall retain the revenue received from this fee.

6.4.2 The Division shall use this revenue for the long-term preservation, care, and management of pre-existing and future State-owned archaeological collections.

6.4.3 The Division shall use this revenue only for the operational, equipment, or personnel costs directly associated in the long-term preservation, care, and management of pre-existing and future State-owned archaeological collections.

22 DE Reg. 72 (07/01/18)