

## ARCHAEOLOGY COLLECTIONS CARE AND TRUST AGREEMENT

### PURPOSE OF AGREEMENT

The parties below agree that the Mississippi Department of Archives and History will maintain physical custody of the NAGPRA objects until the depositor is ready to accept said physical custody. The Mississippi Department of Archives and History will house and store the NAGPRA objects according to requested tribal preferences expressed in the Care-And-Trust Agreement checklist (Attachment A). The Mississippi Department of Archives and History will honor these requests on a case-by-case basis based on applicability to the Mississippi Department of Archives and History's mission and space availability. The repatriated NAGPRA objects are described in the Notice published in Federal Register Vol. \_\_\_\_\_, No. \_\_\_\_\_, Pages \_\_\_\_\_.

**Or**, this Agreement applies only to the following objects:

Object/Number (s): \_\_\_\_\_

Object Description (s):

This CARE-AND-TRUST AGREEMENT is entered into on May 20, 2020, by and between ("Depositor"), whose contact information is

Tribe:

Tribal Office Phone:

Mailing Address:

City:

State:

Zip:

Contact Name:

Title:

Email:

Contact Phone:

and the Mississippi Department of Archives and History, whose contact information is:

Meg Cook, Director of Archaeology Collections, Museum Division

[Mcook@mdah.ms.gov](mailto:Mcook@mdah.ms.gov)

(601)576-6927

P.O. Box 571

Jackson, MS 39205

This agreement will end on (Date), which does not exceed one year from the start date.

### ARTICLE I. DEFINITIONS

The following terms shall have the following meaning for purposes of this Agreement:

1.1 "Agreement" shall refer to this document along with the 1.1.1. Transfer of Control

1.1.2. Attachment A

1.1.3. Transfer of Physical Custody, which is signed upon removal from the Mississippi Department of Archives and History.

## ARTICLE II. CUSTODY

2.1 Title (the legal rights to control) to the *human remains/associated funerary objects/unassociated funerary objects/sacred items/objects of cultural patrimony* (referred to hereinafter as “the Repatriated Objects”) being held in trust under this Agreement lies with the Depositor.

2.2 In the event that the Repatriated Objects are in the control of more than one Indian Tribes/Native Hawaiian organizations, all those in control will be required to either authorize the Depositor to enter into the agreement or jointly sign the Agreement.

2.3 The Depositor acknowledges that they have full authority and power to make this deposit, enter into this Agreement, have read the conditions of this Agreement, and agree to be bound by said conditions.

2.4 The Repatriated Objects will be insured while they remain in the care, custody or control of the Mississippi Department of Archives and History. Insurance coverage is terminated when the Transfer of Physical Custody is signed by the Mississippi Department of Archives and History and the Depositor.

## ARTICLE III. CARE AND ACCESS

3.1 The Mississippi Department of Archives and History will exercise the same care and respect for the Repatriated Objects as it does for comparable items under its control.

3.2 Evidence of damage to Repatriated Objects at the time of receipt or while in the Mississippi Department of Archives and History’s custody will be reported promptly to the Depositor. No alteration, conservation, or repair to Repatriated Objects will be undertaken without the authorization of the Depositor.

3.3 The Mississippi Department of Archives and History will not provide access to the Repatriated Objects to any person or entity for any purpose other than to place or remove the Repatriated Items from storage unless otherwise authorized by the Depositor as specified in Attachment A or with the express written consent of the Depositor.

3.4 The Mississippi Department of Archives and History will attempt to honor the Additional Criteria indicated by the Depositor in Attachment A. The Mississippi Department of Archives and History’s mission and space availability may be limiting factors in fulfilling the Additional Criteria.

## ARTICLE IV. COSTS

4.1 Any costs for services and supplies associated with the care and custody of the Repatriated Objects will be covered by the Mississippi Department of Archives and History.

## ARTICLE V. COMMUNICATION

5.1 All correspondence regarding this Agreement will be sent to the email or physical mailing addresses listed in the Agreement.

## ARTICLE VI. TERMINATION

6.1 The duration of the Agreement is for the period stated above. The agreement will be automatically renewed unless the Depositor notifies the Mississippi Department of Archives and History of their intent to terminate the agreement. Notice of termination will be made at least 30 days prior to the expiration date.

SIGNATURES

Depositor

Tribe/Native Hawaiian

organization: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mississippi Department of Archives and History

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

### **GENERAL HOUSING AND CARE CRITERIA FOR HOUSING HUMAN REMAINS AND FUNERARY OBJECTS**

- The Mississippi Department of Archives and History staff will always use care and respect when handling the collections
- The Mississippi Department of Archives and History utilizes museum quality cabinetry/shelving
- The Mississippi Department of Archives and History will not house cultural items in a workroom or office space
- The Mississippi Department of Archives and History will house human remains and funerary objects, associated and unassociated, in a cabinet reserved solely for cultural items behind two locked doors
- Individuals found in the same grave will be placed in a box together
- Individuals located in the same box will be separated in muslin bags to prevent comingling
- Human remains belonging to individuals from the same site/culture/geographic area will be placed in proximity to each other
- Each individual's remains will be stored with his/her associated funerary objects as long as this does not cause damage related to temperature and humidity

### **GENERAL HOUSING AND CARE CRITERIA FOR SACRED OBJECTS AND OBJECTS OF CULTURAL PATRIMONY**

- Will be housed in a cabinet reserved solely for sacred objects and objects of cultural patrimony
- Will be housed in the Mississippi Department of Archives and History's collection storage in/on museum quality cabinetry/shelving
- Will not be housed in a workroom or office space
- Will be housed in proximity to similar items

### **GENERAL ACCESS AND HANDLING CRITERIA**

- Cabinets/shelving will be accessed by Mississippi Department of Archives and History personnel as infrequently as possible, and only to perform routine housekeeping and daily security checks, as well as to implement NAGPRA. Boxes not frequently accessed will be checked for pests on a monthly basis.
- Only essential Mississippi Department of Archives and History personnel (Director of Archaeology Collections, Collections Managers, Assistant Director) will access the cabinets/shelving
- Official NAGPRA representatives of the Tribe(s) in control of the Collection will be afforded access upon request. Others authorized, in writing, by the official NAGPRA representative of the Tribe(s) in control will be permitted access. Advance notice is required to ensure appropriate Mississippi Department of Archives and History personnel are available.
- Handling and transporting will be done in accordance with best museum practices unless otherwise specified by the Tribe(s).

*The following applies to all human remains/cultural items described in the Notice published in Federal Register Vol., No. , Pages - or only the following:*

**Item/Number(s):**

**Item Description(s):**

### **ADDITIONAL HOUSING AND CARE CRITERIA**

*Check all that apply*

Shall be stored with a specific alignment/orientation (if not determined by excavation notes)

Cardinal Direction:

Other, please describe:

Storage containers shall be

Existing boxes/bags

New acid free/lignin free lidded coroplast storage boxes

New Polyethylene zip lock bags

If other than above, describe new housing/custom containers:

Boxes shall be handled with care and respect, according to museum standard and Tribal advice.

Additional comment on how boxes and bags shall be handled may be included here:

Shall be wrapped in

Unbleached muslin

Red cloth

Black cloth

Blankets (specify)

Acid free, unbuffered tissue

Other, please describe:

#### **ADDITIONAL ACCESS AND HANDLING CRITERIA**

##### ***Check all that apply***

Research requests will always be submitted to the Tribes prior to allowing access to the collections. Tribal representatives will have two weeks (at minimum) for comment regarding the research request.

Access to outside researchers (not MDAH staff) is

Not permitted

Permitted under these guidelines:

With permission from Tribes

With non-destructive research

Within allotted time frame

Returned in the same condition

No Photography

Access for internal educational purposes (by Mississippi Department of Archives and History staff) is

Not permitted

Permitted under these guidelines:

With permission from Tribes

With non-destructive research

Within allotted time frame

Returned in the same condition

No photography

## **ASSOCIATED DOCUMENTATION**

Associated documentation includes photographs of human remains, in situ and in storage, site maps, site notes, catalog records, and records detailing any osteological analysis. In accordance with Section 304 of the National Historic Preservation Act (16 U.S.C. 470w-3) and the Antiquities Law of Mississippi (§39-7-41), documentation that includes specific location information of archaeological sites is exempt from public disclosure. This information will not be disseminated to non SOI qualified archaeologists without the approval of the depositor.

## **GENERAL ACCESS CRITERIA**

- The Mississippi Department of Archives and History will restrict access to photographs of human remains and associated funerary objects, in situ and in storage, and detailed descriptions of that material – including osteological analysis conducted on behalf of the Mississippi Department of Archives and History. Access will be granted with written approval from the official NAGPRA representatives of the Tribe(s) in control of the Collection.
- Due to the inter-connected nature of archaeological and historical archival material, it is impossible to restrict all descriptions, references, maps, etc., of all graves or cemetery sites. The Mississippi Department of Archives and History will limit access, as outlined above, to material as it is found.

## **ADDITIONAL CRITERIA**

Other restrictions:

Copies of the following documentation shall be provided at the time of Transfer of Custody

END OF CRITERIA