National Park Service
U.S. Department of the Interior
National NAGPRA

National NAGPRA Program
FY09 Final Report
For the period October 1, 2008 – September 30, 2009

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NAGPRA Introduction

This report covers activities of the National NAGPRA Program Fiscal Year 2009 (October 1, 2008 – September 30, 2009). All information and statistics reported are current as of close of business, September 30, 2009. Regular reports on National NAGPRA's work are available on the Program's Website: http://www.nps.gov/history/nagpra/DOCUMENTS/INDEX.htm.

The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted on November 16, 1990 to address the rights of lineal descendants, Indian tribes and Native Hawaiian organizations (NHO) to certain Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Act assigned implementation responsibilities to the Secretary of the Interior, including:

- Administering the obligations of museums and Federal agencies with regard to collections of cultural items, as follows:
    - Extending inventory deadlines for museums that demonstrate a good faith effort to comply with the law,
    - Collecting the inventories and summaries,
    - Publishing notices for museums and Federal agencies in the Federal Register,
    - Creating and maintaining a database of Culturally Unidentifiable Human Remains,
    - Making grants to assist museums, Indian tribes and NHOs in fulfilling museum responsibilities and the opportunities for Indian tribes and NHOs under the Act,
    - Assessing civil penalties on museums that fail to comply with provisions of the Act, and
    - Establishing and providing staff support to the Native American Graves Protection and Repatriation Review Committee;
- Providing oversight and technical assistance in those instances where there are excavations and discoveries of cultural items on Federal and Indian lands after November 16, 1990;
- Promulgating implementing regulations;
- Providing technical assistance on the entire NAGPRA process, through:
    - Training programs,
    - Website information,
    - Reports prepared for the Review Committee, and
    - Supporting law enforcement investigation allegations of illegal trafficking in Native American human remains and cultural items.

The National NAGPRA Program serves constituents of the law which are all Federal agencies with land or collections responsibilities, museums that receive Federal funds, Native Americans, Indian tribes and NHOs, and the public.

This report follows the organization of the National NAGPRA Program and its responsibilities pertaining to collections, excavations/discoveries, regulations, and technical assistance given to Indian tribes and NHOs and the museums and Federal agencies that have obligations for NAGPRA compliance. Throughout the report, the term "tribe" is used, as it is in the law, to refer to federally recognized Indian tribes, Alaska Village corporations and Native Hawaiian organizations.

Summary of the National NAGPRA Program FY 2009

The following are highlights of the year and program statistics in brief.

Collections:

- **Summaries received**: 1,551 total
  - 460 reporting no collection requiring a summary
- **Inventories received**: 1,317 total, from 734 institutions
  - 81 reporting no collection requiring an inventory
- **Notices of Inventory Completion**:
  - 150 published in FY 2009
  - 1,295 published in total
  - Account for 38,671 human remains and 998,731 associated funerary objects
- **Notices of Intent to Repatriate:**
  - 50 published in FY 2009
  - 477 published in total
  - Account for 144,163 unassociated funerary objects, 4,303 sacred objects, 948 objects of cultural patrimony, and 822 objects that are sacred and cultural patrimony, also 292 undesignated cultural items.
- **Notice processing**:
  - 159 received and 200 published in FY 2009
  - Aging drafts (pre-2005) 20 published in 2009, 21 remaining
- **Culturally Unidentifiable Native American Human Remains(CUI)**:
  - Found in 684 inventories, from 623 institutions
  - 124,377 minimum number of individuals (MNI)
  - 4,846 total subsequently culturally affiliated to date
  - 3,363 total transferred as CUI in dispositions
  - In FY 2009: 11 Review Committee recommendations for 476 MNI
- **Grants**:
  - Requests in 2009-$4.5M (number of requests up 100% over 2008)
  - Awarded in 2009-$1.85M
  - 24 consultation/document grants awarded
  - 13 repatriation grants awarded
- **Civil Penalties**:
  - In FY 2009, investigations of 41 allegations as to 1 museum
  - In FY 2009, 11 failures to comply substantiated, 30 unsubstantiated, 5 penalties assessed
  - In total, 111 counts investigated, against 19 museums
  - In total, 12 museums have one or more substantiated failures to comply
  - Total penalties collected: $26,170, of which $19,920 was collected in FY 2009
- **Review Committee:**
  - October 11-12, 2008, San Diego, CA
  - May 23-24, 2009, Seattle, WA
  - 11 requests for disposition of 476 culturally unidentifiable individuals/451 associated funerary objects, 11 Review Committee recommendations and 11 concurrences from the Secretary of the Interior
  - 1 dispute heard in FY 2009, resulting in a notice publication
- **Excavation and Discoveries:**
  - In total, 90 Notices of Intended Disposition; 495 MNI, 4,148 AFO, 64 UFO, 4 CP*
- **NAGPRA Regulations 43 CFR 10:**
  - 10.11 Culturally Unidentifiable – final rule under consideration at the Department
  - 10.7 Unclaimed – Under development
- **Technical Assistance and Reports:**
  - Training given to 612 individuals in 15 training events, 94 training grants were awarded
  - 2,000 responses to requests for information

*MNI: Minimum number of individuals; AFO: Affiliated funerary objects; UFO: Unaffiliated funerary objects; CP: Cultural patrimony

Highlights of the Year FY 2009

The highlights of the year in the National NAGPRA Program and in the implementation of NAGPRA nationwide can be seen in the statistics on the prior page, but are also seen in certain events that go beyond the numbers. This section of the annual report is devoted to giving additional understanding to the National NAGPRA Program accomplishments, looking at other program activities, commenting upon issues that face NAGPRA communities, and finally, goals and projects slated for action in FY 2010.

1. National NAGPRA Program Accomplishments in Brief
   - Notices: Notice publication is a barometer of NAGPRA activity by museums and Federal agencies working with tribes and NHOs to make decisions on transfer of control of Native American human remains and cultural items. Each notice tells the story of historic collection practices and Federal agency and museum actions to consult with tribes and NHOs to resolve interests in cultural items and the disposition of human remains. There were 200 notices published in FY 2009, which indicates considerable NAGPRA efforts, an increase over FY 2008 and a 100% increase over prior years.
   - Grants: Grant requests were up 100% over the prior year and represented about $4.5 million in requests for projects totaling $5.2 million. Grants, which totaled $1.85 million, were awarded for projects and repatriation expenses. An important new part of grants administration is the monitoring of grant award projects, so that all funds awarded will be used in the time allowed and will not revert to the general fund, either because projects were abandoned or the final paperwork was not completed. The goal of ensuring that all grants expiring in FY 2009 ended successfully was met in FY 2009. Training grants to tribes and museums were also awarded in this year.
   - Grants Retrospective: This year a report on 15 years of the grants program was completed for distribution in early FY 2010. "Journeys to Repatriation, 15 Years of NAGPRA Grants [1994-2008]," provides statistics on the grants program, and describes what the grants have meant to NAGPRA communities.
   - Databases: The Program report on "Native American human remains culturally affiliated in inventories, but not yet in published notices," is now on the Program website. The report disclosed some of the human remains waiting to be published in notices, but also indicated a need for further database development and entry of records received between 1996 and 2000. New emphasis was placed on the completion and release of the database of inventories of culturally affiliated human remains, to complement the CUI database, foster consultation and increase repatriation of human remains.
   - Technology development: New databases, additional capabilities of existing web products, and internal data management, all benefited from the technology contract in FY 2009 with NuAxis, further described in this report and completing in FY 2010.
   - Training: The number of participants receiving training was down this year from last year, reflecting less travel by the National NAGPRA team, as time was devoted to the development of webinars and video training segments, which will increase training opportunities at much less cost to participants and increase training in far-reaching NAGPRA communities. A planning committee is working on the two-day NAGPRA at 20 event for November 15-16, 2010, to be held in Washington, DC, prior to the Review Committee meeting. Training was given with the involvement of partners: Department of Justice, FBI, Fish and Wildlife Service, Indian Arts and Crafts Board, Bureau of Indian

Affairs, National Preservation Institute, NATHPO, and private contractors engaged to provide training.

- Review Committee: There were two in-person Review Committee meetings and a special committee gathering to select nominees from the Review Committee for the consensus member. The Secretary of the Interior made two Review Committee appointments this year, in a process that began with open nominations, and all nominees presented to the Department of the Interior, vetted by the White House, and with recommendations from members of Congress. The Review Committee resolved a dispute, made 11 recommendations on disposition of culturally unidentifiable human remains, and continued to play a vital role in providing a forum for public comments on NAGPRA issues. A new Designated Federal Official began the year with a new template for requesting Review Committee recommendations, which had the effect of simplifying the process for presenters and consideration by the Committee, a positive result.
- Civil penalties: Only one museum was investigated this year in a multi-count allegation, involving several Indian tribes and historic practices of several museums involved in decisions by the lead museum. Resolution of this matter will settle years of issues between the several Indian tribes and museums, avoid litigation, and further the NAGPRA process. A separate matter, scheduled for a hearing in November 2009, was resolved by a full settlement in which payment of the penalty assessment has been accomplished. The handling of civil penalty investigations continues to be focused upon resolution of cases by museum compliance, and not upon the maximization of penalties assessed.
- Regulations: The NAGPRA regulations, 43 CFR Part 10, were updated this year in compliance with the Paperwork Reduction Act, which affords the regulations full implementation through August 2012. A Federal Agency Working group is developing a draft of the reserved regulation section 10.7, guidance on disposition of unclaimed human remains and cultural items on Federal and Indian lands. In the closing days of this year, the reserved section which will provide further guidance on the disposition of culturally unidentifiable Native American human remains, 10.11, concluded its review in the Department of the Interior. Publication will abide consideration by the Office of Management and Budget.

2. Other Program Activity
   - GAO Study: The Government Accountability Office (GAO) began a study this year of Federal agency compliance with NAGPRA and the operations of the National NAGPRA Program. The GAO held initial meetings, has collected information from the National NAGPRA Program, and is meeting with Federal agency NAGPRA coordinators in their offices around the country. This thorough study may conclude in FY 2011.
   - Interns: The National NAGPRA Program has been successful in recruiting diverse interns to work with the Program on a variety of projects and reports, including Native American students. Hopefully, these recruitment efforts will result in full-time staff over time.
3. Issues Facing NAGPRA Constituents
   - Inventories: The question continually asked by the NAGPRA Review Committee has been whether all Native American human remains in collections are also listed in NAGPRA inventories. This would require an actual audit of collections, not provided for in statute as an activity of the National NAGPRA Program, but possible for the GAO.
   - Notices: The question that underlies repatriation is whether all culturally affiliated Native American human remains listed in inventories are listed in a notice of inventory completion. Completing data entry and releasing a database of culturally affiliated NAGPRA inventories is a priority for the Program. Once complete, the data will allow

reports to be compiled that sort the homework to be done by museums and Federal agencies, to foster notice publication. The issue is not whether notice drafts are submitted to the National NAGPRA Program, but whether the draft is actually published as a notice, the critical precedent to repatriation. The Program does not hold, or withdraw notices.

- Notices: In 2005, the category of "on-hold" notices was eliminated. At that time, 300 notices previously out of the publication process were put into the process. Since that time, of that group, more than 220 have been published, others were properly closed as duplicates or submitted for non-notice publication events, such as repatriation prior to the law, notices submitted that should have been a newspaper notice of new discovery on the land, or submissions by museums that did not have control or did not receive Federal funds. There is a balance of 21 open files proceeding to publication at the close of FY 2009.
- Culturally unidentifiable Native American human remains (CUI): There are just under 40,000 Native American human remains culturally affiliated and in notices, but almost 130,000 listed as culturally unidentifiable. Study of the available data indicates that the proportions should be the reverse. Two questions should be asked: 1. Has consultation with Indian tribes and NHOs occurred that will allow information exchange and further identification? 2. Is the standard for cultural affiliation in the law being applied, or some higher standard?
- Associated Funerary Objects: Indian tribes often ask why so many human remains have no associated funerary objects. Did the collections and study practices of the past employ such non-scientific methods that the objects and remains were separated with no record to resolve the separation?
- Tribal NAGPRA Offices: Tribal NAGPRA offices are not funded in the same manner as Tribal Historic Preservation Offices and this often leads to a lack of capacity in tribes to deal with NAGPRA issues, including management of received inventory and summary documents, invitations for consultation, and resolving claims. The National NAGPRA Program meets part of this challenge by assisting to rebuild tribal files of received documents, assisting tribes and museums with searching old records, which will be aided by new databases of summaries and inventories, and fostering the grants program by assisting Indian tribes and NHOs to write successful proposals. Federal agencies and museums often absorb the costs of consultation.
- Training: The need remains for more and diverse training products. This need will be met in part by efforts of the National NAGPRA Program, but the efforts of Federal agencies, museums and private companies is increasing and is welcome.
- Defining Native American in NAGPRA: There continue to be decisions on cultural affiliation and the application of NAGPRA to human remains, which are impacted by the 9th Circuit decision. Several pending NAGPRA notices have been withdrawn by the originator as the decision has been amended from "culturally affiliated" to not "Native American."

4. Goals for FY 2010
   - Databases: The National NAGPRA Program hopes to bring more of the compliance documents it holds to public access in FY 2010, in databases of summaries and of culturally affiliated inventories, as well as a database of the Notices of Disposition from Federal agency newspaper notices of new excavations and disposition decisions.
   - Aging Notices: Notices in process for years should be brought to publication in FY 2010.
   - Regulations: The section on culturally unidentifiable Native American human remains, 10.11, will hopefully reach publication this year, with technical support and training made available by the National NAGPRA Program. The section on unclaimed Native American

human remains and cultural items from Federal lands, 10.7, should advance to a proposed rule. Work has begun on reviewing all of 43 CFR 10 for amendments to aide clarity.

- As NAGPRA reaches 20 years on November 16, 2010, a NAGPRA at 20 conference is planned to address current issues and seek better means to achieve consultation, decision-making, and repatriation.
- When the CUI rule, 10.11, is published as a final rule, consultation on Native American human remains is likely to increase, leading to amended inventories and findings of cultural affiliation. Thus, notices of inventory completion will likely increase for both culturally affiliated remains available for repatriation and culturally unidentifiable remains available for disposition. If, as the Review Committee has noted, there are museums that listed Native American human remains as culturally unidentifiable to forestall imposition of the law, then the focus will shift from designation as CUI, to amended inventories redesignating CUI to "not Native American," using the 9th Circuit standard. If this occurs, the focus of needs in NAGPRA will likely shift to a resolution of the "is or was" issue previously considered in the Senate Indian Affairs Committee.

Collections

The sections of NAGPRA relating to collections describe the inventories, summaries, grants, notices, civil penalties and the Review Committee, which further describe administration of the law. These provisions pertain to the responsibilities of Federal agencies and museums that receive Federal funds to inventory collections of Native American human remains and associated funerary objects in consultation with potentially affiliated tribes and NHOs, and to submit an itemized list to the National NAGPRA Program. The cultural affiliation decisions of agencies and museums made in inventories of Native American human remains are reflected in Notices of Inventory Completion and those not able to be identified are listed in the inventories of Culturally Unidentifiable Human Remains, which are available on the public access database. Summaries of the remainder of the Native American collections in the possession or control of Federal agencies and museums generally describe the Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony which inform consultation of museums and Federal agencies with tribes and NHOs on repatriation. Decisions to effectuate repatriation of unassociated funerary objects, sacred objects and objects of cultural patrimony are reflected in the published Notices of Intent to Repatriate.

To be in compliance with the law, museums and Federal agencies are required, in consultation with Indian tribes and NHOs, to publish notices, which reflect the cultural affiliation determinations in the inventories. Submission of a document to the National NAGPRA Program, without authorization from the originator for publication, does not fulfill compliance obligations under the law. The accommodation to originators of draft notices to place them "on-hold" was eliminated in 2005. Critical to compliance is the publication of a Notice of Inventory Completion for all of the human remains listed in the inventory as culturally affiliated to a federally recognized Indian tribe.

Regulation section 10.13, published on March 21, 2007 and effective on April 20, 2007, requires museums and Federal agencies receiving a new collection, or having collections of new Indian tribes, to prepare or update inventories within 2 years and summaries within 6 months. If the museum receives Federal funds for the first time, summaries are due in 3 years and inventories in 5 years.

Grants are available to museums and Indian tribes and NHOs to fund projects for consultation, accomplish cultural identification of items and to cover costs of repatriation. Civil penalties may be imposed upon museums found in non-compliance with the law by failing to submit inventories and summaries, consult with descendants, tribes and NHOs, and to repatriate cultural items in a timely manner. The entire NAGPRA process pertaining to collections is within the jurisdiction of the Native American Graves Protection and Repatriation Review Committee which advises the Secretary on implementation and makes recommendations toward the resolution of disputes.

The following overview of summaries, inventories and culturally unidentifiable human remains reflect an update from numbers reported in prior reports and based upon a review of the National NAGPRA Program records as of September 30, 2009.
For more information on notices, contact Jaime Lavallee, National NAGPRA Program, (Jaime_Lavallee@contractor.nps.gov).

Summaries and Notices of Intent to Repatriate

Summaries have been received from 1,551 institutions. Additionally, 460 statements of "no summary required" have been received.

There have been 477 Notices of Intent to Repatriate published, an increase of 50 notices in FY 2009. These 477 notices account for 144,163 unassociated funerary objects, 4,303 sacred objects, 948 objects of cultural patrimony, 822 sacred objects that are also cultural patrimony, and 292 undesignated cultural items. The 50 new notices represent 6,712 unassociated funerary objects, 532 sacred objects, 567 objects of cultural patrimony, 16 sacred objects that are also objects of cultural patrimony, and 77 undesignated cultural items.

Inventories and Notices of Inventory Completion

Inventories have been received from 1,317 institutions. (Note: There may be duplication of reporting for collections as the law directs those museums with possession or control of collections to submit an inventory. Several museums may have collections belonging to Federal agencies, where both the museum and Federal agency submitted an inventory).

The decisions reflected in the inventories are those of the museum or Federal agency and not the National NAGPRA Program. The Program facilitates the publication of notices, which contain the decisions of the originator and which serve to establish rights of lineal descendants and tribes or NHOs to request human remains and their funerary objects. The National NAGPRA Program does not audit the collections of the reporting museum or Federal agency unit. Inventories are self-reports of the collection. The National NAGPRA Program receives amended inventories from museums and Federal agencies when an institution finds new items in its collections, changes prior determinations after further consultation with Indian tribes and NHOs, or under the continuing duty to report collections as specified in 43 CFR 10.13, future applicability of the law, receives new collections, has collections affiliated with newly recognized Indian tribes, or a museum receives initial Federal funding.

There have been 1,295 Notices of Inventory Completion published accounting for 38,671 human remains and 998,731 associated funerary objects. There were 150 notices published in FY 2009, accounting for 2,204 human remains and 227,845 associated funerary objects.

The table below reflects the status of submissions during this period:
(Note: Originators may remove a notice from publication due to error in submission or to revise at a later time after consultation with Indian tribes and NHOs. The decision is that of the originator.)

Table 1. Document Processing FY 2009

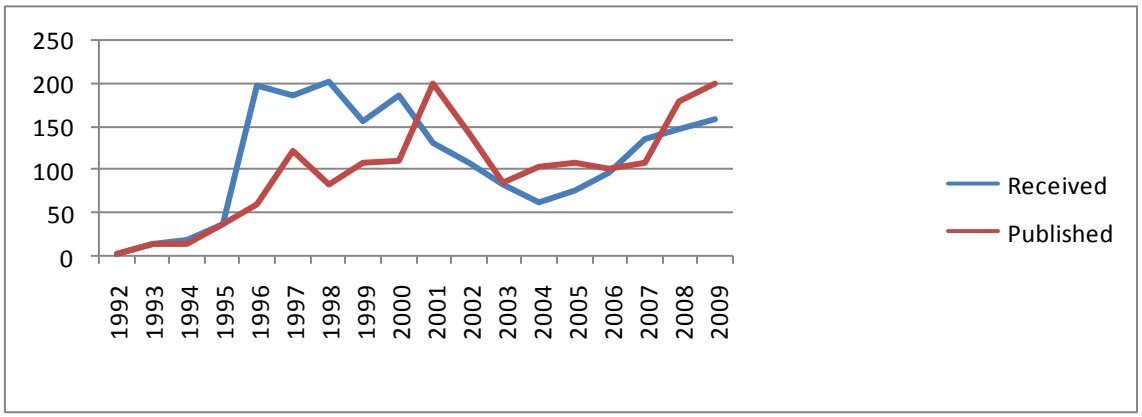
Year 2009	**Beginning**	**Received**	**Removed by Originator**	**Published**	**In Processing end of FY 2009**
NIC	101	117	5	150	63
NIR	18	42	1	50	9
Total:	**119**	**159**	**6**	**200**	**72**

Table 2. Notices Published FY1992 through FY 2009.

Year	Published	MNI	AFO	UFO	SO	OCP	SO & OCP	UCI	Rec'v	Removed*
1992	2	15	12,225	0	0	0	0		3	0
1993	14	40	60,071	0	1	0	7		14	0
1994	13	1,851	275	31,681	1	1	1		19	0
1995	36	806	18,710	6	243	3	4		37	0
1996	59	2,290	116,002	32	91	17	10		198	0
1997	122	1,194	49,392	5,061	116	67	92		187	0
1998	82	5,280	31,082	2,484	14	62	165		202	0
1999	108	6,441	30,907	680	106	70	78		156	1
2000	110	2,026	21,983	3,245	552	11	28		186	5
2001	199	2,959	167,252	25,583	6	25	5		130	7
2002	143	3,157	25,301	5,903	110	3	121		109	10
2003	85	666	31,392	1,195	101	4	135		83	14
2004	103	1,528	13,924	14,294	37	9	13		63	17
2005	108	2,337	54,915	1,986	2,183	3	5		77	22
2006	100	1,373	36,017	10,303	9	6	45		96	14
2007	108	747	15,619	27,036	28	22	64	215	135	4
2008	180	3,757	85.819	7,962	173	78	33		146	56
2009	200	1,531	214,902	6,712	532	567	16	77	159	6
Total Notices:	**1,772**	**38,671**	**998,731**	**144,163**	**4,303**	**948**	**822**	**292**	**2,000**	**156**

*Draft notices removed from the process when no NAGPRA Federal Register publication was necessary. Possible reasons include: items already covered in a published notice; repository submitted original draft, but repository not in control; revised determination to culturally unidentifiable; request to remove for additional consultation, revision of inventory; or other (item covered in Notice of Intended Disposition, items not Native American, no NAGPRA jurisdiction).

Notices by Year: Received and Published



Culturally Unidentifiable Human Remains

As part of providing administrative support for the Review Committee, the National NAGPRA Program has compiled the Review Committee's inventory of culturally unidentifiable (CUI) human remains, as required by 25 U.S.C. 3006 (c)(5). The Program has entered inventories containing determinations of culturally unidentifiable Native American human remains accounting for 124,377 individuals for whom cultural affiliation has not yet been determined and 916,432 funerary objects associated with those individuals. The number of CUI subsequently culturally affiliated to date is 4,846 and the number of CUI transferred by a disposition to a tribe is 3,363.

Pending regulations will specify a process for disposition of CUI. Meanwhile, requests for recommendations for disposition can be presented to the Review Committee, which makes recommendations to the Secretary. Notices of disposition are published upon receipt of Secretarial authorization, to allow 30 days for competing claims to be lodged prior to transfer of control. There have been 51 disposition authorizations granted by the Secretary out of 66 requests, accounting for 1,228 individuals. In this reporting period there were 11 requests for disposition recommendations, of which 11 were submitted by the Review Committee to the Secretary, accounting for 476 individuals. The Review Committee has established guidelines and a matrix for bringing a request for disposition recommendation, which can be found at www.nps.gov/history/NAGPRA/RevCom/.

Table 3. Dispositions of Culturally Unidentifiable Native American Human Remains FY08-09

Request #		MNI/AFO
	35th Review Committee Meeting: Oct. 2007	
44	Binghamton University, NY – approved	2/0 notice pub
45	Hastings Museum of Natural History, NE	11/0
46	Michigan Technological University –approved	1/0 notice pub
47	U.S. Department of the Interior, National Park Service, Effigy Mounds National Monument, IA – approved	6/0 notice pub
48	U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, FL	13/0
	36th Review Committee Meeting: January 2008	
	No requests	
	37th Review Committee Meeting: May 2008	
40b	Colorado Historical Society – approved	Protocol
49	Hastings Museum of Natural History, NE – approved	5/0 notice pub
50	Kingman Museum – approved	4/0 notice pub
51	Mackinac State Historic Parks – approved	11/0 notice pub
52	Muskegon County Museum – approved	8/0 notice pub
53	Putnam County Commission, WV	664/0
54	Tennessee Division of Archaeology	20/0
55	U.S. Department of Agriculture, Forest Service, Daniel Boone National Forest –approved	8/0 notice pub
	38th Review Committee Meeting: Oct. 2008	
56	Arizona State Museum, AZ – approved	4/1 notice pub
57	Arizona State Museum, AZ – approved	1/0 notice pub
58	Cranbrook Institute of Science, MI – approved disposition of 60 individuals. But the Secretary concurred with disposition per agreement of 39 individuals	39/58
59	Detroit Institute of Arts, MI – approved	10/0 notice pub
60	U.S. Department of the Interior, National Park Service, Fort Vancouver National Historic Site, WA – approved	11/0 notice pub
61	Kalamazoo Valley Museum, MI – approved	3/0 notice pub
	39th Review Committee Meeting: May 2009	
62	U.S. Department of the Interior, National Park Service, Great Sand Dunes National Park, CO – approved	3/0
63	U.S. Department of the Interior, National Park Service, Hovenweep National Monument, UT – approved	6/5
64	U.S. Department of the Interior, National Park Service, Pecos National Historical Park, NM – approved	153/0
65	Central Michigan University, MI – approved	144/374
66	University of Nebraska State Museum, NE – approved	2/13 groups of UFO

Grants

Requests--
The sum of $1.85 million was available for grants in FY 2009. The grant application deadline for consultation/documentation grants was March 2, 2009. Repatriation grants are received on a rolling basis. A total of 79 grant applications were received: 66 consultation/documentation proposals and 13 repatriation funding requests. Of these, 48 were from Indian tribes and NHOs and 29 were from museums. The total amount of grant requests in FY 2009 was $4,535,252, over twice as much as was received in FY 2008. Grant applications for consultation/documentation projects are reviewed by an outside panel, which met on May 14-15, 2009. Each application was reviewed and ranked. Those applicants not receiving a grant received an individualized letter from the grants coordinator containing valuable feedback obtained from the panel to assist them in preparing better grant proposals in the future and in administering successful projects.

The actual number of grant applications was over double from FY 2008. The National NAGPRA Program conducted an extensive outreach campaign that included postcards, advertisements, email blasts and outreach to relevant organizations. In addition, the FY 09 Grants Review Panel noted that applications were significantly stronger than the previous year due to revisions to the application and guidelines, which helped applicants better describe their experience and project goals. Of note, a Proposal Cover Sheet was added to the application package which listed the many elements of the proposal. Applicants were required to check off each item and sign the sheet resulting in significantly more organized and understandable applications. An optional survey was added to the 2009 grant application requesting feedback regarding applicants' experience applying for grants and receiving training. Results from the surveys support our efforts to outreach Indian tribes, NHOs and museums through multiple sources as applicants found out about the Grants Program in a variety of ways.

Grants Management---
Sangita Chari, Grants Coordinator and Vedet Coleman, NAGPRA Grants Administrator, continued to work together to strengthen grantee compliance. The stricter disbursement rules and stronger communication between the grant administrator and NAGPRA staff through a shared database and repeated contact with grantees has resulted in much higher rates of compliance, particularly with newer grantees. All 2004 grantees have closed out their grants, and most grants disbursed from 2004-2007 have been brought into compliance. In addition, all 2008 grantees have submitted their interim reports. For the first time, all 2009 Consultation/ Documentation grantees received training on how to manage their grant through a webinar on NAGPRA Grant Administration on September 23rd, 2009. In addition to Sangita and Vedet, Hampton Tucker, Chief of the Historic Preservation Grants Division, reviewed the grant agreement and the various administrative and financial requirements, and grantees had the opportunity to ask questions and receive feedback on how to administer their grant. Evaluations have been positive and the Program hopes to make this webinar a permanent feature.

Outreach and Training--
In FY 2008, the Grants Panel requested that the National NAGPRA Program use unallocated grant funds to build the capacity of Indian tribes, NHOs and museums to administer a NAGPRA program, specifically their capacity to write successful NAGPRA grants. In response, the National NAGPRA Program partnered with the National Preservation Institute to develop NAGPRA-related seminars and provide Indian tribes, NHOs and small museums with scholarships to attend trainings that increased their knowledge regarding the legal and practical skills needed to conduct successful NAGPRA programs. Two new seminars were developed, "Writing and Managing a NAGPRA Grant" and "Determining Cultural Affiliation." Scholarships were also provided to attend relevant seminars

offered through the National Preservation Institute. In addition to providing scholarships to Indian tribes, NHOs and small museums to cover the cost of registration, travel grants were awarded to eligible Indian tribes and NHOs. The National Museum of the American Indian provided $15,000 to be used toward travel grants for the first training in Seattle, WA. Additional travel grants were provided through the partnership with NPI for the Chicago, IL trainings. To date, the National NAGPRA Program has conducted three trainings, one in Seattle, WA and two in Chicago, IL. Over 55 Indian tribes, NHOs and museums have been trained on writing a NAGPRA grant and 35 were trained on determining cultural affiliation. Results have been overwhelmingly positive. Additionally, four participants have used the scholarship program to attend existing NPI courses. *See Appendix for list.*

2008 marked the 15th year of the NAGPRA Grants Program. Since its inception, over $31 million have been directed to Indian tribes, NHOs and museums to support NAGPRA-related activities. To commemorate the occasion, the Grants Program produced a 16-page, full color retrospective entitled *Journeys to Repatriation: 15 Years of NAGPRA Grants (1994-2008)* showcasing both the stories and statistics behind the Grants Program. *Journeys to Repatriation* provides a comprehensive assessment of the impact of NAGPRA grants on Indian tribes, museums and communities. With the assistance of Lauren Trice, National Council for Preservation Education (NCPE) intern, the Program conducted a thorough review of the grants portfolio. In addition, the retrospective contains success stories, photographs, and quotes about the role of NAGPRA grants in the work of current and former grantees. *Journeys to Repatriation* is available in hard copy and on the NAGPRA website.

As part of the NAGPRA Training DVD series, the Grants Program finished taping for the DVD on NAGPRA Grants. The DVD outlines the NAGPRA Grants Program, provides advice on how to write a successful grant and highlights several successful grants. In addition, the DVD includes an interview with Ron Wilson, Chief Curator for the National Park Service and long-time NAGPRA Grants Panelist. Mr. Wilson discusses the NAGPRA Grants process and provides tips on what panelists look for in a successful application. The final version of the DVD will be available in FY 2010.

Table 4. Grants Awarded in FY 2009

Applicant's Name	**Amount Requested**
Bishop Paiute Tribe, CA	$76,516
Cal. State, Sacramento, Dept. of Anthropology, CA	$84,410
Central Council of the Tlingit & Haida Indian Tribes, AK	$89,993
Choctaw Nation of Oklahoma, OK	$89,224
Colorado Historical Society, CO	$60,075
Comanche Nation, OK	$63,191
Confederated Tribes of the Umatilla Reservation, OR	$15,860
Denver Museum of Nature & Science, CO	$51,260
Eastern Shawnee Tribe of Oklahoma, OK	$89,999
Lac du Flambeau Band of Lake Superior Chippewa Indians, WI	$89,995
Little Traverse Bay Bands of Odawa Indians, MI	$40,191
Maryland Historical Trust, MD	$15,480
Mashpee Wampanoag Tribe, MA	$90,000
Minnesota Indian Affairs Council, MN	$85,665
New York State Museum, NY	$72,925
Peoria Tribe of Indians of Oklahoma, OK	$60,483
Pioneer Historical Society of Bent County, CO	$59,087
Rochester Museum & Science Center, NY	$89,997
Sealaska Corporation, AK	$89,904
Susanville Indian Rancheria, CA	$87,170
Univ. of Washington, Burke Museum, WA	$64,455
Univ. of Wisconsin, Madison, Dept. of Anthropology, WI	$90,000
University of Colorado Museum, Boulder, CO	$58,849
White Mountain Apache Tribe of the Fort Apache Reservation, AZ	$90,000
TOTAL CONSULTATION/ DOCUMENTATION GRANTS	**$1,704,729**

Name of Applicant	Amount Requested
Little Traverse Bay Bands of Odawa Indians, MI	$2,875
Sault Ste. Marie Band of Chippewa Indians, MI	$605
Central Council of Tlingit & Haida Indian Tribes of Alaska, AK	$14,295
Central Council of Tlingit & Haida Indian Tribes of Alaska, AK	$14,978
Pawnee Nation, OK	$15,000
Osage Nation, AR	$14,600
Choctaw Nation of Oklahoma, OK	$10,244
Aleutian Pribilof Islands Association, Inc., AK	$14,972
Iowa Tribe of Kansas and Nebraska, KS	$4,200
Hui Malama I Na Kupuna O Hawaii Nei, HI	$13,617
Central Council of Tlingit and Haida Indian Tribes of Alaska, AK	$14,875
Colorado Historical Society, CO	$12,565
Colorado Historical Society, CO	$9,041
TOTAL REPATRIATION GRANTS	**$141,867**

Table 5. Grants Requested and Awarded FY 1994 – FY 2009 by Tribes and Museums

TRIBES					MUSEUMS			
Year	Number of Applications Received	Amount Requested $	Amount Awarded $		Year	Number of Applications Received	Amount Requested $	Amount Awarded $
1994	106	6,091,594	1,023,200		1994	113	6,643,200	1,116,800
1995	63	3,842,289	1,387,925		1995	56	2,408,165	854,075
1996	54	3,490,414	1,150,985		1996	33	1,530,039	946,905
1997	54	3,148,112	1,425,600		1997	20	1,055,915	550,650
1998	61	3,547,254	1,557,165		1998	23	1,025,061	775,720
1999	57	3,296,264	1,648,220		1999	22	2,251,415	687,780
2000	84	4,814,432	1,629,170		2000	27	1,276,774	622,830
2001	53	3,048,377	1,802,180		2001	20	1,042,261	635,820
2002	57	3,460,873	1,708,268		2002	16	961,775	537,552
2003	60	3,708,782	1,703,194		2003	12	668,730	497,806
2004	41	2,369,685	1,535,659		2004	17	1,037,649	646,341
2005	41	2,344,891	918,560		2005	17	1,060,299	471,669
2006	52	2,999,228	1,500,965		2006	17	825,172	393,893
2007	36	2,100,960	1,247,243		2007	16	815,239	548,825
2008	29	1,691,220	1,089,554		2008	12	559,317	490,258
2009	51	2,674,813	753,809		2009	31	1,809,161	1,092,787

Civil Penalties

The civil penalties rule (43 CFR 10.12) was published as an interim rule in 1997, and as a final rule in 2003. In May 2005, through a Secretarial Order, the Secretary of the Interior gave the National NAGPRA Program the responsibility of providing staff support to the Secretary's designee on civil penalties, the Assistant Secretary for Fish and Wildlife and Parks. Since the beginning of FY 2006, the NAGPRA civil penalty coordinator, who serves in the National NAGPRA Program, and a National Park Service law enforcement officer, have been working as a team to support the Assistant Secretary. For more information on civil penalties, contact David Tarler, enforcement coordinator, National NAGPRA Program(David_Tarler@nps.gov).

The civil penalties investigative function is housed within the National Park Service's Law Enforcement, Security and Emergency Services (LESES) branch. Civil penalty investigations are carried out by NPS law enforcement officer Bob Palmer, who currently is based at Effigy Mounds National Monument. As needed, NPS also is accommodating the National NAGPRA Program on an ongoing basis with law enforcement agents and officers across the country to assist Bob Palmer in collecting information on allegations of failure to comply.

The NAGPRA regulations set forth eight ways that a museum might fail to comply with the Act or its regulations (43 CFR 10.12 (b)(1)):

i. Sale or transfer of NAGPRA items contrary to NAGPRA.
ii. Failure to complete a summary.
iii. Failure to complete an inventory.
iv. Failure to notify Indian tribes within 6 months after completion of the inventory.
v. Refusal to repatriate.
vi. Repatriation prior to publishing a notice in the Federal Register.
vii. Failure to consult with Indian tribes and/or lineal descendants.
viii. Failure to inform recipients that items have been treated with pesticides.

Allegations of Failure to Comply: A Snapshot

Through FY 2009, 248 counts of alleged failure to comply with the requirements of NAGPRA have been made against 43 museums. The number of counts alleged, by year, is as follows:

Table 6. Total Number of Counts Alleged by Year

Year	Total Counts Alleged
1996	1
1997	7
1998	10
1999	2
2000	4
2001	4
2002	25
2003	11
2004	16
2005	10
2006	3
2007	14
2008	76
2009	65

FY 2009: Investigations and Findings
During FY 2009, 56 counts of alleged failure to comply, made against 1 museum, were investigated. The investigations yielded determinations of failure to comply on 1 count (failure complete an inventory) and determinations that the allegation was unsubstantiated on the 55 counts of failure to repatriate human remains, all of which the museum had determined to be culturally unidentifiable. Determination of cultural affiliation is a matter of fact upon which the Review Committee can assist the parties with findings upon the request of "any affected party."

New Allegations Received in FY 2009
During FY 2009, 65 new counts, made against 3 museums, were received. By the end of the fiscal year, none of these counts had been investigated.

Table 7. Disposition of Alleged Counts of Failure to Comply in FY 2009 and Total

Number of Counts Pending Investigation at the Beginning of FY 2009	New Counts Received in FY 2009	Number of Counts Found to Be Substantiated in FY 2009	Number of Counts Found to Be Unsubstantiated in FY 2009	Number of Counts Remaining to be Investigated at the end of FY 2009
113	**65**	**1**	**55**	**122**
Running Total Number of Counts Alleged as of the Beginning of FY 2009	New Counts Added During FY 2009	Running Total # of Substantiated Counts as of the End of FY 2009	Running Total # of Unsubstantiated Counts as of the End of FY 2009	Running Total # of Counts Remaining to be Investigated as of the End of FY 2009
183	**65**	**18**	**108**	**122**

Table 8. Disposition of Alleged Counts of Failure to Comply in FY 2009 and Total by Museums

FY 2009	# Museums Represented in FY 2009 Allegations	# Museums Investigated in Whole or Part in FY 2009	# Museums Investigated in FY 2009 With at Least One Substantiated Count	# Museums Investigated in FY 2009 Without a Single Substantiated Count	# Museums Remaining to Be Investigated in Whole or Part at the End of FY 2009
	3	**1**	**1**	**0**	**26**
1996-2009	Total # of Museums Represented In Allegations	Total # of Museums Investigated in Whole or in Part	Total # of Museums With at Least One Substantiated Count	Total # of Museums Without a Single Substantiated Count	Total # of Museums to Be Investigated in Whole or Part
	43	**19**	**12**	**7**	**26**

FY 2006-2009: Investigations and Findings

To date, the investigation of 126 allegations of failure to comply, made against 19 museums, has yielded a determination of failure to comply on 18 counts, involving 12 museums, and a determination that the allegation was unsubstantiated on 108 counts. Of the unsubstantiated counts, 6 counts, alleged against 3 museums, were found to be unsubstantiated because the deadline for compliance had not yet passed. Thus, through FY 2009, the percentage of museums that have been determined to have failed to comply with the requirements of NAGPRA is 63.2%, whereas the percentage of alleged counts that have been determined to be substantiated is 14.3%.

The 18 substantiated counts of failure to comply were comprised of 1 count of sale or transfer of NAGPRA cultural items contrary to NAGPRA (43 CFR 10.12 (b)(1)(i)); 1 count of failure to complete a summary (43 CFR 10.12 (b)(1)(ii)); 7 counts of failure to complete an inventory (43 CFR 10.12 (b)(1)(iii)); 6 counts of refusal to repatriate (43 CFR 10.12 (b)(1)(v)); and 3 counts of failure to consult with Indian tribes (43 CFR 10.12 (b)(1)(vii)). The trends in allegations made and violations substantiated are reflected in the following charts.

Table 9a. Alleged Counts of Failure to Comply According to Year and Category

FY	I	ii	iii	iv	v	vi	vii	viii
1996					1			
1997			3				4	
1998	1		7				2	
1999	1	1						
2000	1		1		1		1	
2001		2	1	1				
2002	3	4	3	3	6	3	3	
2003		1	1	1	6		2	
2004	1		6		5		4	
2005	3		2		1		4	
2006			3					
2007	2		1	2	3	1	5	
2008	7	2	4	2	56	1	3	1
2009	3	55	3	2			2	
Total	22	65	35	11	79	5	30	1

Table 9b. Counts of Failure to Comply Substantiated According to Category

Violation Type	FY 2009	Total
i. Transfer	0	1
ii. No Summary	0	1
iii. No Inventory	1	7
iv. Not Notify	0	0
v. Not Repatriate	0	6
vi. No Notice	0	0
vii. Not Consult	0	3
viii. Pesticides	0	0

Penalty Assessments
A museum receiving a notice of failure to comply has 45 days to take specific action, as set forth in the NAGPRA regulations, after which a penalty assessment may issue. To date, 7 notices of penalty assessment, involving 6 museums, have been issued by the Assistant Secretary. In one case, the Assistant Secretary determined, following informal discussion with the museum, that the institution of a civil penalty was not an appropriate remedy (43 CFR 10.12 (d)). Altogether, the 7 notices assessed penalties in the amount of $38,490. As of the end of FY 2009, $26,170 in penalties has been paid by 5 of the museums ($19,920 of which was paid in FY 2009). The 45-day notice period has not yet run for payment of the $12,320 penalty assessed against 1 museum.

Administrative Hearings
A museum receiving a notice of failure to comply or a notice of penalty assessment has 45 days from the date of receipt of the notice to request an administrative hearing. Thus far, 1 museum has requested a hearing. As a settlement was reached prior to the hearing, a motion to dismiss the case was granted by the administrative law judge assigned to hear the matter. Upon receipt of a notice, a museum may request an informal discussion with the Assistant Secretary's designees.

Outreach Activity in FY 2009
In addition to investigating allegations and completing penalty assessments, a concurrent priority of the civil enforcement team was the scripting, production, and completion of a NAGPRA training video on civil penalties. This film is one segment of a multi-part series devoted to providing guidance and examples of NAGPRA in action.

Review Committee

During all or part of FY 2009, the following people served on the Native American Graves Protection and Repatriation Review Committee: Sonya Atalay, Donna Augustine, Alan Goodman, Eric Hemenway, Willie Jones, Colin Kippen, Dan Monroe, Vincas Steponaitis, Rosita Worl, and Mervin Wright, Jr. During the course of FY 2009, Ms. Atalay succeeded Mr. Steponaitis, Mr. Hemenway succeeded Mr. Jones, Mr. Wright succeeded Ms. Worl, Ms. Worl succeeded Mr. Kippen as the at-large member, and Mr. Monroe was reappointed.

The 2006 Review Committee charter allowed members to continue serving on the Review Committee until the Secretary of the Interior appointed their replacements. In November 2008, the Review Committee charter reauthorization removed this holdover provision. At the Seattle meeting the Review Committee recommended that the DFO seek reinstatement of the holdover provision and insertion of a quorum provision.

The Review Committee's Designated Federal Official complies with all filings required by the Federal Advisory Committee Act (FACA). For more information on the Review Committee, contact David Tarler, Designated Federal Official (David_Tarler@nps.gov).

On October 11-12, 2008, the Review Committee met in San Diego, CA. At the meeting, the Review Committee heard a dispute between the Onondaga Nation and the New York State Museum, and made findings of fact and recommendations related to the cultural affiliation of certain human remains and the return of these remains. As a result, the New York State Museum, relying in whole or in part on the expert opinion of the Review Committee, determined that the human remains in question were culturally affiliated with the Onondaga Nation and the federally recognized Indian tribes comprising

the Haudenosaunee Confederacy (of which the Onondaga Nation is a constituent member). The Review Committee also heard requests and made recommendations to the Secretary of the Interior regarding the disposition, per an agreement, of culturally unidentifiable Native American human remains and associated funerary objects under the control of Fort Vancouver National Historic Site, the Arizona State Museum, the Detroit Institute of Arts, the Kalamazoo Valley Museum, and the Cranbrook Institute of Science.

On May 23-24, 2009, the Review Committee met in Seattle, Washington. The Review Committee heard requests and made recommendations to the Secretary of the Interior regarding the disposition, per an agreement, of culturally unidentifiable Native American human remains and associated funerary objects under the control of Great Sand Dunes National Park, Hovenweep National Monument, Pecos National Historical Park, Central Michigan University's Museum of Cultural and Natural History, and the University of Nebraska State Museum. The Review Committee selected a subcommittee to draft the Review Committee's annual report to Congress for 2008, as required by NAGPRA. The Review Committee deferred making recommendations to the drafters of the regulation concerning the disposition of unclaimed human remains and other cultural items discovered on Federal or tribal lands after November 16, 1990 (to be codified at 43 CFR 10.7). Out of consideration for an absent member, the subcommittee of the Review Committee deferred the development and finalization of the consented-to list of persons from which the Secretary of the Interior appoints the at-large member.

On June 8, 2009, the subcommittee of the Review Committee met to develop a consented-to list of persons from which the Secretary of the Interior appoints the at-large member. They met telephonically and finalized the list of persons. The list consisted of three names – Clayton Dumont, Colin Kippen, and Rosita Worl. On September 4, 2009, the Secretary appointed Rosita Worl to succeed Colin Kippen as the at-large member.

Review Committee procedures may be found at www.nps.gov/history/NAGPRA/Revcom. A template to assist in submitting a request for a recommendation to the Secretary for approval of disposition of culturally unidentifiable Native American human remains is posted on the National NAGPRA Program website. Review Committee vacancies are noticed in the Federal Register. The information on all of the nominees then proceeds through a review process in the Department of the Interior, culminating in a decision by the Secretary of the Interior.

Excavations and Discoveries

Notices of Intended Disposition

There were 13 Notices of Intended Disposition submitted to National NAGPRA in FY 2009. There are 90 Notices of Intended Disposition reported by Federal agencies to date, accounting for 495 individuals, 4,148 associated funerary objects, 64 unassociated funerary objects, and 4 objects of cultural patrimony. A listing of these notices is available at: http://www.nps.gov/history/nagpra/NOTICES/NID-Table-Current-for-web-09-23-2009.pdf.

Regulations

Three reserved sections of the NAGPRA regulations (43 CFR 10) were pending in FY 2009:

- 43 CFR 10.7, Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony, is in development. A Federal Agency Working Group was established to assist the regulations coordinator to develop a rule. The group is comprised of Federal agency NAGPRA coordinators, who self-nominated to the open group during the Federal Agency NAGPRA Coordinators annual meeting. This Working Group joined contractor Patricia Zell, who was employed to assist the regulations coordinator in rule development. At the beginning of FY 2009, contractor Lesa Koscielski prepared a disc for use by the Review Committee and the Working Group, which contained the full transcript of all of the prior consultation sessions with Indian tribes, NHOs and science and museum groups, as well as an executive summary of the suggestions. This disc and the ongoing drafts of the Working Group were provided to the Review Committee at each of the two meetings of the Review Committee in FY 2009, to assist the Review Committee in consultation on the developing rule.

- 43 CFR 10.11, Disposition of culturally unidentifiable human remains, was published as a proposed rule on October 16, 2007, with a comment period until January 14, 2008. A total of 153 comments were received from Indian tribes, NHOs, Native American organizations, museum and scientific organizations, Federal agencies, the Review Committee, and members of the public. At the close of FY 2009 the rule passed from consideration in the Department of the Interior to the Office of Management and Budget for review.

- 43 CFR 10.15(b), Failure to claim where no repatriation or disposition has occurred, is held pending the completion of the above noted regulatory sections.

Also, in FY 2009, the NAGPRA Regulations, 43 CFR 10, were renewed for three years in compliance with the Paperwork Reduction Act. The renewal is effective through August 2012. Renewal of the underlying regulations cleared the way for the eventual publication of additional reserved sections of the regulations.

For more information on regulations, contact Richard Waldbauer (Richard_Waldbauer@nps.gov).

Technical Assistance

Training

The National NAGPRA Program provides training offered by the program and hosted by Indian tribes, museums and Federal agencies. During this reporting period, staff has given 15 training programs and other presentations to 612 participants, in addition to supplying materials for training given by others. For more information on training, contact David Tarler (David_Tarler@nps.gov).

In FY 2009, National NAGPRA provided training and program presentations as summarized below, with the number of attendees:

Date	Location	Sponsor/Course	Number of Attendees
Oct. 10	CA	National NAGPRA: "NAGPRA Basics"	76
April 16-17	VA	National NAGPRA and Manassas Battlefield NP: Enforcing the Archaeological Resources Protection Act Criminally and Civilly"	20
May 20-21	WA	National NAGPRA and National Preservation Institute: "Writing a NAGPRA Grant"	25
May 22	WA	National NAGPRA: "NAGPRA Basics"	62
May 27	CA	San Francisco State University: "NAGPRA Basics"	25
June 2	CA	Sixth Annual Society of American Indian Government Employees (SAIGE) Training Conference: "NAGPRA Basics"	15
June 13	IA	Cultural Resources Teachers' Workshop for Area Educators (IA, MN & WI): "Cultural Resources Protection"	65
June 30	DC	National NAGPRA Webinar: "How to Write a Successful Federal Register Notice for NAGPRA: Types, Process & Content	30
July 27-31	WV	National Park Service: Cultural & Natural Resources Management Training for NPS Superintendents	35
Aug. 10	OK (by telephone from DC)	11th Annual Meeting of the National Association of Tribal Historic Preservation Officers: National NAGPRA Program Databases"	60
Sept. 14	IL	National NAGPRA and National Preservation Institute: "Determining Cultural Affiliation"	35
Sept. 15-16	IL	National NAGPRA and National Preservation Institute: "Writing a NAGPRA Grant"	23
Sept. 23	DC	National NAGPRA Webinar: "Managing Your 2009 NAGPRA Grant"	40
Sept. 22-25	CA	National NAGPRA, Dept. of Interior – Indian Arts and Crafts Board and Dept. of Justice: "Cultural Resources Protection Law: Enforcement"	31
	NM	National Park Service and U.S. Forest Service: "Native American Cultural Property Law"	70
		TOTAL	612

Video Project

The NAGPRA Video Project began in October 2008 with the mission to create a training series that would include grant-writing tips, first-person narratives, program statistics, anecdotal evidence, and in-depth, engaging coverage of the entirety of the law and its consequences. Over the past year the National NAGPRA Program has conducted 50 interviews in 10 cities across the country. These interviews with tribal members, museum officials and Federal agency representatives have created a historic archive of resources on consultation, grants, notices, law making, dispositions, documentation and repatriation. Along with the interviews, the National NAGPRA Program was also able to complete the segment on NAGPRA Civil Penalties with the help of Loras College in Dubuque, Iowa. By the end of 2009, with the help of the DOI National Business Center, the National NAGPRA Program will complete two more segments on NAGPRA Grants and NAGPRA Notices. In addition to the many longer segments to be developed, the National NAGPRA Program will also be developing a shorter piece to be used on its website and as an introduction to the NAGPRA process. As the project moves into its second year, the National NAGPRA Program is pleased to report that the NAGPRA Video Project has already proved to be a useful tool for forging relationships, developing understanding and discussing the future of NAGPRA.

Interviews	
Affiliation	**Number**
Indian tribes	21
Museums	15
Federal Agencies	6
Review Committee	5
Other	3
Total Interviews	**50**

Interview Locations
Denver, CO
Flagstaff, AZ
Phoenix, AZ
Syracuse, NY
Boston, MA
Martha's Vineyard, MA
Seattle, WA
Washington, DC
Juneau, AK
Dubuque, IA

Partners
National Preservation Institute
Dept. of the Interior, National Business Center
National Portrait Gallery, Smithsonian Institution
Sealaska Heritage Institute
S. Margaret Spivey, Harvard University
Megan Keller, George Washington University
Lauren A. Trice, University of Mary Washington
Jim Boyd, National Park Service
B Creative Group, Inc.
Loras College

Outreach

During this reporting period the National NAGPRA Program provided information to the following:

News outlets and media enterprises:

- Associated Press
- Indian County Today
- Charleston Gazette
- Columbus Dispatch
- Salem Oregonian
- Native America Calling (radio live broadcast)
- National Public Radio

Legislative and public information:

- Library of Congress
- Senator Dorgan
- Senator Hastings
- Senator Inouye
- Senator Murkowski
- Representative Rahall

In addition to responding to telephone inquiries and email correspondence, including mail sent to the website on a daily basis (in total for FY 2009 approximately 2,000 inquiries), the National NAGPRA Program receives requests for assistance from college students and faculty conducting research projects which rely on program information. Aides to research by institution are:

- University of Arizona, Rogers College of Law
- Harvard University
- American University College of Law

Website

The National NAGPRA website provides an opportunity to supply training and technical guidance on a range of NAGPRA matters. The web pages and training materials began a wholesale review in FY 2008, which is continuing. See www.nps.gov/history/NAGPRA.

For information on the website contact: Mariah Soriano (Mariah_Soriano@nps.gov).

Databases

The National NAGPRA Program maintains several databases and will be adding additional public access databases in the near future. The National NAGPRA Program receives the compliance documents from Federal agencies and museums, including:

- inventories of culturally affiliated Native American human remains,
- inventories of culturally unidentifiable Native American human remains,
- notices of inventory completion published in the Federal Register of Native American human remains, either culturally affiliated for repatriation or culturally unidentifiable for disposition,
- summaries of Federal agency and museum collections,
- notices of intent to repatriate items from the summaries, per agreement with Indian tribes, and
- newspaper notices published by Federal agencies for new finds on the land and intended disposition.

The National NAGPRA Program supports consultation between Federal agencies and museums with Indian tribes in furtherance of the NAGPRA process by making this information publicly available on the web. In addition, other tools to assist consultation are posted on the Program website. The following databases exist, are in development, or updating as follows:

Native American Consultation Database (NACD): This long-standing database provides the names and contact information supplied by each Indian tribe for their NAGPRA contact for consultation. The database has recently undergone structural updating with a software contractor and will undergo an update of the information in FY 2010.

Consultation efforts are further supported by maps accessible on the Program website, including maps of tribal lands, treaty areas, and the 1906 ethnographic maps of tribal aboriginal areas. Once the area of an item in a collection, or new discovery on the land, is determined, these maps can be used to locate the Indian tribes with a possible interest in human remains or items from an area. The NACD will supply the contact information for the Indian tribe.

Notice Database: There is currently available on the website a database of published notices, which is updated as new notices are published. This information is helpful to aid in information sharing and informing consultation on other notices.

Culturally Unidentifiable Native American Human Remains Database (CUI): This database was launched in 2005 and has informed disposition decisions on CUI, as well as bringing to public view the contents of CUI inventories from which thousands of individuals have been subsequently listed in amended inventories as culturally affiliated, placed in published notices and made eligible for repatriation. The database is in continual update from newly submitted records as well as to reconcile program data to ensure accuracy.

Culturally Affiliated Native American Human Remains Database (CA): This database of CA inventories should launch as a public access item in early FY 2010. Full population of data will enable accurate reports of the individuals culturally affiliated but not yet in notices.

Summaries Database: By posting summaries on a public access database, Indian tribes will have easily accessible information on those Federal agencies and museums that list them as having an interest in

items, as well as to disclose locations of items when summaries were not sent to a particular Indian tribe. The database should foster consultation and inform claims decisions of Indian tribes, as well as provide information to museums of similar collections.

Notice of Intended Disposition Database (NID): This notice database will complete the disclosure and public access of the NAGPRA compliance documents for public use, with new discovery information.

Review Committee Decisions by Topic: A report of Review Committee decisions has been supplied in Program reports for several years. These reports have given historical accounting of the parties in a dispute, the general dispute item and the resolution. For purposes of assisting parties, researchers and the general public, having an interest in the varied issues and determinations on the matters, a more issue specific database is needed. A searchable-by-topic database of Review Committee opinions has been evolving and has been the project of several volunteer law school student interns. This project is not yet ready for release and will be in continual development in FY 2010.

Future Database Development: Planned in the future are public access tools including: listings of training opportunities by government, tribal and private providers; resources to support the NAGPRA process for Federal agencies, Indian tribes and museums such as providers of toxic substance detection; listings of state/NAGPRA protocols approved by the Secretary of the Interior; and other products as may be suggested by the Review Committee to support the NAGPRA process.

State Burial Laws Project: This massive, multi-year project is an undertaking with the partnership of the American University, Washington School of Law. Each year, for the last four years, 8-10 law students under the direction of David Tarler have made a comprehensive accumulation of every law in each state that pertains to the regulation and enforcement of human remains and burials. When all the state canvassing was complete, the students then turned to the next stage of the project: the annotation of each state according to a set list of questions, to enable research across the states or within a state. With the annotation of fifteen states almost complete, the public launch of this database may occur early in FY 2010. The database will be housed on the website of the Washington School of Law Library. American University has made a commitment to maintain and update the database, once launched, and have funded Dean's Fellows dedicated to this project. The product of this partnership will assist states in the resolution of repatriation and protection of human remains discovered on state lands, and will support further development by states of repatriation protocols consistent with NAGPRA. It will be a useful tool for developers and those who work in the field of NEPA and NHPA compliance.

Illegal Trafficking

NAGPRA provides criminal penalties for violations of 18 U.S.C. 1170, Illegal Trafficking in Native American Human Remains and Cultural Items. The cases are investigated by Federal law enforcement agents and handled by United States Attorneys throughout the country. National NAGPRA offers training for attorneys and agents and provides technical assistance upon request. For more information on cultural property law and enforcement, contact David Tarler (David_Tarler@nps.gov).

Program Operations

Operational Management

The National NAGPRA Program employed a software contractor in FY 2007-2008 to develop a stable format. That contract is complete. A second contract is underway to develop specific programmed report functions for each of the program tasks. The contract began in 2008, and by the end of FY 2009, the contractor, NuAxis, had developed, and put into operation, programs to support reporting of notice processing, grants processing, civil penalty file management and reporting, a database of culturally affiliated Native American human remains, a database of notices of disposition and updates to the culturally unidentifiable Native American human remains database. To be completed are programs to support a database of summary information and updates to the consultation database.

For more information on technical reporting capacity of the National NAGPRA Program, contact Mariah Soriano (Mariah_Soriano@nps.gov).

Externs, Interns

The National NAGPRA Program forms partnerships with the National Center for Preservation Education (NCPE), law schools and universities, and the Cultural Resources Diversity Program within NPS, through the Student Conservation Association (SCA), to offer internships in government service and externships from law schools where students earn course credit. Intern/extern projects provide numerous benefits to the National NAGPRA Program and the communities that it serves.

The externs/interns and the projects in progress in FY 2009 were:

Project: *A Survey of State Laws Affecting Burials,* under the direction of David Tarler
Externs/Interns: Second and third year law students, American University Washington College of Law, Abbey Baker, Samantha Cardenas, Ernest Edwards, Kate Halloran, Christine Peterson, Courtney Schumacher, Dan Zagoren

Project: Culturally Affiliated Native American Human Remains Database, under the direction of Mariah Soriano
Externs/Interns: Mathew Estes, graduate of the Anthropology Department, SUNY Oswego
Sarah Stanton, undergraduate, Native American Program, Dartmouth College

Project: *NAGPRA Video,* under the Direction of Sangita Chari and David Tarler
Externs/Interns: Margaret Spivey, graduating senior, Anthropology Department, Harvard University
Lauren Trice, graduate of the Historic Preservation Program, University of Mary Washington
Megan Keller, graduate student, Museum Studies, George Washington University

National NAGPRA Staff

The National NAGPRA staff roster as of September 30, 2009 is:

Program Manager:	Sherry Hutt
Program Secretary:	Robin Coates
Program Officers:	David Tarler
	Sangita Chari
	Mariah Soriano

In February 2009, C. Timothy McKeown left the National NAGPRA Program for a career-enhancing position in the Department of the Interior. On October 1, 2009, Richard Waldbauer will assume the position in the National NAGPRA Program of technical documents and reports coordinator, which will include drafting regulations, special reports, developing new training products with regard to regulations, coordinating the interagency NAGPRA coordinators working group, as well as providing technical assistance to constituents and providing webinars and video segments. Dr. Waldbauer comes to the National NAGPRA Program from the Federal Preservation Institute and with experience in the early days of the National NAGPRA Program in NPS.

The program is assisted by contractors:

Jaime Lavallee
Lesa Koscielski
Patricia Zell
NuAxis
Lauren Trice

The civil penalty investigator is Bob Palmer, in cooperation with NPS Law Enforcement, Resource and Visitor Protection and Effigy Mounds National Park. The National Park Service is accommodating the National NAGPRA Program on an ongoing basis with law enforcement agents across the country to assist Bob Palmer in collecting information on allegations of failure to comply, as needed.

In addition, the National NAGPRA Program receives support from other NPS employees:

Hampton Tucker and Vedet Coleman, grants administration
Kathleen Murphy, IT support
Jane Fu, IT support
Randall Bohnert and Lesa Weissman, finance
Joe Wallis, finance, long-range planning

FY 2009 Budget

The National NAGPRA Program receives appropriations from Congress for grants and grants administration. Funding is also provided through the National Park Service. The figures below are in thousands and are approximate pending final invoices.

Grants Appropriations:

Congressional appropriation	$2,300
Used for National NAGPRA Program	450
Available for Grants FY 2009	1,850
Grants Awarded FY 2009	$1,850

National NAGPRA Program Funding:

National NAGPRA Program support	450
Grants administration appropriation	191
Operations funding from NPS Cultural Resources accounts	329
Funding from NPS Law Enforcement for enforcement support and training	45
Total of funding sources:	$1,015

Operational Expenses:

Personnel Compensation:	$ 651
Contractors and interns:	120
Publication (Fed. Reg. & printing)	90
Travel NAGPRA staff, Review Com. (training & Review Committee meetings)	65
Equipment, supplies	15
Review Committee meeting events	12
Review Committee transcripts	32
Review Committee fees	30
Total Expense	$ 1,015

See page 3 of this report for a summary of the products achieved.

Appendix

Recipients of Training Grants

Tribes/NHO's

Absentee Shawnee Tribe
Agua Caliente Band of Cahuilla Indians
Buena Vista Rancheria
Central Council Tlingit & Haida Tribes of Alaska
Eastern Shawnee Tribe of OK
Elk Valley Rancheria
Greenville Rancheria
Hawai'I Maoli
Hui Kakoo
Iowa Tribe of Kansas & Nebraska
Kalama'ula Mauka Homestead Assn.
Kenaitze Indian Tribe
Kona Historical Society – Pulama Ia Kona
Lac Vieux Desert Band of Lake Superior Chippewa
Lac Vieux Desert Band of Lake Superior Ojibwe
Las Vegas Paiute Tribe
Lower Elwha Klallam Tribe
Ohana Keohokalole
Organized Village of Kake
Pawnee Nation of Oklahoma
Penobscot Nation
Pueblo de San Ildefonso
Pueblo of Zuni
Saginaw Chippewa Indian Tribe of Michigan
San Xavier District of the Tohono O'odham Nation
Santee Sioux Nation
Sealaska Heritage Institute
Squaxin Island Tribe
Three Affiliated Tribes
White Mountain Apache Tribe
Wiyot Tribe
Wrangell Cooperative Association

Museums

Alutiiq Museum & Archaeological Respository
Eastern WA State Historical Society
The Friends of 'Iolani Palace
University of Denver Museum of Anthropology

Other

American Indian Center of Chicago
UC-San Diego