

MINUTES

**NATIVE AMERICAN GRAVES PROTECTION AND
REPATRIATION REVIEW COMMITTEE**

SIXTY-SIXTH MEETING

October 30, 2019

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Background

The Native American Graves Protection and Repatriation Review Committee was established under the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq., which was signed into law by President George Bush on November 16, 1990.

Pursuant to 25 U.S.C. 3006 (c) and (h), the Review Committee is responsible for –

1. Designating one of the members of the committee as chair;
2. Monitoring the inventory and identification process conducted under sections 5 and 6 to ensure a fair, objective consideration and assessment of all available relevant information and evidence;
3. Upon the request of any affected party, reviewing and making findings related to-
 - A. The identity or cultural affiliation of cultural items, or
 - B. The return of such items;
4. Facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items, including convening the parties to the dispute if deemed desirable;
5. Compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for developing a process for disposition of such remains;
6. Consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the committee affecting such tribes or organizations;
7. Consulting with the Secretary of the Interior in the development of regulations to carry out this Act;
8. Performing such other related functions as the Secretary may assign to the committee;
9. Making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated; and
10. Submitting an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.

The Review Committee is organized and administered according to the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (2006).

Six Review Committee members are appointed by the Secretary of the Interior from nominations by Indian tribes, Native Hawaiian organizations, traditional Native American religious leaders, national museum organizations, and scientific organizations. At least two of the members must be traditional Indian religious leaders. One Review Committee member is appointed by the Secretary from a list of persons developed and unanimously approved by the other members.

The Review Committee reports to the Secretary of the Interior. Under the Review Committee's charter, the Manager, National NAGPRA Program, National Park Service (NPS) serves as the Designated Federal Officer (DFO) to the Review Committee. The DFO oversees the activities of the Review Committee and coordinates administrative and staff support to the Review Committee on behalf of the Secretary of the Interior.

Additional information about the Review Committee – including the Review Committee's charter, membership, meeting protocol, and dispute procedures – is available at the National NAGPRA Website, <http://www.nps.gov/nagpra> (click on "Review Committee").

Notice of this Review Committee meeting was published in the *Federal Register* on October 16, 2019 (84 FR 55329-55330).

The 66th Meeting of the Review Committee

The 66th meeting of the Native American Graves Protection and Repatriation Review Committee was called to order by Ms. Melanie O'Brien, DFO, at 2:00 p.m. (Eastern), on Wednesday, October 30, 2019. Ms. O'Brien confirmed the attendance of the Review Committee members, and stated that the Federal Advisory Committee Act (FACA) requirements were met regarding the publication of the meeting notice and agenda prior to the meeting. Mr. Minthorn offered a traditional opening.

Review Committee members present –

Mr. Patrick Lyons – Chair

Mr. John Beaver

Ms. Heather Edgar

Ms. Honor Keeler

Mr. Barnaby Lewis

Mr. Frank McManamon

Mr. Armand Minthorn

Designated Federal Officer present –

Ms. Melanie O'Brien, Manager, National NAGPRA Program, National Park Service

National Park Service/Department of the Interior staff in attendance –

Ms. Laurie Jennings, Documents and Reports Coordinator, National NAGPRA Program, National Park Service

Ms. Lesa Koscielski, Review Committee Coordinator, National NAGPRA Program, National Park Service

Ms. Mariah Soriano, Inventories, Summaries, Databases and Website Coordinator, National NAGPRA Program

Mr. David Tarler, Training, Civil Enforcement, and Regulations Coordinator, National NAGPRA Program

Mr. Brady Blasco, Attorney, Division of Parks and Wildlife, Office of the Solicitor, Department of the Interior

Mr. Stephen Simpson, Senior Attorney, Division of Indian Affairs, Office of the Solicitor, Department of the Interior

Persons in attendance during part or all of the meeting (names and affiliations as provided by attendees) –

Ms. Anne Amati, University of Denver Museum of Anthropology, Denver, CO

Ms. Naomi Brandenfels, Quinault Indian Nation, Taholah, WA

Ms. Lori Breslauer, The Field Museum, Chicago, IL

Ms. Mary Carroll, U.S. Dept. of the Interior, National Park Service, Park NAGPRA, Lakewood, CO

Ms. Jessie Cohen, Yale Peabody Museum, New Haven, CT

Ms. Jacqueline Cook, Confederated Tribes of the Colville Reservation, Nespelem, WA

Ms. Kyla Cools, U.S. Dept. of the Interior, Interior Museum Program, College Park, MD

Ms. Lauren Costantini, Pedal Mountain Bike Adventures, Boulder, CO

Ms. Ellyn DeMuynck, U.S. Dept. of the Interior, National Park Service, Park NAGPRA, Denver, CO

Ms. Lydia Degn-Sutton, Univ. of Denver Museum of Anthropology, Denver, CO

Ms. Leslie Eisenberg, Wisconsin Historical Society, Madison, WI

Ms. Kathleen Fine-Dare, Fort Lewis College, Center of Southwest Studies, Durango, CO

Ms. Michelle Fitzgerald, San Francisco State University, San Francisco, CA

Ms. Lourdes Henebry-DeLeon, Central Washington University, Ellensburg, WA

Ms. Kara Hurst, U.S. Dept. of the Interior, Bureau of Reclamation, Denver, CO

Mr. Jordan Jacobs, Phoebe A. Hearst Museum of Anthropology, University of California - Berkeley, Berkeley, CA

Mr. Erik Kjeldgaard, U.S. Government Accountability Office, Washington, DC

Mr. David Lindsay, Society for American Archaeology, Washington, D.C.

Ms. Meredith Luze, Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

Ms. Alexandra Martin, University of New Hampshire, Durham, NH

Mr. C. Timothy McKeown, National Association of Tribal Historic Preservation Officers, Washington, DC

Ms. Jamie Meuwissen, U.S. Government Accountability Office, Washington, DC

Ms. Jennifer Miller, Perot Museum, Dallas, TX

Ms. Nell Murphy, American Museum of Natural History, New York, NY

Ms. Angela Neller, Wanapum Heritage Center, Columbia Plateau Inter-Tribal Repatriation Group, Beverly, WA

Ms. Megan Noble, University of California - Davis, Davis, CA

Ms. Sarah O'Donnell, Osage Nation Historic Preservation Office, Pawhuska, OK

Ms. Emily Palus, U.S. Department of the Interior, Interior Museum Program, Washington, D.C.
Ms. Jane Richardson, Bernstein & Associates NAGPRA Consultants, Denver, CO
Ms. Helen Robbins, The Field Museum, Chicago, IL
Ms. Kathryn Sabella, American Museum of Natural History, New York, NY
Ms. Candace Sall, Univ. of Missouri, Museum of Anthropology, Columbia, MO
Ms. Lauren Sieg, National Museum of the American Indian, Washington, D.C.
Ms. Sharon Small, Little Bighorn Battlefield National Monument, Crow Agency, MT
Ms. Patricia Streng, Kansas City, MO
Ms. Emily Tarantini, Univ. of Colorado Boulder Museum of Natural History, Boulder, CO
Ms. Isabel Tovar, History Colorado, Denver, CO
Ms. Jacqueline Veninger-Robert, University of Connecticut, Storrs, CT

National NAGPRA Program Updates on Ongoing Topics

During the meeting, the following updates on ongoing topics were presented and discussed:

- Revision of the regulations remains on the Office of Management and Budget agenda, with current publication of a proposed rule scheduled for November. Based on the Review Committee's discussion in August, Ms. O'Brien informed the appropriate officials in the Department of the Interior that the Review Committee wished to provide input and advice on the regulations as soon as possible.
- The Review Committee's 2017-2018 report to Congress will be available to the public following distribution to members of Congress, likely in November 2019. Additional distribution ideas were discussed.
- The National NAGPRA Program staff will work with the Review Committee to identify dates and locations for upcoming meetings.
- The National NAGPRA Program published a new website, available at the same address <https://nps.gov/nagpra>. Additional information concerning each of these topics will be posted to the website when available.

Action Item: Discussion of the Review Committee 2018-2019 Report to Congress

Ms. Edgar chaired the discussion of the 2018-2019 report to Congress. The subcommittee on the annual report to Congress (members Ms. Edgar, Mr. Beaver, Ms. Keeler, Mr. Lewis and Mr. Lyons) drafted the report. During the meeting, the Review Committee members discussed several sections of the report and revisions to be completed by the subcommittee following the meeting. Of particular note, some members expressed concern with Recommendation No. 2 and cautioned that steps be taken to ensure that any amendment of the National Historic Preservation Act will not introduce unintended negative consequences relative to the implementation of this law and the 36 CFR 79 regulations. Mr. Lyons made a motion that the Review Committee approve the report as discussed. Mr. Minthorn seconded the motion. The Review Committee unanimously agreed. Ms. O'Brien will complete any final edits, publication and distribution to Congress, and posting on the National NAGPRA Program website.

Written and Public Comment

The Review Committee received one written comment in advance of the meeting, from the University of Denver Museum of Anthropology. The written comment was included in the meeting materials. The Review Committee thanked the University of Denver Museum of Anthropology for providing the written comment, and encouraged continued feedback from Indian tribes, museums, and Federal agencies on progress made and barriers encountered in the implementation of NAGPRA.

Closing Comments

On behalf of the Department of the Interior and the National NAGPRA Program, Ms. O'Brien thanked Ms. Edgar and Mr. Lyons for their dedicated service on the Review Committee and contributions toward successful implementation of NAGPRA.

Traditional Closing

Mr. Minthorn offered a traditional closing.

Meeting Adjournment

The meeting was adjourned at 3:44 p.m., by Ms. O'Brien.

Certified –

Melanie O'Brien

Ms. Melanie O'Brien
Manager, National NAGPRA Program
Designated Federal Officer, Native American Graves Protection
and Repatriation Review Committee

November 18, 2019

Date

Approved on behalf of the Review Committee –

Patrick Lyons

Mr. Patrick Lyons
Chair, Native American Graves Protection
and Repatriation Review Committee

November 18, 2019

Date