

MINUTES

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION REVIEW COMMITTEE

Meeting 88 – May 23, 2024

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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 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 national 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 procedures, and dispute procedures – is available at the National NAGPRA Website, nps.gov/nagpra (click on "Review Committee").

Notice of this Review Committee meeting was published in the *Federal Register* on May 2, 2024 (89 FR 35859).

The 88th Meeting of the Review Committee

The 88th meeting of the Native American Graves Protection and Repatriation Review Committee was called to order by Ms. Melanie O'Brien, DFO, at 2 p.m. (Eastern), on Thursday, May 23, 2024. 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. Halealoha Ayau offered a traditional opening.

Review Committee members present –
Mr. Halealoha Ayau – Chair
Mr. C. Timothy McKeown – Vice Chair
Ms. Domonique deBeaubien
Ms. Angela Garcia-Lewis
Mr. Armand Minthorn
Mr. Toby Patrick
Ms. Shelby Tisdale

Designated Federal Officer present –
Ms. Melanie O'Brien, Manager, National NAGPRA Program, National Park Service

Presentation: Arizona State University School of Human Evolution and Social Change (ASU)

Ms. Allisen Dahlstedt, Assistant Director of Repatriation, presented a brief update on NAGPRA implementation by Arizona State University's School of Human Evolution and Social Change, including its responsibilities as a repository for various Federal and State collections. She stated ASU's NAGPRA processes were developed in consultation with Tribal partners. Also, she identified the lack of available information and resources as barriers to repatriation. Mr. Christopher Caseldine, Curator of Collections, described ASU's staff organization and responsibilities, reviewed ASU's NAGPRA funding since 2021, and reported on ASU's efforts to increase NAGPRA education within the School. Mr. Caseldine provided several recommendations for the National NAGPRA Program.

The Review Committee asked follow-up questions centering on ASU's future estimated costs to comply with NAGPRA, the breakdown of these costs, the scale of ASU's collection, and the scope of the Federal agency collections in ASU's custody.

Presentation: University of Arizona, Arizona State Museum (ASM)

Mr. James Watson, Associate Director, presented a brief review of Arizona State Museum's NAGPRA implementation, its responsibilities as a repository for various Federal collections, and the protocols it developed in consultation with Indian Tribes to comply with the revisions to the NAGPRA regulations. Mr. Watson reviewed ASM's revised NAGPRA goals, NAGPRA implementation costs, and barriers to implementation, such as the lack of funding and space.

The Review Committee asked follow-up questions centering on ASM's estimated costs to comply with NAGPRA, toxic materials testing, the scope of collections (including outstanding loans from the University of Arizona), and whether ASM has new collections that are pending consultation.

Presentation: National Association of Tribal Historic Preservation Officers (NATHPO)

Ms. Stacy Laravie, Indigenization Director, made recommendations for the Review Committee's annual report to Congress.

The Review Committee thanked Ms. Laravie for her presentation and for providing a copy of NATHPO's testimony to the House Appropriations Committee.

Presentation: Department of the Interior

Office of Policy Management and Budget

Ms. Emily Palus, Division Lead, Museum & Cultural Resources, presented a summary of recent activities in support of NAGPRA implementation, which included a September 2023 Department of the Interior directive and action plan for the repatriation of Native American human remains and cultural items.

The Review Committee asked follow-up questions centering on the Office of the Secretary's 2025 projected request for NAGPRA funding, coordination with the Solicitor's Office regarding the control of collections, Federal budgets related to Federal collections in non-Federal repositories, and the number of non-Federal repositories holding DOI collections.

Department of the Interior, Bureau of Reclamation (USBR)

Ms. Kara Hurst, National Curator and NAGPRA Coordinator, presented a summary of the Bureau of Reclamation's recent review of its responsibilities under 43 CFR Part 10, subparts B and C, and described the scope of USBR's collections and budget, including recent supplemental funding to address DOI's action plan. Barriers to implementation include identifying the party with control, given the differing acquisition histories of the collection. Ms. Hurst summarized USBR's NAGPRA implementation efforts, including guidance developed to help staff implement the revised NAGPRA regulations.

The Review Committee asked follow-up questions centering on USBR's future estimated costs for NAGPRA implementation, how those costs are affected by different collection acquisition circumstances, and the permit process for Indian Tribes to request reburial on USBR lands.

Department of the Interior, Bureau of Indian Affairs (BIA)

Ms. Tamara Billie, Chief, Branch of Cultural Resources Management, Division of Environmental Science and Cultural Resources Management, Office of Trust Services, presented an update on the Bureau of Indian Affairs' NAGPRA implementation. Barriers to implementation include challenges to identifying collections under BIA's control. Ms. Billie stated that a summary of BIA's efforts to address barriers is included in its action plan. Ms. Billie reviewed the future estimated budget for BIA, as well as information regarding ongoing collaborations that will soon result in notice publication.

The Review Committee asked follow-up questions centering on BIA's future estimated costs for NAGPRA implementation, whether BIA has been notified of previously unreported BIA collections in non-Federal repositories, and BIA's consultation process.

Department of the Interior, Bureau of Land Management (BLM)

Ms. Bridget Ambler, Acting BLM Curator and NAGPRA Coordinator, presented a summary of the Bureau of Land Management's NAGPRA implementation progress, needs assessment, and action plan.

The Review Committee asked follow-up questions centering on BLM's future estimated costs for NAGPRA implementation; whether the BLM has been notified of previously unreported BLM collections in non-Federal repositories; advice received from DOI solicitors regarding Federal control of collections; the status of current inventories from non-Federal repositories; tracking BLM collections in non-Federal repositories nationwide; the estimated completion date of BLM's action plan, including consultation; and BLM's NAGPRA implementation progress.

Department of the Interior, Fish and Wildlife Service (USFWS)

Ms. Jasmine Heckman, National Curator and HQ NAGPRA Lead, presented an overview of the U.S. Fish and Wildlife Service's organization, land-management stewardship, and staffing, as well as an update on its NAGPRA implementation. Ms. Heckman described USFWS's actions in response to the DOI NAGPRA Action Plan.

The Review Committee asked follow-up questions centering on USFWS's future estimated costs for NAGPRA implementation, the number and location of repositories, and its exclusion of Native American human remains from inventories and unassociated funerary objects from summaries.

Department of the Interior, National Park Service (NPS)

Ms. Mary Carroll, Program Manager, Park NAGPRA Program, presented a summary of the National Park Service's Action Plan, currently under Department review, its past and future funding levels, a proposed update to the National Park Service's reburial policy, and the status of NPS's NAGPRA implementation progress.

The Review Committee asked follow-up questions centering on National Park Service's future estimated costs for NAGPRA implementation and whether NPS is collaborating with Indian Tribes on NAGPRA collections at individual National Parks.

Mr. Blasco and Mr. Simpson responded to questions from the Review Committee about Federal collections in non-Federal repositories.

National NAGPRA Program Report

Ms. O'Brien described the responsibilities delegated to the Program Manager and the National NAGPRA Program by the Secretary of the Interior. Ms. O'Brien stated that statistics on the work of the National NAGPRA Program are available in the Program's annual fiscal year reports on the National NAGPRA Program website, at <http://www.nps.gov/nagpra/>.

Ms. O'Brien highlighted several key items from FY 2023:

- The nearly three-year process to revise the NAGPRA regulations culminated in the publication of the final rule on December 13, 2023. The regulations became effective on January 12, 2024.
- The Program received and published an unprecedented number of notices.
- Congress appropriated 3.4 million dollars for NAGPRA grants, the largest amount of grant funding in the history of the NAGPRA Program. Twenty-one repatriation grants were awarded, totaling over 271,000 dollars. Funding limits were increased to 100,000 dollars for consultation and documentation grants and 25,000 dollars for repatriation grants, and the repatriation grant cycle was extended.
- The Program continues to investigate allegations of failure to comply.
- Three members' terms will end in June and October. A nomination notice was published in the *Federal Register* on May 20, 2024. Nominations must be received by July 19, 2024.

The Review Committee asked questions related to pending civil penalty investigations of allegations against state agencies.

Discussion of the Report to Congress

The Review Committee discussed its report to Congress for FY 2024 and scheduled a meeting on September 23, 2024, to discuss and approve the report. The Review Committee agreed to add outgoing members Shelby Tisdale and Tim McKeown to the subcommittee on the annual report to Congress as nonmember experts. The subcommittee will draft the report prior to the September 2024 meeting. One member of the Review Committee noted that it had taken 178 days for the final report to Congress for FY 2023 to be sent to Congress. The member also read into the record the list of 15 members of Congress, as well as eight administration officials and leaders of twelve national Tribal, museum, and scientific organizations the committee previously identified had still not received their copy of the report. Ms. O'Brien stated that she was working to send the report to the remaining recipients by email.

Selection of a Vice Chair

Selection of a Vice Chair is required under the Review Committee's meeting procedures. The Review Committee noted that Vice Chair McKeown's term will end on June 4, 2024, and selected Domonique deBeaubien to succeed him as Vice Chair.

Written and Public Comment

The Federal Advisory Committee Act (FACA) requires that Review Committee meetings be conducted in public and provide an opportunity for the public to offer comment. The public may participate in NAGPRA Review Committee meetings in three ways: by making oral presentations, providing public comment, or submitting written comment. Written comments are provided to the Review Committee prior to the meeting to allow time for informed review and consideration. The Review Committee received written comments from the U.S. Department of the

Interior, Bureau of Indian Affairs; Harvard University; the Ohio History Connection; and Ms. Lynne Sullivan. Their comments are contained in the meeting materials. The Review Committee acknowledged that these comments inform the work of the Review Committee during both meeting discussions and the development of the Committee's reports to Congress.

Ms. Reyllynne Williams

Ms. Williams, Cultural Resource Specialist, Gila River Indian Community Tribal Historic Preservation, responded to the presentations by Arizona State University School of Human Evolution and Social Change and University of Arizona, Arizona State Museum, and offered support for the work of both programs.

The Review Committee acknowledged the comments, which inform the work of the Review Committee during its discussions, as well as in development of its reports to Congress.

Other Business

The Review Committee discussed coordination with the Transportation Security Administration (TSA) on facilitating the transport of Native American ancestral remains and cultural items.

Meeting Adjournment

The meeting was adjourned by Ms. O'Brien at 6:03 p.m. (Eastern).

Certified by

Edward H Ayau

Mr. Halealoha Ayau
Chair, Native American Graves Protection
and Repatriation Review Committee

August 7, 2024

Date

Certification ensured by

Melanie O'Brien

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

August 7, 2024

Date

Attendees

In addition to Review Committee members, the DFO, and individuals speaking at each meeting, as identified in the text of the minutes above, the following individuals were in attendance during part or all of the meeting –

Department of the Interior staff in attendance –

Mr. David Barland-Liles, Investigator, National NAGPRA Program

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. Angelina Miller, Grants Coordinator, National NAGPRA Program, National Park Service

Ms. Mariah Soriano, Compliance Coordinator, National NAGPRA Program, National Park Service

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

Mr. Brady Blasco, Attorney-Advisor, Division of Parks and Wildlife, Office of the Solicitor

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

Persons in attendance (names as provided by attendees): Anne Amati, Bridget Ambler, Emily Andrews, Marie Archambeault, Richard Bailey, Diana Barg, Lisa Barrera, John Beaver, Timothy C. Begay, Rochelle Bennett, Jan Bernstein, Beverly Berry, Tamara Billie, Marcella Billie, Meredith Bissett, JoAnn Blalack, Brady Blasco, Victoria Bochniak, Kathy Boden, Christina Bolte, Samantha Bomkamp, Kellie Bowers, Christina Cain, Amy Cao, Patricia Capone, Aimee Carbaugh, June Carpenter, Mary Carroll, Emily Castano, Roger Ciuffo, Kate Compton-Gore, Megan Conger, Clare Connelly, James Crandall, Caroline Crecelius, Allisen Dahlstedt, Jennifer Day, Anna Dean, Teresa Dixon, Rochanne Downs, Anna Doyle, Michon Eben, Glenys Echavarri, Madelyn Enlow, Darius Enos, Sarah Fanelli, Madeleine Fang, Kathleen Fine-Dare, Dorothy FireCloud, Michelle Fitzgerald, Leslie Freund, Danielle Fulwiler, Cyrrene Giaccardo, Chyan Gilaspy, Laura Gilda, M. Cristina Gonzales, Maggie Gorski, Lillian Greenawald, Erin Guthrie, Danelle Gutierrez, Karla Hansen-Speer, Eve Hargrave, Laura Harold, Kelly Harvey, Ellie Heaton, Jasmine Heckman, Lourdes Henebry-DeLeon, Cynthia Herhahn, Audie Huber, Kara Hurst, Lauren Jelinek, Drew Jepson, Susan Johnson, Greg Johnson, Claire Kittell, Emma Lagan, Taylor Lambrigger, Tracy Laqua, Louisa Lara, Stacy Laravie, Rechanda Lee, Elizabeth Leith, Sarah Liszka, Shannon Loftus, Cristin Lucas, Sharla Luxton, Patrick Lyons, Melissa Madrigal, Eugene Marino, Loretta Martin, Kristen Martine, Carla Mattix, Marty McMahon, Colleen Medicine, Molly Megan, Russell Menyhart, Martina Minthorn, Jacob Moore, Brooke Morgan, Nell Murphy, Angela Neller, Tremayne Nez, Megon Noble, Kelsey Nordine, Shannon O'Loughlin, Elana Oser, Bernice Paipa, Karli Palmer, Emily Palus, Evan Parker, Matthew Peeples, Gena Peone, Mary Phillips, FP Pierce-McManamon, Noah Place, Sara Regensburger, Jane Richardson, Jennifer Rigsby, Helen Robbins, Alison Rubio, Rebecca Rupe, Elisa Ryan, Kathryn Sabella, Candace Sall, Katie Saunders, Leslie Schmidt, Bryana Schwarz, Amadeus Scott, Katherine Shakour, Stephen Simpson, Barrett Stout, Julia Swan, Adriane Tafoya, Amber Tedrow, Caitlin Thompson, Randy Thuesen, Tonya Tipton, Thomas Torma, Jewel Touchin, Jennie Trujillo, Gabriela Truly, Kate Trusler, Kate Valdez, Dirk Van Tuerenhout, Zithlaly Vega, Monea Warrington, James Watson, Cynthia Wiley, Reylynne Williams, Julie Woods, and John Worth. Several attendees joined by phone only and names are not available. Full attendance reports were collected and will be included with the Review Committee records for these meetings.