

Native
American
Graves
Protection and
Repatriation
Review
Committee

Annual
Report to
Congress
2015

Contents

Executive Summary.....	3
2015 Report to Congress	4
Barriers Encountered	4
Lack of Adequate Funding:.....	4
Failures of proper reporting in inventories from museums and federal agencies:	4
Lack of Appropriate Locations for Reburial:	6
Need for amendments to the Act and its regulations to provide clarity:.....	6
Progress Made	6
Increased Compliance:.....	6
CUI Disposition Recommendations:	6
Finding of Fact:.....	6
Dispute Resolution Procedures:.....	7
Recommendations to Congress	7
2015 Review Committee Activities	8
Review Committee Members:	8
Review Committee Meeting #55 Summary:	8
Review Committee Meeting #56 Summary:	11
Review Committee Meeting #57 Summary:	12
Review Committee Meeting #58 Summary:	14
National NAGPRA Program Statistics at a Glance.....	15
National NAGPRA Program FY 2015 Statistics	16

Native American Graves Protection and Repatriation Review Committee Annual Report to Congress 2015

Executive Summary

With the passage of the Native American Graves Protection and Repatriation Act (NAGPRA or the Act) on November 16, 1990, 25 U.S.C. § 3001, et seq., Congress mandated the formation of the NAGPRA Review Committee. The NAGPRA Review Committee is required to report to Congress annually regarding progress made, and any barriers encountered, in implementing the Act's provisions during the previous year (25 U.S.C. § 3006). The Act reflects "the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations" (25 U.S.C. § 3010). The Act was passed because of the disparate treatment afforded to Native Americans in the protection of their ancestral burials and cultural objects.

During the calendar year 2015, the Review Committee held four public meetings, two in person and two telephonic. The Review Committee received reports from the National NAGPRA Program regarding implementation and compliance activities under the Act, provided recommendations to the Secretary regarding the disposition of culturally unidentifiable human remains, issued a finding of fact as to cultural affiliation, and heard many presentations from NAGPRA constituents.

Attached to this Annual Report are statistics reported by the National NAGPRA Program regarding the implementation of NAGPRA, grants awarded under the Act, and other important progress made in the last fiscal year.

The Review Committee has been working this year to achieve progress by:

1. Informing museums and federal agencies that have made a determination that ancestral remains and associated funerary objects are culturally affiliated, but have failed to produce a Notice of Inventory Completion, and that the latter is required in order to repatriate;
2. Informing museums and federal agencies that have provided no proof of consultation with lineal descendants, Indian Tribes, or Native Hawaiian organization in their inventories of culturally unidentifiable ancestral remains and funerary objects, that they may be out of compliance with NAGPRA;
3. Recommending to the Secretary of the Interior the disposition of culturally unidentifiable human remains and associated funerary objects in five instances;
4. Making a finding of fact as to the cultural affiliation of human remains and associated funerary objects from a specific site; and
5. Finalizing dispute resolution procedures.

Despite some progress, the National NAGPRA Program and the NAGPRA Review Committee remain hindered by barriers that have been reported to Congress year after year. These are detailed in the body of the report below.

2015 Report to Congress

Congress has charged the Review Committee with reporting annually on progress made and barriers encountered in NAGPRA implementation. Consistent barriers, reported on year after year, continue to hinder progress in the implementation of NAGPRA.

Barriers Encountered

Lack of Adequate Funding:

Funding for NAGPRA grants, the National NAGPRA Program, and the Review Committee has not kept pace with the compliance and disposition activities required to implement the Act. This issue has been consistently raised by the Review Committee, by scientific, museum, and cultural organizations, and by Tribes and Native Hawaiian organizations. This is the single greatest impediment to complete and timely compliance.

The Review Committee has heard for many years that many Tribes simply lack the financial capacity to handle NAGPRA implementation. Museums likewise often lack dedicated staff to complete NAGPRA compliance work, and must therefore rely on staff with other full-time responsibilities or contract hires. Both Tribes and museums may be forced to rely on part-time or less experienced individuals not able to set aside the time needed to become familiar with NAGPRA requirements and properly perform ongoing NAGPRA tasks.

Grant applications to the National NAGPRA Program have increased over 65% in the last year, while the funding level to support the program has remained static since 1994, seriously impeding progress in repatriation efforts. Grants provide support to Tribes and museums to complete specific NAGPRA projects, however, they do not allow capacity-building (the development of institutional infrastructure) in either Native communities or museums to coherently and consistently implement the provisions of the Act. Separate funding aimed at capacity building, especially for Tribes or Native Hawaiian organizations, would allow communities and institutions to address NAGPRA compliance in a more holistic and less fragmented fashion, and further the Congressional policy of self-determination for Tribes.

NAGPRA's implementation has also slowed due to lack of staff in the National NAGPRA Program to fulfill statutory mandates and inadequate funding to support compliance and enforcement efforts. Finally, the Review Committee cannot fulfill its duties without regular opportunities to consult in person with Tribes, Native Hawaiian organizations, museums and federal agencies. Budgetary constraints have severely curtailed this activity.

Failures of proper reporting in inventories from museums and federal agencies:

1. *Failure to properly inventory federally controlled collections that are curated in non-Federal repositories*

Federal agencies and institutions receiving federal funds in possession or in control of human remains and associated funerary objects are required to list these in an inventory, and considerable progress is being made in these continuing efforts. There are, however, areas of ambiguity for institutions holding remains or cultural items on behalf of a federal agency. It may be unclear in some cases whether the federal

agency controlling these remains or items, or the institution holding them on behalf of that agency, is responsible for their inventory and reporting. Some institutions having custody of federal collections have not listed certain human remains and funerary objects in an inventory because they assumed it was the responsibility of the federal agency in control. The Review Committee continues to be concerned there may be human remains and associated funerary objects not currently listed in inventories because both the institution holding the remains or items and the federal agency responsible for the human remains or items assumes the other has included them in an inventory. As noted in previous annual reports, this concern could be addressed through structured discussion between federal agencies and those institutions having custody of their collections, resulting in explicit agreements assigning responsibility for reporting and inventorying these human remains and items. It is noted this is likely to require additional funding for institutions holding such collections, either to support inventory and documentation of and consultation regarding collections which they do not control, or to fund the appropriate packing and return of these collections to the federal agencies responsible for them by statute.

2. Failure to properly report the scope of consultation activities with lineal descendants, Indian Tribes, or Native Hawaiian organizations regarding culturally unidentifiable human remains and funerary objects

The number of culturally unidentifiable human remains and associated funerary objects is of considerable concern. There are currently 124,183 individual human remains and 1,117,133 associated funerary objects determined to be “culturally unidentifiable” in various repositories and institutions. The National NAGPRA Program databases show evidence that there are many museums and federal agencies that have not provided evidence that consultation with potentially affiliated Indian Tribes and Native Hawaiian organizations occurred when the museum or federal agency submitted its inventories. Results of consultation are required to be included in an inventory according to NAGPRA regulations, 43 CFR 10.9(c)(4).

As of August 5, 2015, 261 museums and federal agencies have not provided evidence they have consulted with lineal descendants, Tribes and Native Hawaiian organizations regarding a total of 18,576 individual human remains and 164,312 associated funerary objects. The National NAGPRA Program believes more such cases exist, because museums and federal agency consultation efforts have not been recorded on a site-by-site basis in its databases.

The Review Committee asked the National NAGPRA Program to send letters to museums and federal agencies to request evidence of compliance with NAGPRA, specifically regarding their consultation efforts with potentially affiliated lineal descendants, Tribes and Native Hawaiian organizations. In addition, the Review Committee asked the National NAGPRA Program to review its practices in obtaining consultation information, and to determine whether further research can be done to identify other consultation compliance issues related to culturally unidentifiable inventories.

3. Failure to submit Notices of Inventory Completion for culturally affiliated human remains and funerary objects

As of August 5, 2015, 88 museums and federal agencies have not yet included 10,829 culturally affiliated human remains in a Notice of Inventory Completion. This means there are affiliated individuals that could be but have not been repatriated for reasons unknown. The Review Committee asked the National

NAGPRA Program to send letters to these museums and federal agencies, notifying them of this discrepancy and to request information inquiring why these notices have not been published.

Lack of Appropriate Locations for Reburial:

Numerous tribes have expressed a desire for more consistent and more accommodating regulations allowing public lands to be set aside for the reburial of human remains and associated funerary objects. Many tribes strongly prefer that reburials take place in a location as close to the original burial site as possible, and in many cases this means that the preferred reburial site is not under tribal control. While limited provisions exist allowing reburial on federal land, these vary by agency and also in how consistently they are applied within individual agencies. Concerns have also been raised regarding adequate protection for these sites after reburial has taken place. Consistent regulations and procedures allowing portions of federal land to be set aside for reburial, and for the protection of these sites once reburial has taken place, would reduce delays in the completion of repatriation and disposition requests.

Need for amendments to the Act and its regulations to provide clarity:

Indian Tribes and Native Hawaiian organizations, and museums and federal agencies, continue to complain about ambiguities in the Act and its regulations that cause delay, confusion, and lack of compliance, e.g., assuring that funerary objects archaeologically associated with individual burials remain with the burials and are not treated and repatriated separately.

Progress Made

Increased Compliance:

As noted above, the Review Committee requested the National NAGPRA Program send letters to museums and federal agencies on consultation efforts for culturally unidentifiable human remains listed and on notice publication for culturally affiliated human remains. The National NAGPRA Program reported to the Review Committee that those efforts resulted in clarification of data, and submission of documentation on consultation and notice publication.

CUI Disposition Recommendations:

In 2015, the Review Committee heard six requests from museums and federal agencies for recommendations on disposition plans for culturally unidentifiable human remains. The Review Committee carefully considered each request during public meetings and posed questions to each museum and federal agency on the proposed plans. The Review Committee was able to recommend disposition for five of the requests, and recommended additional consultation on one request. Since 1994, the Review Committee has heard and taken action on 97 requests for disposition of culturally unidentifiable human remains. As a result of Review Committee recommendations, Notices of Inventory Completion have been published for 3,650 individual sets of culturally unidentifiable human remains through this process.

Finding of Fact:

In November 2015, the Review Committee considered a request for a finding of fact on the cultural affiliation of human remains from a site in Clarksville, Missouri. The human remains and associated funerary objects are in the control of the State of Missouri and the Osage Nation requested that the Review Committee make a finding of fact as to the cultural affiliation of those human remains and associated funerary objects. After a careful review of the facts presented by the Osage Nation, the Review

Committee made a finding of fact that the human remains and associated funerary objects were culturally affiliated to the Osage Nation. The Review Committee strongly recommended that the State of Missouri make a determination on the most appropriate claimant in this case within the next six months through consultation with the parties involved. The Review Committee requested that the State of Missouri inform the Review Committee of any barrier in making this determination within six months.

Dispute Resolution Procedures:

In 2010, the Review Committee established a subcommittee to develop more specific dispute resolution procedures based on input from museums, Federal agencies, and tribes. The subcommittee reported on its efforts and introduced draft procedures at the November 2013 meeting. Following additional discussion and Review Committee input, committee member Sonya Atalay revised the draft procedures. These were discussed at subsequent meetings, including the 55th meeting at the University of Massachusetts, Amherst, and were finalized and adopted by the Review Committee during our 56th (telephonic) meeting in April of 2015.

Recommendations to Congress

Based on the list of barriers identified, and the modest progress made as a consequence, the Review Committee strongly recommends the following Congressional actions:

1. Continue to support and increase grant funding, especially to Indian Tribes and Native Hawaiian organizations to build institutional capacity and meet the requirements of the Congressional policy of Indian self-determination.
2. Fulfill the statutory requirements of NAGPRA by providing adequate and consistent staffing and support to the National NAGPRA Program.
3. Support federal agency compliance with NAGPRA, including expedited completion of inventories of federal collections in non-federal repositories.
4. Support stronger enforcement measures by the Review Committee and the National NAGPRA Program, as well as the Secretary of the Interior, to better deal with compliance issues.
5. Enact legislation to further and consistently protect Native American burials by providing methods to protect public lands, or allow Tribes to acquire public lands, in order to provide areas for reburial.
6. Support broader opportunities for reburial of Native American ancestors on federal lands, including national parks.
7. Hold hearings to determine whether amendments to the Act should be considered that would expedite the repatriation process, and support the National NAGPRA Program in revisions to the current regulations.

2015 Review Committee Activities

Review Committee Members:

Nominated by Tribes and Native Hawaiian organizations:

Armand Minthorn (continuing)

Steve Titla (continuing)

Shannon Keller O'Loughlin (resigned May 2015)

Nominated by museums and scientific organizations:

Sonya Atalay (term ended April 2015)

Alex W. Barker (term ended April 2015)

LindaLee Kuuleilani Farm (continuing; reappointed November 2015)

Patrick Lyons (term began November 2015)

Heather Edgar (term began November 2015)

Nominated by the Committee:

Dennis H. O'Rourke (continuing)

Review Committee members are appointed for a four-year term and may be reappointed for a two-year term.

The NAGPRA Review Committee held two telephonic meetings and two in-person meetings in 2015. The Review Committee believes that telephonic meetings are less effective in advancing the work of the Committee, less successful in providing a forum to carry out consultation with Indian Tribes and Native Hawaiian organizations as required by the Act, and limit opportunities for other interested parties to comment on progress and barriers encountered in implementing the Act. Budget constraints required the elimination of one in person meeting in 2013 and in 2014, but the National NAGPRA Program has made two in person meetings per year a goal going forward. The Review Committee urges the Secretary and Congress to continue to provide funds to allow at least two in person meetings annually without impacting other Program activities. Previously, two to three in person meetings were held annually by the Review Committee, providing an opportunity for Native Americans to consult directly with Review Committee members, and allowing museums and federal agencies to provide reports on their compliance activities. All parties involved have stated they found these opportunities highly valuable.

Review Committee Meeting #55 Summary:

The 55th meeting of the NAGPRA Review Committee was held March 3-4, 2015 at the University of Massachusetts, Amherst. LindaLee (Cissy) Farm served as Chair for the meeting.

Culturally Affiliated and Culturally Unidentified Inventories Report: At its 50th meeting (November 2013), the Review Committee requested information on museums and federal agencies that have culturally affiliated (CA) remains not yet listed in Notices of Inventory Completion, and that have culturally unidentifiable (CUI) inventories with no indication of consultation. Acting Program Manager Ms. Melanie O'Brien provided revised data, indicating that the number of individuals listed in the CUI report is 19,357 (a reduction of 4,858 or 20%) and the number of individuals listed in the CA report is

12,658 (a reduction of 2,224 or 16%). Ms. O'Brien indicated that National NAGPRA would continue to refine these data, provide updated reports to the Review Committee, and analyze responses from museums and federal agencies in order to summarize barriers faced and progress made related to these reports.

Disposition Request – Texas State University: Mr. Todd Ahlman, Director of the Center for Archaeological Studies, Texas State University, was joined by Mr. Mario Garza, representing the Miakan-Garza Band of the Coahuiltecan Indians, a nonfederally recognized tribe in Texas. Mr. Ahlman requested a recommendation for the disposition of culturally unidentifiable Native American human remains of one individual from site 41HY160, near San Marco Springs, in San Marcos, Hays County, Texas. In May 2012, consultation was initiated with federally recognized tribes. In Hays County, TX, there are no federally recognized Indian tribes with tribal land or aboriginal land. Mr. Ahlman stated that the University received no responses to the initial contacts with federally recognized Indian tribes. An osteological analysis determined the remains to be Native American. In December 2013, contact was again initiated with 27 Indian tribes and the Miakan-Garza Band. The only federally recognized tribe interested in consultation regarding cultural affiliation was the Coushatta Tribe of Louisiana. In July 2014, the Miakan-Garza Band of the Coahuiltecan Indians requested disposition of the human remains, and consultation was conducted with both parties. In November 2014, the Coushatta Tribe of Louisiana deferred to the Miakan-Garza Band of the Coahuiltecan Indians regarding the disposition of the Native American human remains.

Mr. Garza noted, based on oral history and local rock art, the San Marco Springs have been considered a sacred site going back to creation. Mr. Garza noted they are working with the City of San Marcos to establish a protected burial site on city parkland. Mr. Garza noted several concerns. As many federally recognized Indian tribes historically moved through Texas and do not have aboriginal land ties, requests for consultation with federally recognized Indian tribes frequently receive no response. In addition, as a nonfederally recognized Indian group, the Miakan-Garza Band of the Coahuiltecan Indians is not notified of or allowed to participate in consultation with many institutions. The band's involvement in this situation was due to local knowledge of the discovery. Mr. Garza noted that the band's preference is to reinter Native American human remains close to the original location from which they were removed, which is not always possible when partnering with federally recognized tribes located outside of the State of Texas. Mr. Garza added that 92 percent of Texas is privately owned, and any discoveries on private lands are returned to Indian groups solely at the discretion of the private landowners and outside the scope of NAGPRA.

Review Committee Discussion and Action: Mr. Minthorn stated that consultation is more than receiving a letter or being invited to consult. Consultation requires an active, continuous conversation. Adequate and consistent consultation can bring results. Mr. Minthorn stated that museums and universities need to understand that consultation is vital to this process. Mr. O'Rourke made a motion that the Review Committee recommend to the Secretary that the proposed disposition of the human remains to the Miakan-Garza Band of the Coahuiltecan Indians proceed under the agreement. Ms. Farm seconded the motion. The motion passed by unanimous vote.

Action Item: Discussion and Review of Draft Dispute Resolution Procedures: The members of the subcommittee on dispute resolution procedures were Ms. Atalay, Mr. Barker, and Ms. Keller O'Loughlin.

Draft procedures were provided to the Review Committee and posted on the National NAGPRA Program website prior to the meeting. Ms. Atalay stated that the subcommittee had worked to incorporate prior discussions and public comments into the current draft, and she summarized several changes for which there was agreement. The Review Committee discussed two specific substantive parts of the draft procedures and agreed on wording to be incorporated into the final version.

Ms. Atalay made a motion to provisionally adopt the draft procedures with the agreed-upon changes, reserving the final decision on timelines for a teleconference. Mr. O'Rourke seconded the motion. The motion passed with a vote of six in favor and one opposed. The draft procedures were to be reviewed by counsel and National NAGPRA Program staff prior to the teleconference.

Presentations:

During the 55th Review Committee meeting in Amherst, Massachusetts the Committee heard the following informative presentations:

Wampanoag Confederation: Ms. Ramona Peters, Mashpee Wampanoag Tribe, in her capacity as the coordinator for the Wampanoag Confederation stated that the Wampanoag Confederation has repatriated 522 ancestors to date. Ms. Peters indicated that barriers to repatriation included museum resistance as a result of lack of resources, education, and alternative world-views.

University of Massachusetts-Amherst, Repatriation Committee: Mr. Robert Paynter, Professor, Department of Anthropology, and Chair, Repatriation Committee, University of Massachusetts – Amherst (UMass Amherst), welcomed the Review Committee and thanked the members for their work on NAGPRA implementation, provided a detailed history of Native Americans in the region, and summarized the successful NAGPRA implementation efforts of UMass Amherst.

Bureau of Indian Affairs, Dept. of the Interior: Ms. Annie Pardo, NAGPRA Coordinator and Acting Chief, Division of Environmental and Cultural Resources Management, Bureau of Indian Affairs, DOI, summarized NAGPRA implementation within the Bureau of Indian Affairs (BIA).

Bureau of Land Management, Dept. of the Interior: Ms. Emily Palus, Deputy Division Chief, Division of Cultural, Paleontological Resources, and Tribal Consultation, Bureau of Land Management (BLM), DOI, was joined by Mr. Bryan Lausten, Acting NAGPRA Coordinator, BLM. Ms. Palus had provided a detailed update of BLM's NAGPRA implementation in November 2014, and, at this meeting, provided a detailed overview of the issue of BLM collections in nonfederal repositories.

Peabody Museum of Archaeology and Ethnology, Harvard University: Ms. Patricia Capone, Museum Curator, was joined by Ms. Sandra Dong, NAGPRA Coordinator, Ms. Michele Morgan, Ms. Olivia Herschensohn, Ms. Jane Rousseau, Ms. Katy Mollerud, and Mr. Zac Pelleriti. Ms. Capone provided an update on NAGPRA implementation at the Peabody Museum of Archaeology and Ethnology.

Lands for Reburial Report: Ms. Christine Landrum, Director, Office of Indian Affairs and American Culture, Intermountain Region, NPS, Ms. Sheila Goff, NAGPRA Liaison/Curator of Archaeology, History Colorado, and Ms. Cassandra Naranjo, NAGPRA Apprentice, Southern Ute Indian Tribe, presented a draft report titled, "Lands for Reburial: A Preliminary Report to the Native American Graves Protection and Repatriation Review Committee Regarding the Legal and Policy Framework for Reburial

of Native American Human Remains Following Repatriation under the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).”

Columbia Plateau Inter-Tribal Repatriation Group: Ms. Angela Neller, Curator, Wanapum Heritage Center, works with the Wanapum Band of Priest Rapids on repatriation issues. The Columbia Plateau Inter-Tribal Repatriation Group (CPITRG) consists of the Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Colville Reservation, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, and Wanapum Band of Priest Rapids. Ms. Neller's presentation included testimony on NAGPRA compliance and best practices for consultation, curation, and repatriation.

Non-Destructive Ancient DNA Extraction and Sequencing: Mr. Dennis O'Rourke, Review Committee member and Interim Chair, Department of Anthropology, University of Utah, provided an update on new developments in accessing DNA in ancient remains using nondestructive methods.

Detailed summaries of each of these presentations and the Review Committee's questions and discussion following each can be found in the minutes of the meeting posted on the National NAGPRA Program's website. Some of the original presentations and reports are also available on the website.

Public Comments: The Review Committee benefited from substantial public input at the meeting including comments by Mr. Aaron Miller, Mount Holyoke College; Ms. Ramona Peters, Mashpee Wampanoag Tribe; Mr. Paul Pouliot, Cowasuck Band of the Pennacook and Abenaki People, Wabanaki Confederation; Ms. Bonnie Newsom, Penobscot Nation and Wabanaki Intertribal Repatriation Committee; Ms. Emily Palus, Deputy Division Chief, BLM Division of Cultural, Paleontological Resources and Tribal Consultation, DOI; Mr. Ryan Wheeler, Robert S. Peabody Museum of Archaeology; Ms. Megan Noble, NAGPRA Project Manager, UC-Davis; Ms. Sydney Martin, Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Ms. Shannon Martin, Director of the Ziiibwing Center of Anishinabe Culture and Lifeways and NAGPRA designee for the Chippewa Indian Tribe of Michigan; and Ms. Bettina Washington. Comments presented to and discussion with the Review Committee ranged widely and encompassed the following topics: concern with scientific study of Native American human remains in the custody of museums and federal agencies; the lack of convergence between scientific and traditional oral histories regarding occupation of territory in antiquity; updates on NAGPRA compliance by several universities and museums; heterogeneous federal agency policy for reburial on public lands and the mandate to manage competing claims for land use; international repatriation issues and policies; and the contexts in which scientific research may be employed to aid in repatriation determinations.

Review Committee Meeting #56 Summary:

The 56th meeting of the NAGPRA Review Committee was conducted via teleconference on April 13, 2015. The meeting was called to order by Ms. LindaLee Farm, Review Committee chair.

The meeting was convened for the sole purpose of finalizing and approving the Review Committee's Dispute Resolution Procedures. Ms. Sonya Atalay, chair of the Dispute Resolution subcommittee led the discussion of the revised procedures that had been made available prior to the meeting. The Review Committee discussed the final draft and approved a few minor edits. Review Committee member Ms. Shannon O'Loughlin expressed support for the revised procedures, but expressed hope that in cases where all parties are in agreement that an expedited procedure could be implemented to save time. Ms.

Atalay confirmed that the procedures do not preclude a faster process if the paperwork submission requirements can still be met.

Ms. Farm moved that the Review Committee Dispute Resolution Procedures be approved. The motion was seconded by Mr. O'Rourke and it passed unanimously. Following the final approved edits, the procedures were to be submitted by Ms. Atalay to the Designated Federal Officer, Ms. Melanie O'Brien, who indicated that the National NAGPRA Program and the Office of the Solicitor would consider the final Dispute Resolution Procedures as advice to the Department on this process. The Review Committee unanimously expressed its appreciation for the dedicated work of Ms. Sonya Atalay in drafting the revised Dispute Resolution Procedures and the meeting was adjourned.

Review Committee Meeting #57 Summary:

The 57th meeting of the NAGPRA Review Committee was held in Norman, OK, at the Riverwind Hotel and Casino, on November 18-19, 2015.

The members of the Review Committee elected Armand Minthorn as chair of the committee. In addition, the committee received a program update and inventory analysis report from the National NAGPRA Program, as well as a report on final regulations at 43 CFR 10.7. The Program has received inventories detailing 181,342 individual sets of human remains from 1,025 museums and federal agencies. Approximately 57,000 are culturally affiliated (CA) human remains and about 124,000 are culturally unidentifiable (CUI) human remains. National NAGPRA published 134 notices during this fiscal year.

Since 2006, the Program has received allegations of failure to comply against 108 museums, investigated 40 museums, and found 19 museums had failed to comply. Mr. Minthorn suggested that noncompliant institutions be invited to attend the next Review Committee meeting to explain continuing noncompliance.

The number of grant applications received by the Program was the highest in a decade. The Program awarded \$1.74 million to 20 different museums and 18 different Indian Tribes.

The Review Committee is currently lacking one member. A call for nominations was published and has been republished to acquire sufficient nominations so that the Secretary can make an appointment. Nominations close December 14, 2015.

Program Manager Ms. Melanie O'Brien provided the Review Committee with updates since the last meeting on CA human remains not listed in notices and CUI human remains listed in an inventory where the inventory did not indicate consultation. The initial report on CA human remains listed 124 museums and federal agencies and only 88 museums and federal agencies remain on the report as of August 5, 2015, a reduction of nearly a third. In more than half of the cases, there was simply an error in reporting. The initial report on CUI human remains listed 300 museums and federal agencies with no evidence of consultation, but as of August 5, 2015, the number is 261 museums and federal agencies, a reduction of 13%. Over half of museums and federal agencies originally listed in the report submitted documentation to the National NAGPRA Program showing they had, in fact, engaged in consultation. Both the original and updated reports are available on the National NAGPRA website.

Finding of Fact: The Osage Nation requested a finding of fact on human remains and associated funerary objects from the Clarksville, Missouri, Mound Group site (23PI6). The Missouri State Historic

Preservation Office (SHPO) had previously found cultural affiliation with three Sac and Fox tribes. The Osage Nation sought a finding of fact on two issues: 1) cultural affiliation of the Clarksville Mound human remains and objects with the Osage Nation, and 2) the appropriate disposition and transfer of control of the human remains and associated funerary objects. Ms. Andrea Hunter presented evidence documenting cultural affiliation of the Clarksville Mound remains and associated funerary objects with the Osage Nation. Following substantial discussion by members of the Review Committee, Mr. O'Rourke moved that the Review Committee find the Osage Nation is culturally affiliated with the Clarksville Mound group human remains and associated funerary objects. Mr. Lyons seconded the motion and it passed unanimously.

Regarding the second issue, the Review Committee was unable to make a finding of fact regarding the most appropriate claimant due to lack of information from the Sac and Fox tribes and the Missouri SHPO. The Review Committee feels it is incumbent on the Missouri SHPO to evaluate the competing claims of two culturally affiliated groups for appropriate disposition of the human remains. The Review Committee requested that such a decision be made by the Missouri SHPO within 6 months, following substantive consultation with the Osage Nation and the Sac and Fox tribes. If this is not possible, the Review Committee requested the Missouri SHPO provide documentation as to the reason(s).

Disposition Requests: The Review Committee heard requests for and recommended approval of three CUI dispositions by the National Park Service, the Tennessee Valley Authority, and the University of Denver Museum of Anthropology.

Texas State University also requested a recommendation on two CUI dispositions. Both involved remains from archaeological excavations at sites 41HY161 and 41HY163 in San Marcos, TX. Texas State University had proposed disposition to the Miakan-Garza band of the Coalhuitecan Indians, a nonfederally recognized Indian group. Prior to the meeting, the Caddo Tribe of Oklahoma also made a claim for the human remains. The Review Committee heard scheduled testimony from Mr. Todd Ahlman, Texas State University, Mr. Mario Garza of the Miakan-Garza Band, and Ms. Tamara Francis-Fourkiller of the Caddo Nation. Ms. Holly Houghten, Tribal Historic Preservation Officer, Mescalero Apache Tribe, came forward to assert that the sites in question lay within the aboriginal lands of the Lipan Apache people, who are included in the Mescalero Apache Tribe. The Review Committee had received information from the Caddo prior to the meeting, but was unaware of the possible Mescalero Apache claim until the meeting. The Review Committee declined to make a recommendation for disposition and asked Texas State University to continue consultation with all relevant parties, evaluate the new information provided at the meeting, re-examine the disposition request, and, if appropriate, bring another disposition request to the Committee at its next public meeting in 2016.

Presentations:

Ms. Cheryl Andrews-Maltais: Senior Advisor to the Assistant Secretary for Indian Affairs noted the importance of NAGPRA on its 25th anniversary and emphasized the critical importance of consultation. She further noted that the Obama administration has taken consultation with tribes as a very serious matter. She also advised that the Review Committee needs to work directly with funding entities to increase funding and support for the National NAGPRA Program and advocated broadening lines of communication with tribes.

The Chickasaw Nation of Oklahoma: Mr. Kirk Perry, Executive Officer, Division of Historic Preservation, reviewed the Chickasaw Nation's efforts to repatriate remains from four states in their traditional areas (KY, TN, AL, MS). Mississippi DOT and TVA have been particularly helpful and proactive in consultation and moving repatriation claims forward. The Chickasaw have had experience and some promise of success with international repatriation (UK). The National NAGPRA Program thanked Mr. Perry and his staff for their efforts to prepare for and hold the meeting in the Chickasaw Nation.

Sam Noble Oklahoma Museum of Natural History: Mr. Marc Levine provided an update on the museum's NAGPRA progress. With a new staff as of 2013, they are correcting misunderstanding by the previous administration that notices did not have to be published until a repatriation request was made. They are moving forward with a NAGPRA strategic plan and direct consultation and work with the Wichita Tribe.

Informative presentations were also offered to the Review Committee by the Colorado Lands for Repatriation and Reburial Workgroup; National Park Service, Park NAGPRA; the US Forest Service; the Columbia Plateau Inter-Tribal Repatriation Group; and Indiana University. Indiana University made two presentations, one in collaboration with the Native Village of Barrow, AK.

Detailed summaries of each of these presentations and the Review Committee's questions and discussion following each can be found in the minutes of the meeting posted on the National NAGPRA Program's website. Some of the original presentations and reports are also available on the website.

Public Comments: The Review Committee benefited from substantial public input at the meeting including comments by Jayne-Leigh Thomas, Indiana University; Frank Wozniak, US Forest Service; Jan Bernstein, NAGPRA consultant; Linda and Bertney Langley, Coushatta Tribe of Louisiana, and Erin Gredell, Yale University; Jaime Lavellee; and Robin Dushane, Eastern Shawnee Tribe. Comments presented to and discussion with the Review Committee ranged widely and encompassed the following topics: invitations to hold meetings in Indiana; international repatriation issues and policies; updates on NAGPRA compliance by several universities and museums; challenges of understanding NAGPRA culturally and practically; and successful results of consultation with the Tennessee Valley Authority.

Review Committee Meeting #58 Summary:

The 58th meeting of the NAGPRA Review Committee was conducted via teleconference on December 14, 2015. The sole purpose of the meeting was to finalize and approve this report. Ms. Edgar moved that the Review Committee approve the report to Congress. The motion was seconded by Ms. Farm and it passed unanimously.

National NAGPRA Program Statistics at a Glance

Statistics from November 16, 1990 to September 30, 2015 (aggregate)

Section 3:

154 published	
1,100 minimum sets of human remains listed in	Notices of Intended Disposition
25,870 associated funerary objects listed in	

Sections 5, 6, & 7:

1,320 lists submitted in	
1,025 institutions reporting	NAGPRA Inventories
181,342 minimum sets of human remains listed in	
568 lists of	Culturally Affiliated
57,159 minimum sets of	Native American Human Remains (CA)
1,232,187 associated funerary objects with	
725 lists of	
124,183 minimum sets of	Culturally Unidentifiable
7,484 sets initially listed as	Native American Human Remains (CUI)
(subsequently culturally affiliated)	
1,117,133 associated funerary objects with	
1,982 published	
52,855 minimum sets of human remains listed in	Notices of Inventory Completion
1,329,316 associated funerary objects listed in	
1,140 submissions of	NAGPRA Summaries
709 published	
223,421 unassociated funerary objects listed in	
5,089 sacred objects listed in	Notices of Intent to Repatriate
8,122 objects of cultural patrimony listed in	
1,654 sacred/cultural patrimony listed in	
237 cultural items listed in	

Section 8:

56 meetings of the [NAGPRA Review Committee](#)

Section 9:

172 counts investigated	
involving 40 entities	
145 counts unsubstantiated	NAGPRA Civil Penalties
27 counts substantiated	
\$42,679.44 collected from assessments & settlements	

Section 10:

\$95.07 million requested	
by 1,659 applications	NAGPRA Grants
\$43.23 million awarded	
by 871 applications	

Section 13:

17 sections promulgated in	43 CFR Part 10
1 subsection reserved	

National NAGPRA Program FY 2015 Statistics

Statistics from October 1, 2014 to September 30, 2015

Section 3:

5 reported
 28 minimum sets of human remains listed in [Notices of Intended Disposition](#)
 14,960 associated funerary objects listed in

Sections 5, 6, & 7:

84 lists submitted or amended in [NAGPRA Inventories](#)
 99 published
 2,455 minimum sets of human remains listed in [Notices of Inventory Completion](#)
 129,862 associated funerary objects listed in
 16 submissions or amendments of [NAGPRA Summaries](#)
 35 published
 4,265 unassociated funerary objects listed in
 148 sacred objects listed in [Notices of Intent to Repatriate](#)
 5 objects of cultural patrimony listed in
 32 sacred/cultural patrimony listed in

Section 8:

4 meetings of the [NAGPRA Review Committee](#)

Section 9:

9 allegation letters received
 involving 12 museums
 11 counts investigated [NAGPRA Civil Penalties](#)
 involving 7 museums
 8 counts unsubstantiated
 3 counts substantiated
 1 settlement agreement completed (*pending signature*)

Section 10:

\$2.89 million requested
 by 62 applications [NAGPRA Grants](#)
 \$237,384 awarded for 25 repatriations
 \$1.51 million awarded for 23 competitive projects

Section 13:

1 section (43 CFR 10.7) prepared for incorporation [43 CFR Part 10](#)

Technical Assistance

158 participants at 3 in-person/webcast events by the [National NAGPRA Program](#)
 63 participants at 6 in-person events by the [National Preservation Institute](#)
 27 scholarships for 11 in-person events by the (*through a cooperative agreement*)
 2,765 views of the 8-segment training videos on the [National NAGPRA Program YouTube Channel](#)
 676 views of recorded webinars
 920 views *NAGPRA Basics* recording
 2,500 emails and telephone requests of the [National NAGPRA Program staff](#)

Reports

2 updated reports on NAGPRA inventories [National NAGPRA Program Reports](#)
 1 report on repatriation data for Federal agencies

