



National NAGPRA Update



Welcome to the Inaugural Issue of National NAGPRA Update

National NAGPRA Update is a twice-yearly newsletter designed to give a concise overview of current NAGPRA issues. The *Update* has information on recent regulatory developments, meetings, training, grants, and other NAGPRA related resources. We hope you find the *Update* to be timely, relevant, and useful in furthering your awareness of recent developments in the world of NAGPRA.

Judge Issues Ruling in Kennewick Man Case

On August 30, 2002, U.S. Magistrate John Jelderks issued his long-awaited ruling in the Kennewick Man case. The court found that the Kennewick Man remains, referred to as "The Ancient One" by the five northwestern tribes involved in the case, were not Native American as defined by NAGPRA.

According to Jelderks, the term 'Native American' means having "a relationship to a presently existing tribe, people, or culture" (*Bonnichsen et al. vs. United States*). As of press time, an appeal of the ruling was

under consideration by the Department of the Interior and the Department of Justice.

Meanwhile, tribes, agencies, and museums have begun to consider how this ruling could influence NAGPRA implementation. With regard to NAGPRA Section 3 (excavations and inadvertent discoveries), human remains found on Federal or tribal land should still be considered on a case-by-case basis.

NAGPRA Regulations

The National NAGPRA Program continues to develop draft text for those sections of the NAGPRA regulations awaiting promulgation. The final NAGPRA regulations (43 CFR 10) contain several reserved sections, dealing with such issues as culturally unidentifiable remains, unclaimed cultural items, and future applicability of NAGPRA.

At the NAGPRA Review Committee meeting held last May in Tulsa, Oklahoma, proposed draft regulations were presented for Section 10.13 (Future Applicability) and Section 10.11 (Disposition of Culturally Unidentifiable Human Remains).

While the proposed language for future applicability met with very little comment, the proposed draft regulation for the disposition of culturally unidentifiable human remains has been the subject of much public interest. Members of the public will have an opportunity to voice their comments on Section 10.11 (Disposition of Culturally Unidentifiable Human Remains) at the NAGPRA Review Committee meeting in Seattle, Washington, November 8 – 10, 2002. There will also be a formal public comment period following publication of a draft regulation in the Federal Register. All formal comments will be considered.

Meetings and Outreach

Albuquerque, New Mexico, was the site of a July 18th meeting between National NAGPRA Program Manager Robert Stearns and representatives of several tribes, Federal agencies, and museums. The meeting focused on developing a survey instrument that agencies could use for reporting information on their NAGPRA activities. A pilot version of the survey will make its debut at the November NAGPRA Review Committee meeting in Seattle, and interest was expressed in developing a similar survey for tribes and museums.

National NAGPRA staff have been privileged to participate in a variety of meetings and conferences across the country, including the Tribal Archives, Libraries and Museums National Conference in Phoenix; the American Association of Museums annual meeting in Dallas; and a recent discussion regarding the disposition of culturally unidentifiable human remains hosted by the Arizona State University School of Law and the Heard Museum in Tempe.

Grants and Training

The National NAGPRA Program's training efforts are in full swing, with successful training sessions having been completed in Lawrence, Kansas; Tulsa, Oklahoma; and Cherokee, North Carolina.

One-day NAGPRA workshops are being offered in conjunction with the NAGPRA Review Committee meetings in Seattle (date: November 7, 2002), and Minneapolis (date: May 8, 2003). Other opportunities to learn about NAGPRA will be offered at the National Congress of American Indians 2002 annual meeting, and the Society for American Archaeology 2003 annual meeting.

Our training courses can also be customized to meet your organization's needs. To learn more, visit our website (www.cr.nps.gov/nagpra/TRAINING).

The FY 2002 NAGPRA grant cycle has reached a close, with over \$2 million in grant funds awarded. Thirty-five projects were selected for funding, including the testing of Native American cultural items in museum collections for pesticide contamination; development of a web-based consultation program; and many other NAGPRA consultation and repatriation projects.

FY 2003 NAGPRA grant guidelines and proposal forms are now available on our website (www.cr.nps.gov/nagpra/GRANTS), or by contacting the National NAGPRA Program. The deadline for FY 2003 NAGPRA Documentation Grant proposals is February 28, 2003. Don't forget that we offer a pre-review process, and are happy to offer comments on draft proposals!

Federal Register Notices

Federal Register notices are not only a regulatory requirement under NAGPRA, they play a vital role in communicating important milestones in the repatriation process. To help streamline notice writing and publication, the National NAGPRA Program has developed templates for use in preparing Notices of Inventory Completion,

Notices of Intent to Repatriate, and notice corrections. The templates are available online at www.cr.nps.gov/nagpra/notices. The National NAGPRA Notice Coordinator (a responsibility which rotates among our staff) will work with the submitting institution from the time the draft notice is received, through final publication.

New Contact Information for National NAGPRA

National NAGPRA has moved to a new building!

Mailing Address:

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