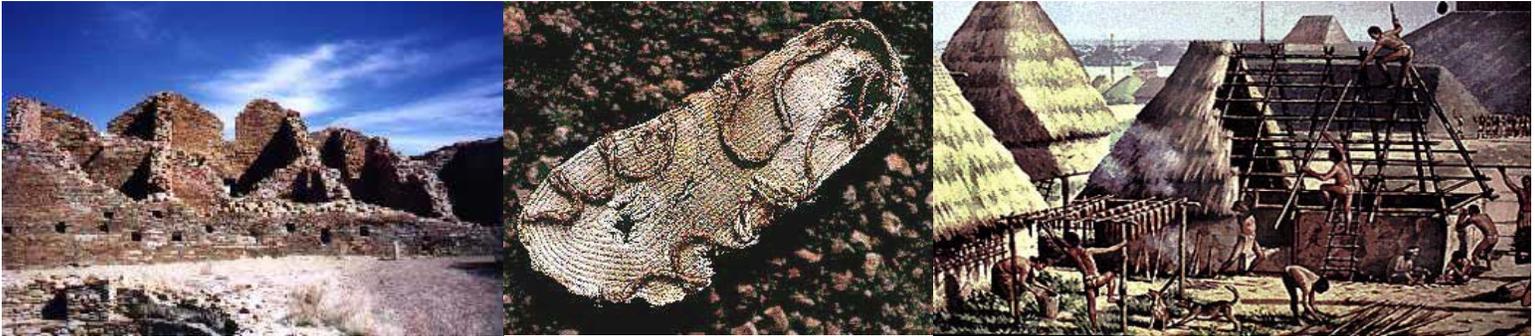




## National NAGPRA Update



### 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.

### Department of Interior Files Appeal in Kennewick Man Case

The Department of the Interior recently filed an appeal of Judge Jelderks' ruling in the Kennewick Man case. The appeal will be heard in the U.S. Court of Appeals for the Ninth Circuit. The Department's appeal maintains that Kennewick Man is "Native American" within the meaning of NAGPRA.

On August 30, 2002, U.S. Magistrate John Jelderks 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.

While the case is pending appeal, human remains found on Federal or tribal land should still be considered on a case-by-case basis under NAGPRA Section 3 (excavations and inadvertent discoveries) and 43 CFR 10.3 - 10.6.

### Final Civil Penalties Rule Published in the *Federal Register*

The Final Civil Penalties Rule (43 CFR 10.12) was published in the *Federal Register* on April 3, 2003. The Final Civil Penalties Rule provides a process by which the Secretary of the Interior may assess financial penalties against museums that have failed to comply with NAGPRA.

The Final Civil Penalties Rule replaces the Interim Rule, and is available on the National NAGPRA Website: [www.cr.nps.gov/nagpra](http://www.cr.nps.gov/nagpra)

### Seeking Plans of Action and Comprehensive Agreements

National NAGPRA is seeking examples of plans of action and comprehensive agreements that could be posted to the National NAGPRA Website.

NAGPRA Regulations require that a plan of action be prepared in conjunction with excavations and inadvertent discoveries on Federal or tribal lands. Comprehensive agreements are optional, and can be useful in streamlining the consultation process.

If your tribe or Federal agency has implemented a plan of action or comprehensive agreement that could serve as a model for others, contact National NAGPRA program officer, Paula Molloy, by phone, (202) 354-2207, or e-mail, [paula\\_molloy@nps.gov](mailto:paula_molloy@nps.gov).

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## Meetings and Outreach

National NAGPRA is currently planning a Department of Interior meeting for July, 2003 to address NAGPRA reporting issues within the Department. For more information, contact National NAGPRA program officer, Karen Mudar, by phone, (202) 354-2203, by e-mail, karen\_mudar@nps.gov.

National NAGPRA program officers have participated in several recent conferences and

seminars. Karen Mudar co-chaired and moderated a panel discussion on April 11, 2003, at the Society for American Archaeology annual meeting. Tim McKeown participated in a seminar on cultural property held April 16, 2003, at George Washington University. On April 17, 2003, Paula Molloy participated in a panel discussion on NAGPRA issues at the George Wright Society/CR 2003 conference in San Diego, CA.

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## Grants and Training

One-day NAGPRA workshops will be offered free of charge in conjunction with the NAGPRA Review Committee meetings in St. Paul, MN (May 8, 2003), and Albuquerque, NM (November 20, 2003). A NAGPRA grant writing workshop is planned for the National Congress of American Indians 2003 annual meeting in Albuquerque, NM.

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](http://www.cr.nps.gov/nagpra/TRAINING)).

National NAGPRA presented a training workshop, "Implementing NAGPRA Section 3: Excavations and Inadvertent Discoveries," on April 10, 2003, in Milwaukee, WI. The workshop was held in conjunction with the 2003 annual meeting of the Society for American Archaeology. The workshop

was very well received, and National NAGPRA is considering a repeat of the workshop in the future.

The FY 2003 call for NAGPRA documentation grant proposals closed on February 28, 2003. Documentation grant applications were received from 51 tribes and 11 museums. The NAGPRA grant review panel met on April 21, 2003, and awards are expected to be announced in June.

Repatriation grant proposals are accepted throughout the year, however it is suggested that applications be submitted no later than July 31, 2003, for funding during the 2003 fiscal year. NAGPRA grant guidelines and proposal forms for FY2003 are available on our Website ([www.cr.nps.gov/nagpra/GRANTS](http://www.cr.nps.gov/nagpra/GRANTS)), or by contacting the National NAGPRA Program.

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## Consultations Planned for 43 CFR 10.7

43 CFR 10.7 ("Disposition of unclaimed human remains, funerary objects, sacred objects or objects of cultural patrimony") applies to cultural items found on Federal or tribal land after November 16, 1990. National NAGPRA is planning consultation meetings regarding this regulation for July, 2003, in Washington, DC, and November, 2003, in Albuquerque, NM. Consultations will focus on

several key issues, including the number of unclaimed cultural items held by Federal agencies, agency deaccessioning authority, and the status of culturally unidentifiable remains found on Federal lands. For more information, contact Karen Mudar, by phone, (202) 354-2203, by e-mail, karen\_mudar@nps.gov.

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## Your Story Here

Have you participated in a consultation that went especially well? Have you found successful ways of meeting the challenges of NAGPRA that others might like to learn about? Have you developed long-standing partnerships that have grown out of the NAGPRA process?

If so, National NAGPRA wants you to share your experiences with others through the *National NAGPRA Update* newsletter!

Interested? Contact Paula Molloy, by phone, (202) 354-2207, or e-mail, paula\_molloy@nps.gov.

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