BUT WAIT, THERE'S MORE... NAGPRA Q & A



What is NAGPRA?

NAGPRA is the Native American Graves Protection and Repatriation Act of 1990. This law assigns ownership and control of Native American cultural items, human remains, and associated funerary objects to Native Americans, establishes a process for the treatment of such objects found on Federal land, and provides for their protection, inventory, and repatriation.

What should I do to comply with NAGPRA?

Talk with your Regional NAGPRA coordinator to find out the status of collections affiliated with, or stored at, your unit. Start consultations with Native American tribes and groups in your area to create an MOU establishing a NAGPRA protocol for your field unit.

Our Refuge maintenance crew just uncovered some human bones, what should we do?

Several steps should be taken immediately when a discovery is made on Service lands:

Cease all work in the vicinity of the human remains.

Do not alter scene or remove anything.

Take steps to protect the site from further disturbance.

Call the local sheriff, coroner, or medical examiner to determine if the area is a crime scene. Suggest that it may be an archaeological site and contact your regional archaeologist. Often the sheriff will defer to the judgment of a qualified archaeologist.

Determine if the human remains are those of a Native American.

If the remains are not Native American, NAGPRA does not apply. Sheriff and coroner continue investigation.

If you have an MOU with your local tribe(s), comply with the protocol set out to deal with inadvertent discoveries.

If you do not have an MOU to follow, contact the regional archaeologist or NAGPRA coordinator for your region.

Contact the Native American tribe or groups that may be affiliated with those remains. The NAGPRA regulations recommend a telephone and/or facsimile communication within one day of the discovery. The law stipulates that written communication to the most likely affiliated tribe(s) must occur within three days. Send the letter registered mail.

Consult with the Tribe(s) on treatment. Create an MOU for the inadvertent discovery.

Our construction contractor for a Partners for Wildlife project just uncovered an Indian burial. What are we required to do?

The procedure on private land is different:

Cease all work in the vicinity of the human remains.

Do not alter scene or remove anything.

Take steps to protect the site from further disturbance.

Call the local sheriff, coroner, or medical examiner to determine if the area is a crime scene.

Determine applicable state and local laws to follow. NAGPRA inadvertent discovery clause applies only on Tribal lands, lands within exterior boundaries of an Indian reservation, on Federal lands, or on lands over which the Federal Government has sufficient control to apply NAGPRA.

Contact your regional archaeologist to determine treatment of inadvertently discovered archaeological sites.