

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COLORADO STATE OFFICE
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Instruction Memorandum No. CO-2000-016
Expires: 9-30-2000

To: All Field Officials

From: State Director, Colorado

Subject: Disposition Policy on Native American Graves Protection and Repatriation Act (NAGPRA) Repatriated Museum Collections

This Instruction Memorandum (IM) reaffirms the Bureau of Land Management (BLM) policy set forth in IM No. 98-131 (July 1, 1998), regarding disposition of museum collections repatriated under Section 7 of the Native American Graves Protection and Repatriation Act (NAGPRA).

The Office of the Inspector General (OIG) recently conducted an audit of the BLM Cultural Resource Management Program. The audit included a survey of the BLM's NAGPRA activities. The field review discovered that BLM officials in Colorado allowed the reburial of repatriated Native American human remains on BLM-managed public lands in violation of the national policy. The OIG expressed concern that future repatriated Native American human remains would be reburied on public lands contrary to national policy and recommended that BLM senior-level managers monitor compliance with the policy and take appropriate action for noncompliance with the policy. In response to this recommendation, I have requested the Cultural Heritage staff in the Washington Office to assure OIG that Colorado would comply with the current policy officially and without exception.

The reburial policy on repatriated museum collections states:

The BLM's managers shall not directly or indirectly authorize or permit the reburial of repatriated, removed, or transferred human remains and/or other NAGPRA materials, on

public lands.

This policy, with extensive input from the Solicitor's Office, was instituted due to the substantial and extensive legal, logistical, and practical problems that would ensue if human remains and other "cultural items" repatriated or transferred to lineal descendants or tribes were to be reburied on public land. The legal issues regard ownership and that BLM cannot ensure that such remains would be protected after reburial. The only exception to the reburial policy is for restored burials, which is fully described in IM No. 98-131 (July 1, 1998).

There are concerns that the national policy is impeding the NAGPRA consultation process and BLM's repatriation efforts because some tribes want the remains to be reburied near the original burial site on public lands. When the reburial issue is raised by tribes, they should be informed about the use of land conveyances as alternatives to reburial on public lands. Two options have been identified as legally eligible ways to make land available to Indian tribes for purposes of the burial of repatriated NAGPRA material; (1) land sales and exchanges under the Federal Land Policy and Management Act (FLPMA) and, (2) patents authorized under the Recreation and Public Purposes (R&PP) Act. These requests are to be reviewed by the State Director and Field Solicitor before approval. If tribes continue to request for reburial on public lands they should be advised to seek confirmation from the Cultural Heritage staff at the Washington Office regarding the policy.

Questions regarding this IM or other NAGPRA related issues may be addressed to the NAGPRA Coordinator, Lou Ann Jacobson, Director, Anasazi Heritage Center at (970) 882-4811 or Daniel Haas, Cultural Heritage Lead, Colorado State Office at (303)239-3647.

Signed by
Ann J. Morgan
State Director

Authenticated by
Don Snow
EMS Operator