



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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To: All CA District and Field Offices, All CA District and Field Managers
Attn: Archaeologists and Cultural Leads

From: Acting State Director

Subject: Bureau of Land Management-California (BLM) Responsibilities Regarding
Discovered Human Remains

Purpose: This Instruction Memorandum outlines the process required by federal law and regulations and/or California State Health and Safety laws for the treatment of human remains that are discovered in California. Additionally, the language provided may be used in the cultural component of various BLM-California environmental documents.

Background: Federal law and regulations (Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7, Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10 and, Public Lands, Interior 43 CFR 8365.1-7), as well as, California state law (California Health & Safety Code 7050.5, *Dead Bodies* and California Public Resources Code 5097.98, *Notification of Discovery of Native American Human Remains*) require all parties that discover human remains in California to follow a well defined process. This process will differ depending on whether materials are discovered on federal or non-federal lands and if they are determined to be archaeological/historic resources. The full process for both federal and non-federal lands is outlined for clarity, as many federally authorized projects also include non-federal lands.

Policy/Action: All human remains discovered are to be treated with respect and dignity. Upon discovery of human remains, all work in the area must cease immediately, nothing is to be disturbed and the area must be secured. The County Coroner's Office of the county where the remains are located must be called. The Coroner has 2 working days to examine the remains

after notification. The appropriate land manager/owner of the site is to be called and informed of the discovery.

If the remains are located on federal lands, federal land managers, federal law enforcement and the federal archaeologist must be informed as well, due to complementary jurisdiction issues. It is very important that the suspected remains, and the area around them, are undisturbed and the proper authorities called to the scene as soon as possible, as it could be a crime scene. The Coroner will determine if the remains are archaeological/historic or of modern origin and if there are any criminal or jurisdictional questions.

Modern Remains

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner. Work will not resume until law enforcement has released the area.

Archaeological/Historic Remains

If the remains are determined to be archaeological/historic in origin, the requirements change depending on whether the discovery site is located on federally or non-federally owned/managed lands.

Remains discovered on federally owned/managed lands

After the Coroner has determined the remains are archaeological or historic, BLM has completed the California requirements that must be followed regarding "bodies." These materials are by definition archaeological resources, and the appropriate federal laws apply. The local Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or NAGPRA to determine the disposition of the materials. If the remains are determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 (*Inadvertent discoveries*) must be followed.

Remains discovered on non-Federally owned/managed lands

California state law has additional requirements that apply to non-federal lands. After the Coroner has determined the remains on non-federally owned/managed lands are archaeological/historic, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American he/she shall contact the California Native American Heritage Commission (NAHC) by telephone within 24 hours. The NAHC will immediately notify the person it believes to be the most likely descendant of the remains. The most likely descendant has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the land owner shall reinter the remains in an area of the property secure from further disturbance. If the land owner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC.

Timeframe: Effective immediately.

Contact: If you have questions regarding this issue, please contact Dr. Stephanie Damadio, Senior Program Analyst-Heritage, at sdamadio@blm.gov or (916) 978-4650.

Signed by:
James Wesley Abbott
Acting State Director

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