

Office of the President

TO THE MEMBERS OF THE ACADEMIC AND STUDENT AFFAIRS COMMITTEE:

DISCUSSION ITEM

For Meeting of September 26, 2018

POLICIES AND PRACTICES REGARDING TREATMENT OF NATIVE AMERICAN REMAINS AND ARTIFACTS

EXECUTIVE SUMMARY

Six campuses currently house Native American human remains and cultural items: Berkeley, Davis, UCLA, Riverside, Santa Barbara, and Santa Cruz. The Berkeley campus houses one of the largest collections in the United States.

This item provides information about the University’s management and treatment of human remains and cultural items subject to the federal and California Native American Graves Protection and Repatriation Acts (NAGPRA), including the legal landscape, historical tensions surrounding this issue, and the University’s plans to strengthen NAGPRA activities going forward.

BACKGROUND

Legal Landscape

In 1990, the federal government enacted the Native American Graves Protection and Repatriation Act (NAGPRA). NAGPRA requires museums and federal agencies to transfer Native American human remains and cultural items—funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants and culturally-affiliated, federally-recognized Indian tribes and Native Hawaiian organizations.

In 1991, the University of California issued a systemwide Policy and Procedures on Curation and Repatriation of Human Remains and Cultural Items (hereinafter referred to as the “UC Cultural Repatriation Policy”), which was last substantively revised in 2001. This policy addresses the treatment and disposition of human remains and cultural items that are in the University’s custody, including the repatriation of these items under applicable law, including NAGPRA. The UC Cultural Repatriation Policy states that it is the policy of the University to respect Native American and Native Hawaiian concerns regarding the treatment and disposition of Native American remains and cultural items. It explicitly requires campuses to consult with tribal authorities both in preparing inventories and in responding to repatriation requests. The UC Cultural Repatriation Policy also establishes a systemwide Advisory Group to: 1) review and

advise the President or designee regarding campus implementation of and compliance with the Policy and related applicable law and regulations; 2) review campus decisions regarding potential cultural affiliation and repatriation of Native American or Native Hawaiian remains and Cultural Items, and report its findings and recommendations to the President or designee; 3) make recommendations to the President or designee for revisions to the Policy and any associated guidelines; and 4) assist in the resolution of disputes that may arise in connection with this policy. Campuses may further establish their own local NAGPRA advisory committees. The three campuses with museums housing NAGPRA-covered human remains and cultural items have established such committees (Berkeley, Davis, and UCLA).

In 2001, California passed the California Native American Graves Protection and Repatriation Act (CalNAGPRA) to facilitate repatriation to California Indian tribes, in part because at the time the federal NAGPRA repatriation requirements applied only to remains and cultural items requested by culturally affiliated, federally recognized tribes and the regulations required museums to retain possession of culturally unidentifiable remains (including remains associated with non-federally-recognized tribes) pending promulgation of regulations for that purpose unless legally required to do otherwise or recommended to do otherwise by the Secretary of the Interior.¹ CalNAGPRA requires that the State develop processes for according official State recognition to Native American tribes and issue a list of such state-recognized tribes for the purposes of repatriation. While the State has not yet issued guidelines for this process, the UC Cultural Repatriation Policy includes a provision specifying that the University will repatriate to State-recognized tribes, which is consistent with CalNAGPRA.

Current Status of NAGPRA Activities

Each campus with NAGPRA-covered collections has completed inventories and summaries of human remains and cultural items as required by federal NAGPRA and has provided copies to relevant tribes as well as to federal officials for publication in the Federal Register, as required by law. Campus overviews of the current status of their NAGPRA activities are attached to this item.

Historical Tensions

Human remains and associated materials have come to UC campuses by a wide variety of means, including archeological digs, unintentional discoveries, transfers from county coroner's offices, and donations. Regardless of the means, the difficult, fraught, and often tragic context in which human remains and objects were removed from their burial locations, often without the consent of descendent communities, is well-documented and acknowledged, and this history overshadows tensions about university collections that include Native American remains and associated cultural items.

¹ Since then, federal NAGPRA regulations were promulgated that require museums to offer to transfer culturally unidentifiable remains to federally-recognized tribes, and that specify that museums may make dispositions of culturally unidentifiable remains to non-federally recognized tribes when there is no request from a federally-recognized tribe, upon recommendation of the Secretary of the Department of Interior.

In addition, compliance with NAGPRA involves following a number of steps prescribed both under the law and under University policy, including consultation with tribes, evaluation of multiple lines of evidence, making often complex determinations, getting appropriate review, and publication of Notices in the Federal Register. These steps can be labor-intensive and time-consuming. Moreover consultation is an iterative process. All of this is difficult to work through and can contribute to perceptions that the University stalls or unfairly or unlawfully denies repatriation.

The University has published Notices of Inventory Completion in the Federal Register, allowing for the repatriation or transfer of nearly 6,000 Native American human remains and more than 200,000 associated funerary objects, pending claims from the relevant tribes, and each campus continues to update its NAGPRA summaries and inventories as needed and as required by law. In completing inventories, the University has consulted and continues to consult with Native American tribes as required by NAGPRA and the UC Cultural Repatriation Policy. Campuses report that they are regularly engaged in communications with Native American tribes, including through written and telephonic communications, visits, and consultations. For whatever reason, though, many of the culturally affiliated Native American human remains have not been claimed by the tribes and continue to be housed at UC campuses until such requests for repatriation are made. For example, at UC Berkeley, 45 percent of the human remains published as culturally-affiliated in Berkeley's Federal Register Notices remain in the Hearst Museum's care, to be transferred at the affiliated tribes' discretion, at such time as their own cultural, spiritual, and logistical concerns allow.

Another area of occasional tension arises when the University and tribes reach different conclusions about whether particular items meet the criteria for coverage under NAGPRA or about how to interpret and appropriately weight different lines of evidence in making determinations under applicable laws. Both the law and the available evidence are not always straightforward to interpret. Disagreements arise that can cause tension.

There is also a perception that the UC Cultural Repatriation Policy gives undue deference to the perceived educational and research potential that human remains and cultural items have for academia and science. While the Policy does recognize this potential, it also recognizes that individuals and communities have cultural and religious concerns that *must* be considered in determining the treatment and disposition of remains in its collections. The importance of this balance was expressed by the late U.S. Senator Daniel Inouye, lead author of the NAGPRA legislation: "NAGPRA represents an effort to strike a balance between the interest in scientific examination of skeletal remains and the recognition that Native Americans, like people from every culture around the world, have a religious and spiritual reverence for the remains of their ancestors."² It is important to note that the potential educational or research value should not be, and is not, used as a factor by the University in determining cultural affiliation or in determining whether human remains or cultural items are subject to repatriation. In addition, the UC Cultural Repatriation Policy prohibits research or teaching use of human remains and cultural items in

² Daniel K. Inouye, *Repatriation: Forging New Relationships*, 24 ARIZ. ST. L.J. 1 (1992). Senator Inouye was the Senate sponsor of NAGPRA.

cases where a repatriation request has been received and repatriation is pending, unless permitted by the tribal authority that has been determined to have jurisdiction over the remains and items, subject to exceptions provided by federal law.

Disagreements have also surfaced over the handling and storage of remains and cultural items. The process of identifying human remains and cultural items and establishing affiliations involves careful examination and documentation of collections, in-depth research, and consultation with multiple potentially affiliated tribes. The process is time consuming for all parties. Normally, the remains need to be handled to some degree in order to properly identify and separate human bones from fauna; this process can be very disturbing to Native Americans and others. Even with consultation, there is not always agreement on the process, and, at times, some tribes would prefer that the remains not be handled at all.

It is important to note that there are good examples of UC relationships with Native American tribes having gone well. At UC Santa Barbara, for example, the campus entered into an agreement with the Santa Ynez Band of Chumash Indians to establish an ossuary to securely and respectfully hold ancestral remains and associated burial objects. This agreement allows the Band to conduct religious rites and ceremonies to honor their ancestors, and, with prior tribal approval, it also allows students and scholars to study the Chumash remains and cultural items to gain a deeper understanding of the history and accomplishments of the Chumash people. Similarly in 2016, UCLA assisted with the burial of 2,000 remains associated with the Gabrielino-Tongva Tribe, by offering to allow the tribe to bury the remains on UCLA property.

Efforts to Strengthen the University's NAGPRA Activities

In 2017, UC Berkeley received feedback from a forum it convened consisting of individuals from many tribal communities around the region and members of the Berkeley academic community. As a result, the campus implemented various changes to improve relations with tribes and Native American individuals on campus, including revamping its NAGPRA committee to: 1) reflect a wider range of academic perspectives and more diverse cultural and professional backgrounds; 2) stagger terms to routinely allow for fresh perspectives as well as more predictable turnover; and 3) disallow research unit directors with a direct stake in decisions from serving as the campus NAGPRA official (i.e., the person who makes the final recommendations and determinations that go forward to the UC Office of the President for review). In addition, in order to consider suggested policy and procedural changes and make recommendations, the campus also appointed a Native American Museum and Library Stakeholder Outreach Working Group, comprised of a variety of stakeholders, including faculty, staff, and members of Native American descendant communities. The UC Berkeley campus Hearst Museum also now allows tribes to request certain treatment of physical objects and human remains in accordance with tribal traditions; the Museum has consistently been able to comply with these requests.

At UC Davis, the campus administration initiated an active dialogue about its NAGPRA compliance efforts in 2010 in response to concerns raised by local tribal communities and students. In 2011, a campus NAGPRA Advisory Committee was appointed to provide

recommendations on campus policies and procedures, and to address overall NAGPRA compliance efforts, with an emphasis on creating a proactive consultation process. This committee includes campus representatives from a number of disciplines as well as representation from two local tribes. In 2013, the Advisory Committee recommended creating a centralized position solely dedicated to NAGPRA. This position was filled in 2014 and is autonomous from any of the campus museums. The campus now has three full-time NAGPRA-dedicated staff members charged with developing a proactive compliance program. In addition, based on the geographic location of remains housed at UC Davis, the campus invited fifteen tribes to consult on its campus NAGPRA policy. Four tribes provided feedback, most of which was directly addressed or incorporated into the campus NAGPRA policy finalized in July 2017.

Notwithstanding these efforts, the University recognizes and seeks to address the continuing concerns expressed by the Native American community. At the President's direction, the University is assembling a workgroup to conduct a substantive review and revision of the UC Cultural Repatriation Policy, committee structures, and implementation practices. (See attached memo to Provost Brown dated August 24, 2018.) The workgroup will include representatives from the existing University Advisory Group on Cultural Affiliation and Repatriation of Human Remains and Cultural Items, the Academic Senate, and Native American tribes. A plan for the workgroup's review and revision of the UC Cultural Repatriation Policy is due to the President by September 28, 2018.

Key to Acronyms

Cal NAGPRA	California Native American Graves Protection and Repatriation Act
NAGPRA	Native American Graves Protection and Repatriation Act

Attachments:

[Attachment 1: Campus Overviews on NAGPRA Activities](#)

[Attachment 2: President's letter to Provost Brown](#)

Campus Overviews on NAGPRA Activities



TO: MICHAEL BROWN, PROVOST, UCOP
FROM: BENJAMIN PORTER, DIRECTOR, HEARST MUSEUM, UC BERKELEY
SUBJ.: SUMMARY OF NAGPRA ACTIVITIES FOR REGENTS MEETING
DATE: SEPTEMBER 10, 2018
CC: WENDY STREITZ, EXEC. DIRECTOR, RESEARCH POLICY ANALYSIS & COORDINATION, UCOP

INTRODUCTION

In response to a September 5, 2018 request by the University of California Office of the President's (UCOP) Office of Research Policy Analysis & Coordination, the Phoebe A. Hearst Museum of Anthropology (Hearst Museum) is pleased to provide this summary of its Native American Graves Protection and Repatriation Act (NAGPRA) activities since 2016, as well as additional, contextual information. It is the Museum's hope and understanding that this document will help to inform a discussion item at the upcoming September 26-27 Regents Meeting. The Museum stands ready to respond to any additional questions that may arise.

BACKGROUND

The Phoebe A. Hearst Museum of Anthropology cares for one of the largest NAGPRA-implicated collections of Native American human remains and cultural items in the United States. Because of the scope, size, and age of its collections, the Hearst Museum is unique within the UC system, and its repatriation operations much more closely align with peer institutions such the American Museum of Natural History, Field Museum, Harvard Peabody, and—though different legislation applies—the Smithsonian's National Museum of Natural History, than with other UC campuses.

UC Berkeley is a 150-year-old campus, and for many decades served as California's only major collecting institution. Berkeley's unique position was solidified when its Department of Anthropology established the University of California Archaeological Survey. Operating from 1948 – 1961, the UCAS carried out site reconnaissance and excavations across the state—often on contract from federal agencies in advance of major reclamation and infrastructure projects to identify or collect what archaeological resources could be saved. The majority of those materials were sent to the Hearst Museum, including those from state and federal land, for which the Hearst Museum functioned as a repository. By contrast, other UC campuses have cared for smaller, more localized collections, often originated from their surrounding regions. UCLA's relatively small collection, for instance, was mostly derived from Southern California. UC Berkeley's affiliation determinations are similar to UCLA's for human remains and associated funerary objects from those locales. Many of the human remains and associated funerary objects in UC Berkeley's care were collected from the aboriginal territories of federally unrecognized tribes.

The Hearst Museum was one of several large institutions to be granted a period of forbearance in which to file its NAGPRA inventories. Following a Department of Interior-enforced timeline, UC Berkeley completed its affirmative NAGPRA inventory consultation and reporting obligations in 2000 (notwithstanding, per 43 CFR 10.13, the potential future reporting of newly discovered

collections). UC Berkeley's inventory submissions amounted to 356 separate documents, typically organized by county, describing 9,200 sets of human remains—where “sets” correspond to individual catalog numbers representing the human remains of one or multiple individuals, or isolated components. UC Berkeley's inventories are unparalleled, nationally, in their transparency and depth of detail—numbering up to 1,200 pages in length—so that Tribes wishing to challenge the University's findings of cultural affiliation are provided the full scope of evidence used to reach the initial determinations. Of the inventory-reported human remains, approximately 14% have been determined to be culturally affiliated, and 86% culturally unidentifiable under NAGPRA. Of the 13,375 associated funerary objects reported in the inventories, 28% were determined to be culturally affiliated, and 72% culturally unidentifiable.

UC Berkeley's 288 NAGPRA summaries were completed, submitted, and disseminated prior to NAGPRA's deadline of November 16, 1993. As required, these documents, categorically different than the inventories described above, provided general descriptions of Native American cultural items in the Museum's care, in order to inform Tribes' decisions as to whether they wished to submit a claim for specific objects under NAGPRA's definitions of “unassociated funerary object,” “sacred object,” or “object of cultural patrimony.”

The NAGPRA-implicated collections in the Hearst Museum's care originate, overwhelmingly, from California. Approximately 94% of the inventory-reported human remains and 99% of the inventory-reported associated funerary objects were collected from locales evenly distributed within the state. Those human remains and associated funerary objects collected from other US states come from Alaska, the American Southwest, Pacific Northwest, Plains, and Eastern Seaboard. The Berkeley Campus' summary items follow the same geographical distribution.

Also in the Hearst Museum's care are collections that fall outside the University's NAGPRA-defined “possession” and “control,” for which other entities are responsible under NAGPRA. In many cases, these collections were removed from federal lands during ‘rescue’ projects in which the agency contracted with campus researchers to excavate archaeological sites prior to their destruction during infrastructure projects such as road and dam construction. Not having a repository in which to care for the collections themselves, agencies asked campus researchers to house them at the Museum until which time the agency had the resources.

In some cases, determining which holdings are and are not controlled by federal and state agencies is not always a straightforward process due to unclear archaeological provenience, changing land ownership, and contradictory maps. As described in a 2010 Governmental Accountability Office Report—entitled “*Native American Graves Protection And Repatriation Act: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act*” — many agencies still do not dedicate sufficient resources to NAGPRA, and do not work collaboratively with holding institutions to determine which collections fall under their control. Indeed, many of the Hearst Museum's letters and phone calls to these entities have received no substantive response. However, based on its own, concerted research efforts, the Hearst Museum estimates that approximately 10% of the human remains and associated funerary objects reported in its NAGPRA inventories are in fact under federal or state control.

ON-GOING REPATRIATION ACTIVITIES

In the summer of 2018, UC Berkeley reorganized its Campus-level NAGPRA review process: expanding its Campus NAGPRA Advisory Committee to include a greater diversity of members

and perspectives, instituting term limits for Committee membership, and transferring the role of Designated Campus NAGPRA Official from the Hearst Museum Director position to that of the Vice Chancellor for Research. Greater transparency into the Campus process has been achieved through the creation of a new website (<https://vcresearch.berkeley.edu/research-policies/nagpra>), which details the Campus process as well as the Committee's membership and purview.

Eight museum staff members dedicate portions of their overall efforts to caring for the Museum's North American collections in activities that include collections management, registration, NAGPRA claims, and tribal consultations and visits. Of these eight, three members, two cultural policy experts and one collections manager, dedicate 100 percent of their time. During the past several years, the Museum has received \$470,000 annually from the Chancellor's Block Fund to cover supplies, and the salary and benefits of the staff members who support the program. Funding to support non-NAGPRA activities, such as those described below, originate from campus and extra-campus (e.g., grants, donors) sources. These costs fluctuate from year-to-year and are dependent on having the funds available to support the work.

Day-to-day NAGPRA activities at Berkeley remain the responsibility of the Hearst Museum's two-person Cultural Policy & Repatriation (CPR) office, which reports to the Hearst Museum Director and works closely with members of the Museum's Collections, Registration, and Research divisions to coordinate related efforts. CPR carries out the Museum's many other, non-NAGPRA-specific cultural policy responsibilities, as well, including, but not limited to, provenance research for potential new acquisitions and the management of the Museum's relationship with its dedicated Native American Advisory Council, as detailed below.

Since its creation in 2013, CPR has streamlined and systemized UC Berkeley's NAGPRA claims process: responding to tribal requests in a timely manner (usually within 24 hours), and, for example, providing additional copies of NAGPRA inventories, archival documentation, and information on next steps. When repatriation claims are not accepted at the various levels of review, CPR has identified for claimant Tribes where further information might be helpful. On average, CPR processes three to five NAGPRA claims at a time: conducting intensive scholarly research and consulting collaboratively with claimant Tribes to gather evidence for review by the Designated Campus NAGPRA Official, the Campus' NAGPRA Advisory Committee, the UC System-wide NAGPRA advisory committee, and UCOP administrators. CPR is also active in the Department of Interior's NAGPRA grant process, writing letters of support for Tribes who wish to consult with the Museum on repatriation issues.

Since 2016, UC Berkeley has repatriated 635 sets of human remains, 1,575 associated funerary objects, and three objects fitting NAGPRA's other category definitions. CPR has also coordinated four transfers of federal collections housed at the Hearst Museum to their controlling agencies for subsequent repatriation. During this period, the Hearst Museum has submitted to the National Park Service one Notice of Intent to Repatriate and one Notice of Inventory Completion for publication in the Federal Register, describing three cultural objects and 36 sets of human remains, respectively.

The Museum continues to care for a large number of human remains and associated funerary objects that have been culturally affiliated, but that have not yet been requested for physical transfer by the affiliated Tribes. The Museum exerts no pressure on affiliated Tribes to complete

the repatriation, but does send out periodic communications to culturally affiliated Tribes to remind them of the remains' and objects' status and express its willingness to move forward, when appropriate. Currently, 45% of the culturally affiliated human remains are still in the Museum's care, awaiting physical transfer upon 62 affiliated Tribes' request.

The CPR Office's NAGPRA consultation is one of the nation's busiest. In addition to frequent phone and email correspondence, since 2016, it has invited 83 tribes to consult, yielding 27 separate NAGPRA consultation meetings with 18 separate Tribes. These meetings occurred at all stages of the NAGPRA process: when Tribes were considering future claims, when a claim was under consideration by University authorities, or after a Campus determination has been made. In this period, the Museum has also welcomed members from 42 Tribes for 69 separate visits related to ceremonial needs, education, language revitalization, and other descendant community-led research. Both the NAGPRA-related and other meetings range from one to three days in length, are most often friendly, and are always respectful; the Museum invites visiting groups to make use of an adjacent dedicated, secluded, outdoor location where they can attend to ceremonial needs, if they wish.

The University benefits from the CPR Division's nationally recognized expertise. The Division's Head, Jordan Jacobs, has served on the Repatriation Committee of the Society for American Archaeology, was the American Alliance of Museum's 2014 nominee to the National Park Service's NAGPRA Review Committee, lectures regularly at Boalt Law School and other graduate and undergraduate courses—at UC Berkeley and elsewhere—in the disciplines of law, anthropology, and art history, and regularly advises NAGPRA programs at other institutions. CPR's positive impact on the Berkeley Campus' NAGPRA program was recognized with a Chancellor's Outstanding Service Award in 2017.

RESEARCH USE OF INVENTORY-REPORTED HUMAN REMAINS

The Hearst Museum adheres strictly to UCOP Policy regarding research use of NAGPRA inventory reported human remains. Accordingly, all study of human remains that have been culturally affiliated under NAGPRA is prohibited—unless the interested researcher obtains the permission of the affiliated Tribe or Tribes—so that any research must be limited to those human remains determined to be culturally unidentifiable. Additionally, the Hearst Museum only grants research access to collections when proposals conform to the standards of the relevant scholarly disciplines. Researchers submit a detailed proposal and letters of recommendation certifying their professional training. The Museum's Faculty Curators, Staff, and Director review and discuss these documents. In some instances, external specialists are asked to weigh in on the appropriateness of the project. The Museum's Director takes all opinions into consideration when granting approval to conduct research. Requests for destructive analysis are subjected to a similar rigorous review process, following established best museum and research practices.

Since 2016, twelve research requests have been granted that involve access to the culturally unidentifiable human skeletal remains in the care of the Hearst Museum. These studies have been conducted by researchers in biology, anthropology, and related fields, from UC Berkeley, other UC campuses, and other national and international universities and museums. Five requests have been denied in the same period. One of the approved requests in this period involved destructive analysis—the sectioning of teeth for microscopic analysis—though

permitted studies in previous years have included Carbon-14 and mass spectrometry. Regular research occurs on the Museum's other Native American holdings, following a similar process.

OTHER INITIATIVES

The Hearst Museum recognizes Native American communities and individuals as among its core stakeholders, and close collaboration is instrumental to many of its program areas. Tribal members were involved as co-curators in the Museum's inaugural exhibition after its 2016 reopening, for instance, and the Hearst Museum's eleven-member Native American Advisory Council (NAAC) advises the Museum's work on matters ranging from loans, to exhibitions, educational programs and traditional care. Made up of individuals from federally recognized and unrecognized Tribes in California and Nevada with a wide and deep range of background the impact of this group on museum procedures and strategy has already been profound. For example, the NAAC recently developed guidelines concerning the display of images of sensitive material on the Museum's public collections Portal, which the Museum adopted in their entirety. The Hearst Museum also has in place procedures for the traditional care of the physical objects and human remains that it houses. Tribes can request that objects in the Museum's care—whether NAGPRA-implicated or not—are cared for in culturally appropriate ways. The Museum has been able to comply with those requests in a consistent basis.

The 2017 launch of the aforementioned Hearst Museum Portal was specifically designed to serve people with cultural connections to those societies represented in the Hearst Museum's collections, including Native Californian educators, spiritual leaders, repatriation coordinators, tribal government officials and artists. It is an especially important tool in NAGPRA, as it provides direct access to all Museum information associated with the cultural objects in its care.

The Museum is proud to lead and participate in a variety of educational and cultural initiatives involving Native American Tribes and communities. It is a sponsor and key participant in the biennial Breath of Life program, which is held at UC Berkeley in even-numbered years to assist California Indians in their language revitalization efforts. The Museum provides access to its numerous sound recordings, gives tours of the California basketry collections, and guides participants in researching and exploring the collections online. The Museum has also been closely involved in the West Berkeley Shellmound Community Project, and related efforts to protect the site from destruction. Further, the Hearst Museum is currently working with partners to digitize, preserve, and distribute hundreds of hours of audio and video materials from the twentieth century pertaining to Native American societies, and is working on a consultation plan to determine how best to proceed in a culturally appropriate manner.

University of California, Davis

NAGPRA Compliance Report

September 10, 2018

Background

The University of California, Davis (UC Davis) is fully committed to the repatriation and transfer of human remains and cultural items as required by the Native American Graves Protection and Repatriation Act (NAGPRA) and California NAGPRA (Cal-NAGPRA). UC Davis houses Native American human remains and cultural items subject to NAGPRA in three separate campus repositories including the Department of Anthropology Museum, the Museum of Wildlife and Fish Biology, and the Shields Library Special Collections. The majority of materials subject to NAGPRA is housed in the Department of Anthropology Museum, which curates archaeological and ethnographic collections, primarily from California. In 2014, UC Davis reorganized NAGPRA compliance responsibilities by centralizing compliance under the Office of the Provost and Executive Vice Chancellor, and hiring a NAGPRA Project Manager, charged with developing a proactive consultation program.

UC Davis, in policy and practice, recognizes the rights of Native Americans to the repatriation or disposition of Native American human remains and cultural items, while simultaneously recognizing that human remains and cultural items can provide valuable information to further learning, teaching, and research.

Scope

UC Davis holds or held Native American human remains from approximately 325 individuals, approximately 12,000 associated funerary objects, and 155 unassociated funerary objects. Human remains and cultural items were primarily obtained between 1960 and 1987 as a result of excavations in anticipation of development projects or University sponsored field schools. In addition, human remains were inadvertently discovered and transferred to the campus by Coroners or individuals.

Approximately 15% of human remains (48 of the 325 individuals) and 72% of associated funerary objects (8,600 of the 12,000 objects) have been determined to be culturally affiliated, or share a group identity that can be traced between a federally recognized Native American tribes and an identifiable earlier group. Notices of Inventory Completion for all culturally affiliated human remains and funerary objects have either been published in the Federal Register or submitted to National NAGPRA for publication. UC Davis's holdings of Native American human remains and cultural items are primarily limited (approximately 99%) to Northern and Central California. The remaining human remains (approximately 1%) originate from Arizona and Oregon. UC Davis previously held human remains from Alaska which were successfully repatriated in 2016. The majority of human remains and cultural items were removed from aboriginal lands of federally recognized tribes. UC Davis holds human remains and cultural items from one site that may likely be associated with non-federally recognized Indian groups.

Summaries

Summaries of collections that may contain unassociated funerary objects, sacred objects, and objects of cultural patrimony were submitted to potentially affiliated tribes with invitations to consult in 1993 and subsequently by the deadlines established by the future applicability regulations. Summaries were also provided to the National Park Service and National NAGPRA as required. UC Davis reported approximately 150 accessions through NAGPRA summaries with invitations to consult to over 530 tribes. UC Davis holds 155 objects known to meet the definition of unassociated funerary objects. Repatriations

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under NAGPRA Summaries require tribes to initiate the repatriation process with written claims. In 2018, a tribe claimed one of these collections, containing 13 cultural items. UC Davis has filed a Notice of Intent to Repatriate with National NAGPRA and is awaiting its publication, which will enable the repatriation of these items. UC Davis has determined that it does not hold any materials known to meet the definition of sacred objects or objects of cultural patrimony under NAGPRA, however, one consulting tribe has asserted generally that entire collections are funerary objects, sacred objects, or objects of cultural patrimony. Consultations with tribes are on-going.

Inventories

UC Davis's NAGPRA Inventories were submitted to potentially affiliated tribes with invitations to consult and the National Park Service in 1995 and subsequently by the deadlines established by the future applicability regulations. UC Davis has completed 55 NAGPRA Inventories, 15 of which were determined to be culturally affiliated, 40 of which were determined to be culturally unidentifiable. In 1995 cultural affiliation determinations were made based on available information, primarily linguistic and archaeological information. Inventories are currently being systematically re-evaluated in consultation with tribes to re-consider cultural affiliation determinations and ensure accuracy and completeness. UC Davis is actively engaged with tribes to better understand traditional lines of evidence as well as consider newly available scientific information. In the last year UC Davis has culturally affiliated five sites previously determined to be culturally unidentifiable, and is actively engaged and anticipates additional sites will be affiliated. In addition, UC Davis is systematically reviewing collections to ensure all eligible materials, human remains and funerary objects, are included on revised Inventories. Through this review process, UC Davis has identified a significant number of objects determined to be funerary objects, and added them to revised Inventories.

NAGPRA Reorganization and Institutional Support

In 2011, Provost and Executive Vice Chancellor Ralph Hexter convened and charged a NAGPRA Advisory Committee to provide recommendations on campus policies, procedures, and compliance efforts. This committee includes campus representatives from a number of disciplines as well as representatives from two local tribes. In 2014, as a result of these discussions, the campus hired a NAGPRA Project Manager, centralized NAGPRA compliance activities under the Office of the Provost, and dedicated additional campus resources to NAGPRA. The NAGPRA Project staff now includes three full-time dedicated staff members and is charged with developing a proactive compliance program. In addition, the Assistant Executive Vice Chancellor and Senior Campus Counsel carefully oversee NAGPRA compliance activities. In 2016, Professor Beth Rose Middleton Manning, Professor of Native American Studies, with strong relationships in many California Indian communities was appointed to represent the campus on the UC Systemwide Advisory Group. These changes demonstrate the campus's commitment to improving NAGPRA compliance and relationships with Native American tribes.

Consultation

UC Davis has developed a proactive outreach and consultation program. In the last three years approximately 42 tribes have been invited to consult on NAGPRA Inventories or Summaries. Fourteen tribes have come forward to engage in the consultation process. Consultations range from phone calls,

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emails, and letters to in-person visits. In the last three years UC Davis has consulted with twelve tribes in-person either at UC Davis or tribal offices. The majority of these consultations have occurred over multiple in-person visits.

In order to help tribes obtain funding to build capacity for both consultation and repatriation, the NAGPRA Project Manager teaches NAGPRA courses including NAGPRA Essentials and a NAGPRA Grant Writing course offered through the National Preservation Institute. These courses are offered throughout the country, but most frequently in California. Courses have been offered four times in California since 2015, with multiple California tribes attending.

Claims

Native American human remains and cultural items may be transferred to tribes after publication of Notices in the Federal Register and valid claim by relevant tribes. UC Davis has received relatively few NAGPRA claims, a total of nine since NAGPRA was enacted, the first of which was received in 2000. Five claims have been accepted and the materials repatriated or transferred; one claim has been accepted and is pending publication in the Federal Register. One tribe has claimed human remains but requested that they be held by UC Davis until reburial can be arranged. In the meantime, control has been transferred to the claimant tribe. Of the unresolved claims, UC Davis is actively consulting with two claimant tribes. One tribe has indicated that they are currently not ready to consult.

Approximately 60% of culturally affiliated remains published in Notices of Inventory Completion (19 of the 32 individuals) have been claimed and repatriated. UC Davis has been actively soliciting consultation and claims for the remaining 13 individuals. When requested, UC Davis provides template claim letters to simplify the NAGPRA process. Four Federal Register Notices addressing 16 individuals and 1,089 funerary object were recently submitted to National NAGPRA for review and publication.

Consulting tribes have expressed a variety of barriers to making claims including repatriation funding, reburial lands, or coordination of repatriations with other institutions. When tribes identify repatriation funding as a barrier to repatriation, NAGPRA staff are ready to assist or write NAGPRA Repatriation Grants to support tribal efforts. Two such NAGPRA Repatriation grants have been successfully funded. At the request of one consulting tribe, NAGPRA staff traveled to Barrow, Alaska to personally transfer human remains and participate in the reburial ceremony. When asked, NAGPRA staff are willing to help facilitate conversations about reburial on public or private lands.

UC Davis Policy on Curation and Repatriation of Native American Human remains and Cultural Items

UC Davis has a robust Policy on the Curation and Repatriation of Native American Human Remains and Cultural Items (PPM 220-50). This policy became effective July 31, 2017 after review of other policies and best practices from other institutions across the country and extensive consultation with California Indian tribes, and faculty and staff. UC Davis invited all tribes with whom we were consulting on NAGPRA an opportunity to consult on the draft policy. The fifteen tribes consulted were identified based on the geographic location of remains housed at UC Davis. Four tribes provided feedback, most of which was directly addressed or incorporated. The process to develop policy and consult took approximately a year and a half and was done with the strong consideration of tribal input and balance of the campus's various responsibilities as a public university.

University of California, Davis

NAGPRA Compliance Report

September 10, 2018

The UC systemwide policy and NAGPRA law provides discretion to the campuses on a number of key issues. UC Davis campus policy addresses many of these issues including research access, transfer of culturally unidentifiable associated funerary objects, claims by non-federally recognized tribes, and dispute resolution processes.

UC Davis received feedback from many tribes regarding their concern about research access to human remains and cultural items. The UC Davis policy now requires researchers requesting access to Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to seek input from relevant tribes. Human remains and cultural items that are culturally affiliated or pending repatriation or disposition require explicit written permission from relevant tribes.

The return of culturally unidentifiable associated funerary objects is not mandated by NAGPRA, however, by policy UC Davis offers these materials to claimant tribes, subject to approval of the Office of the President. While the campus has very few Inventories associated with non-federally recognized tribes, the new campus policy provides an opportunity for non-federally recognized tribes to engage in the NAGPRA process. In absence of requests from federally recognized tribes, requests from non-federally recognized tribes are generally recommended for disposition.

Federal Agency Collections

In addition to human remains and cultural items under UC control, UC Davis holds human remains and cultural items under the control of the U.S. Army Corps of Engineers, Bureau of Reclamation, and Fish and Wildlife Service. Federal agencies are responsible for NAGPRA compliance and all decision making for these collections. UC Davis facilitates this process when requested.

Research

In the last ten years, the UC Davis Department of Anthropology Museum has provided research access to human remains and funerary objects through six separate research loans. Five loans included human remains, while one loan included associated funerary objects. All of the loans included analytical sampling that is destructive in nature. Broadly, these studies include radiocarbon dating, ancient DNA, stable isotope analysis, and analysis of dental calculus (plaque). The most comprehensive research project was a broad survey on the evolution of diet, health, mobility, violence, and genetic makeup in California. This loan was a multi-year project and included human remains from 22 different sites. The majority of the results have been described in peer reviewed articles, or papers presented at academic conferences. Research was primarily conducted by UC Davis faculty and their graduate students, however, one research loan was made directly with a Native American tribe. The above research loans were all initiated prior to the promulgation of UC Davis's current policy, which requires tribal consultation.

In addition, some Native American tribes have actively partnered with UC Davis faculty when researching human remains not under UC Davis's control. One federally recognized tribe recently brought human remains repatriated from another University to UC Davis for analysis to better understand the life histories of these individuals prior to reburial. In these cases, tribal representatives and faculty work closely together in developing a research plan and interpreting results. In addition, tribal representatives routinely co-author articles with UC Davis faculty conducting analysis.

UCLA Report on NAGPRA Compliance

September 2018

NAGPRA Eligible Collections at UCLA

UCLA's collection of Native American archaeological and ethnographic materials (curated within the Fowler Museum at UCLA) is the second largest in the UC system. In 1990 with the passage of NAGPRA, UCLA decided to move all Native American human remains and NAGPRA eligible objects to the Fowler Museum for compliance. The Curator of Archaeology for the Fowler Museum was designated as the UCLA NAGPRA coordinator, responsible for all aspects of compliance including inventory work, outreach and consultation, budget creation and implementation, and National NAGPRA obligations. The Vice Chancellor of Research appointed a Law Professor to be the faculty advisor to his office and the UC Office of the President as well as the Chair of the UCLA NAGPRA Coordinating Committee. They have worked effectively together to marry knowledge about law, social justice, American Indian history, museum, archaeology, and research.

Fowler Museum staff identified 181 archaeological and ethnographic collections with NAGPRA eligible materials representing 2,704 minimum number of individual human remains (MNI), 108,214 associated funerary objects (AFO), and 18,465 unassociated funerary objects (UFO). They have been published in the Federal Register within 23 Notices of Inventory Completion (NIC) and 7 Notices of Intent to Repatriate (NIR). Of this number, 8 NIC and 3 NIR from 55 archaeological collections have been joint collaborations with the Bureau of Land Management, California Department of Transportation, California State Parks, US Army Corps of Engineers, California State University San Francisco, and the National Park Service because they had ownership and control of the collections.

The Bureau of Indian Affairs, US Bureau of Reclamation, US Navy, and California Department of Water Resources have outstanding NAGPRA work for collections we curate on their behalf that require our time and assistance. To note, the US Navy is updating their Notices and have required more than 100 hours of unbudgeted staff time this year alone. Determining ownership and control of archaeological collections with federal and state agencies continues to be problematic, as agency staffing changes may yield different results year to year. These decisions move NAGPRA responsibility from the campus to the agency and back again creating confusion for the tribes and us.

In addition, we identified 4,016 ethnographic objects that are potentially NAGPRA eligible. Since tribal consultation is the key determining factor for which objects are considered sacred, funerary, or objects of cultural patrimony, we decided to include all Fowler Native American ethnographic objects as the baseline and sent consultation request letters to 654 tribes, Native Hawaiian and Alaskan Native Villages. From this outreach we have had dozens of inquiry letters and visits that have resulted in two repatriations of 19 sacred objects as culturally affiliated. Another 18 objects have been identified by tribes, but are still under consultation due to their extreme sensitivity.

NAGPRA Compliance at UCLA

If we focus only on UCLA owned collections, there were 2,069 individual human remains and 56,083 cultural objects (AFO and UFO) eligible for NAGPRA repatriation. Since 1996, UCLA has repatriated 1,979 individual human remains and 53,916 cultural objects to federally recognized tribes (96% of the total). There are 27 individuals and 381 cultural objects that haven't been formally claimed, but tribes have voiced interest and are currently in ongoing consultation towards repatriation.

We have seven collections from southern Utah identified archaeologically as the Fremont people that are currently filed with NPS as culturally unidentifiable (MNI=54, AFO=942). However in consultations with 25 tribes, we have determined cultural affiliation with the Pueblo tribes, the Navajo, and the Southern Paiute of Utah. The UC NAGPRA Coordinating Committee requested further information before they would make a final decision on supporting these affiliations; this is our top priority and our last large inventory to update.

There are 6 sets of human remains that are culturally unidentifiable because the original donation of human remains lacked provenience information beyond "Native American" or "Plains." Other human remains that have not been resolved for NAGPRA eligibility include remains used previously for teaching from archaeological collections before NAGPRA was implemented. The Physical Anthropology department stored them by skeletal element and did not keep individuals together by context. After NAGPRA passed they were returned to the Fowler Museum, but by then many had lost their context and we don't know where they came from. Forensic anthropologists have determined that 56 individuals show diagnostic traits identifying them as Native American, but this includes all the American continents. We have not determined if they should be included on the NAGPRA inventory due to the lack of evidence to date. The loss of context due to poor curation and student handling has had lasting effects that we may never resolve.

Assessment of UCLA Collections

Overall 89% (or 167) of the NAGPRA eligible collections at UCLA derive from California. Of these California collections, all but two have been claimed by federally recognized tribes. Two California collections are currently culturally unidentifiable one from Emeryville shellmound, which would be culturally affiliated with the non-federally recognized Ohlone and another from San Bernardino County that currently lacks enough provenience to determine cultural affiliation. Consultation is ongoing. The vast majority of our collections come from Southern California, from Santa Barbara to San Diego Counties and extending into the Inland Empire. Outside of California, 17 NAGPRA collections originated from Utah and Arizona and one from Hawaii. We potentially have sacred items from Alaska, the Plains and other regions dependent on tribal consultation and their determinations.

Tribal Consultations and Interactions

We have consulted or attempted to consult with more than 43 tribes from Southern California, the Southwest and Great Basin in the past three years. Perhaps 10% did not respond to our request at all. Around 60% declined to consult further, but suggested another tribe to reach out to for consultation. It is hard to provide an average of tribes we consult or culturally affiliate with per collection as it relates to age (the older the remains the more tribes are likely to be descendants), and sometimes to location as tribes have been fragmented by the Rancheria and Reservation system.

We submitted 13 Notices over the last three years that have been claimed. Six of them were the result of an innovative collaboration with 10 tribes and two state agencies (Caltrans and State Parks). UCLA acknowledged that the majority of their NAGPRA responsibility was to our closest tribes, Gabrielino/Tongva, Fernandeno/Tataviam and the Chumash, all but one of them non-federally recognized. Our Chancellor and his administration decided to set aside a small plot of land on UCLA property to allow for the repatriation and reburial of these communities' ancestors with the assistance of federally recognized Santa Ynez Band of Chumash Indians and San Manuel Band of Serrano Indians (who were the lead tribes and with whom we have a Memorandum of Agreement on the care of the reburial land). Together UCLA, State Parks, and Caltrans repatriated 2,294 minimum number of individuals, 101,810 AFO and 17,003 UFO objects with over 100 tribal members, UCLA faculty, staff, and administration in attendance for the reburial. While, we have kept the press to a minimum per tribal

request, we are currently developing a web page and videos to spotlight UCLA's collaborative achievements with local tribes and the history of NAGPRA.

We maintain close relationships with members of tribes mentioned above along with Pechanga, San Luis Rey, Juaneno/Acjachemen, Los Coyotes, Rincon, and they are regularly involved in consultation and lecturing for the campus in a wide variety of classes, programs, and events as well as sitting on campus committees. Laura Miranda (Pechanga) and Cindi Alvitre (Tongva) are members of UCLA's NAGPRA Coordinating Committee. Likewise, faculty, staff, and students work regularly with local tribes on education, governance, and cultural programs. Good working relationships with tribal communities are essential to UCLA.

Staffing and Costs

UCLA has a very small amount of staff to oversee NAGPRA compliance. The Vice Chancellor of Research provides a small stipend to their NAGPRA faculty designee. Law Professor Angela Riley has been the faculty advisor since 2010. The Fowler Museum Curator of Archaeology is in charge of compliance and responding to NAGPRA requests at 50% or less time per year. Dr. Wendy Giddens Teeter has been in this position since 1997.

To assist with these duties, Dr. Teeter requests annual budgetary funding to pay for part-time staff and student help, travel to meetings, and consultation. The budget requests have varied from year to year, but are generally an average of \$61,000.

Requests for access and use

During 2018 alone, six requests were granted for the access of human remains, including federal agencies, tribes, and researchers. None of the requests involved permission for destructive analysis. Agencies, CRM companies and tribes are generally looking to see the scope of collections at UCLA related to a development project or for their compliance with NAGPRA. Three students requested access for osteology skill building this year (always denied) and four others for graduate level research (thesis or dissertation). We do not allow NAGPRA human remains to be used in teaching.

UCLA does not allow use or destructive analysis of NAGPRA eligible human remains or objects without permission from the affiliated tribes (state and/or federally recognized). UCLA has no decision making authority over collections or human remains under federal or state control. Agencies such as the US Navy, have granted permission to students for destructive analysis in the last ten years. In general we require students to provide a detailed proposal, letter of recommendation from their faculty advisor, as well as any necessary tribal or agency permission before use in research is granted.

University of California, Riverside
Summary of NAGPRA Activities

September 11, 2018

Below is a brief summary of UC Riverside collections that are subject to NAGPRA and efforts by UC Riverside to continue its positive relationship with regional tribes.

I. Nature and Extent of Collections

The collections at UC Riverside include several that were donated to the campus apparently sometime in the 1960s. These collections are almost entirely lacking in provenience information, and attributing them to any geographic area or tribal group is therefore very difficult. There are examples of human skeletal remains in these culturally unidentifiable collections.

The remainder of the collections were acquired in the course of archaeological fieldwork by faculty, staff, and students of UC Riverside. Five collections contain human remains that were culturally affiliated to specific tribal groups. Five collections contain unassociated funerary objects: two are culturally unidentifiable and three have been affiliated with a specific tribal group. Notices of Inventory Completion for the human remains were published in the Federal Register. A single repatriation of culturally affiliated human remains was made to the Serrano tribe, San Manuel Reservation, in 2004. The remaining culturally affiliated human remains and cultural items are awaiting repatriation despite efforts from UC Riverside to repatriate.

II. Tribal Consultations and Interactions

Since the early 2000s, Profs. Phil Wilkie, Scott Fedick, and Cliff Trafzer have been in contact with and consulted with the Cahuilla Inter-Tribal Repatriation Committee, every Cahuilla Tribe, and the several Luiseno groups to inform them of the UC Riverside collection. We have actively reached out to tribes and encourage them to begin the repatriation process. Under the leadership of Wilkie, UC Riverside repatriated remains to the San Manuel Tribe.

In 2016, the chair of the Inter-Tribal Cahuilla group visited the campus and viewed all Cahuilla remains and objects. The tribe made no request to repatriate. UC Riverside is making a renewed effort to consult with Cahuilla and Luiseño representatives to repatriate the remaining items that have been culturally affiliated.

In early 2017, the Director of the Colorado River Indian Reservation Museum (CRIRM), asked to set up a consultation to see all the objects Professor Phil Wilkie (now retired) had excavated at the Whipple Cave, located in eastern California near the Colorado River. Professor Wilkie and Dr. Matthew Hall, Curator, Archaeological Curation Unit, met with the CRIRM Director to consult by sharing all the objects found by Wilkie and his team. Wilkie and Hall eagerly revealed each finding at every level of the archaeological dig. The CRIRM Director was able to photograph most of the collection to document the dig and place the photos in the tribal museum. Wilkie answered questions and shared his knowledge.

This fall, Cliff Trafzer will meet and consult with the tribal archeologist for the Pechanga Band of Luiseño Indians.

Finally, dating back to the 1990s, the Chancellor at UC Riverside holds regular meetings with the Chancellor's Native American Community Advisory Committee. The meetings often have 30-40 people in attendance, including members of the tribal community. Everyone is welcome, and NAGPRA is openly discussed. This committee provides a venue for any Native Americans in our area and our faculty/students to have a positive, constructive interaction where everyone has a voice. The Chair of the committee is from the Cahuilla Band of Indians and is an alum of UC Riverside.

III. Compliance with Future Developments in NAGPRA

UC Riverside will not accession for permanent curation any archaeological collections that are known to contain remains or items that would come under the purview of NAGPRA. Any human remains recovered in the course of UC Riverside field projects will be handled according to procedures established by the University of California.

IV. UC Riverside NAGPRA Committee

In the summer of 2018, the Provost created a new committee to address issues of NAGPRA and the handling of American Indian human remains, objects, and patrimony.

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

On September 6, 2018, the Office of Research at the University of California received a request for a brief report on NAGPRA related activities, with a deadline of two business days. UCSB's archaeological collections that are subject to NAGPRA legislation are maintained in the Repository for Archaeological and Ethnographic Collections (housed within the Department of Anthropology), for which Dr. VanDerwarker is currently the Interim Curator. VanDerwarker stepped into this post upon the retirement of Dr. Lynn Gamble on June 30, 2018, as negotiations are ongoing in the recruitment of the new faculty member who will become Curator of this facility. In addition, UCSB's Repository is closed during the summer (June 25-September 21), and the Assistant Curator (post held by graduate student) who oversees the daily operations only works on a 9-month basis throughout the Fall, Winter, and Spring quarters. Given these constraints and VanDerwarker's lack of familiarity with the collections, the details in the summary that follows should be considered close approximations. Fortunately, VanDerwarker was able to meet briefly with the Assistant Curator in person, and via email, with Professor Emerita Lynn Gamble. The information that follows is summarized from these discussions, as well as from UCSB's 2012 NAGPRA Notice of Inventory Completion (NIC) which is available online and represents an official government document.

At present, The UCSB Repository curates 46 accessions that are subject to federal NAGPRA regulation (human remains and associated funerary objects). All of these accessions are geographically from California and originate from the broader Chumash cultural region. These accessions encompass 408 individuals (human remains) and 3,985 associated funerary objects. Of the human remains, 395 individuals have been culturally affiliated with the Chumash; all of the associated funerary objects are also culturally Chumash as well. Less than one percent of the human remains and associated funerary objects are unaffiliated, and these represent 13 individuals from a single accession (Accession #245); these individuals are most likely Chumash, and we are at the stage where we are ready to consult with the tribe, after which we will be ready to submit our Notice of Inventory Completion (NIC) to the UC NAGPRA committee for review, followed by submission to the National Park Service (NPS). It is important to note that the Santa Ynez Band of Chumash is the only federally recognized tribe in this region.

The Santa Ynez Chumash have been provided summaries of our NAGPRA-related materials, with the exception of the above-mentioned accession that encompasses the remains of 13 individuals. UCSB and the Santa Ynez Chumash have a cooperative agreement for UCSB to house and maintain these collections at the Repository, in a space that has been blessed by the Chumash, a blessing which is renewed periodically when members of the Band visit the collections. Thus, none of these materials have been physically transferred to the tribe. In addition to the Santa Ynez Band, there are three other Native groups in the region that are Chumash: the Barbareño Band of Chumash Indians (BBCI), the Barbareño/Ventureño Band of Mission Indians, and the Northern Chumash Band (Obispeño). These three groups are the only non-federally recognized tribes in the region that require documentation for membership. With

respect to the California NAGPRA legislation, all three groups are potential claimants for all our Chumash-affiliated NAGPRA collections. At present most remains are maintained in the Repository and any repatriation has been minimal; no remains have been repatriated to any non-federally recognized tribes.

Thus far, only the Santa Ynez Band have been officially consulted with regarding affiliation as they are the only federally recognized group with which the materials can be affiliated. That being said, the Repository regularly welcomes members of all four Chumash Bands into its doors for tours of its facilities and collections; these tours include Chumash Elders performing sacred rituals, groups of Chumash school children, and Chumash educators perusing collections for possible loans for public display (e.g., both the Santa Ynez Band and the BBCI are independently planning construction of separate cultural centers/museums).

The Repository is overseen by a Curator and Assistant Curator. The Curator position is held by one full-time faculty member (FTE = 1) of the Anthropology department, who also oversees the Central Coast Information Center (CCIC), in addition to the regular teaching, research, and service duties required of UC faculty. The Assistant Curator is involved in the regular day-to-day activities associated with the Repository, and is a post held by a graduate student (GSR) who works 20 hours/week over the course of the 9-month academic year (~\$18,000). As mentioned above, the Repository is closed during the summer. In addition, the Repository was able to secure a grant during the 2017-18 academic year (\$3000) to hire another graduate student who is trained in human osteology to help consult on the 13 individuals from Accession 245. In general, we also consult a trained osteologist for other collections housed in the Repository when an expert is needed. The UCSB Repository will need more funds and resources to contend with new regulations that emerge from the California NAGPRA legislation.

Most of the research-based requests for access and use of the Repository's collections are made for non-NAGPRA materials. It is unclear how many research requests have been made on the NAGPRA collections over the past 10 years (there was insufficient time to research this particular question), but it is definite that no destructive analysis has occurred on these materials. If anyone were to make requests for access to the NAGPRA materials, such a request would require approval by both the Curator and the Santa Ynez Band. Researchers would need to have a position/affiliation with a formal institution (e.g., universities, museums, tribal organization, CRM firm) for their requests to be considered.

UCSC NAGPRA Assessment of Collections

a. Overview

The Archaeology Archives at the University of California Santa Cruz is small compared to other UC facilities but houses prehistoric archaeological materials from over ninety sites in far southern San Mateo (Año Nuevo Point), Santa Cruz, and northern Monterey County, including UC Santa Cruz's Landels-Hill Big Creek Reserve.

Archaeological materials accumulated from 1965, when the UC Santa Cruz campus opened, to 1976, when the present Curator took responsibility for the collections, derived from archaeology field schools, site salvage operations, and donations from private parties. Materials deposited since 1976 were all collected in archaeological mitigations of impacts development or natural erosion.

Artifacts and human remains are housed in a secure two-room facility within space allocated to the Department of Anthropology. A computer database for artifact records was established in 1989 and has grown to include nearly all curated site materials.

The Archives contain no ethnographic or sacred objects as defined by the federal statute. Human remains and associated funerary objects comprise a small fraction of the Archives inventory, with two burials and a number of other isolated remains. Human remains were inventoried by physical anthropologist Professor Alison Galloway, a member of the UC Santa Cruz faculty. Associated funerary objects were inventoried by Curator Diane Gifford-Gonzalez, with consulting assistance from California archaeologists Drs. Terry Jones and Randall Milliken.

b. Number of Inventories

UCSC has 2 inventories from 1993 and 1995, with two addenda. All relevant materials were inventoried and reported to the Federal government in 1993 and 1995 in compliance with requirements of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. Sec. 30001 et seq. Addenda were submitted as human remains were found intermixed with animal bones. Our inventory was last updated in 2003.

c. Number of collections

Two collections were reported in NAGPRA summaries. Several federally recognized tribes received the inventory. Because collections are strictly local to the Monterey Bay, there was no further interaction.

d. Number of human remains and cultural items

The NAGPRA inventory at UCSC consists of the human remains from a minimum of 29 individuals, represented by 514 individual elements. Associated with the two burials recovered from the UC Santa Cruz campus are 29 associated funerary objects. All of these materials are derived from one archaeological site in far northern Monterey County, six archaeological sites in Santa Cruz County, plus five isolated finds from within Santa Cruz County with no further provenience. All entered the University of California, Santa Cruz Archaeological Archives prior to 1990 as the result of field school, Cultural Resource Management, or archaeological salvage

operations. No materials subject to NAGPRA are currently accepted for curation in the Archives. No human remains or funerary objects are on public display or accessible to student researchers. No destructive testing of human remains (e.g. carbon-14 dating) has been permitted by Archives policies.

e. Culturally affiliated inventories

None of UCSC's inventory/UCSC information in the NAGPRA summaries is culturally affiliated.

f. Claims and repatriations

None of UCSC's inventory has had claims or repatriations from Native American tribes. None of the inventory is culturally identifiable, as defined by NAGPRA.

g. Disposition for human remains and cultural items associated with not federally recognized tribes

All of UCSC's human remains and cultural items are associated with a tribe that is not federally recognized and thus remain classified as culturally unidentifiable, as defined by NAGPRA. There is currently a request for disposition of these remains to the Amah Mutsun, a not federally recognized California tribe which represents the descendants of Native Americans that were taken into the Santa Cruz and San Juan Bautista missions from villages and ancestral lands in what are now Santa Cruz County, northern Monterey County, and western San Benito Counties.

UCSC has been in contact with the three geographically closest federally recognized tribes notifying them of the Amah Mutsun request for disposition. None of the federally recognized tribes has raised objection to this disposition. One inventory to the Chukchansi was sent per request with no further inquiries. UCSC is finalizing materials for the National NAGPRA to review the disposition. UCOP will provide a letter from UC NAGPRA advisory committee to accompany materials for the national NAGPRA meeting.

h. Geographic origins

All human remains except one set from the northwestern side of Elkhorn Slough are from Santa Cruz County. At founding of Mission Santa Cruz in 1791, this region was primarily occupied by speakers of the Awaswas dialect of Costanoan, which probably extended from just south of Point Año Nuevo through the Pajaro River Valley. Villages and their surrounding territories testified to by Mission Santa Cruz baptismal and marriage records include the Uypi people of Aulintak, the area of the present-day city of Santa Cruz, the Cotoni on the coast north of Santa Cruz toward the present-day town of Davenport and beyond, the Sayanta and Aptos of the hills of the Santa Cruz Mountains, and that of Cajastac in the approximate area of the present-day city of Watsonville (who may have spoken a variant of the Mutsun Costanoan language). All but one set of human remains in the possession of UC Santa Cruz derive from Cotoni ancestral lands (SCR-18, SCR-35), Uypi ancestral lands (SCR-3, SCR-19, SCR-12, plus isolated remains from unknown private property within Santa Cruz County limits), or Cajastac ancestral lands (SCR-44). The human remains from MNT-414 lie in the lands of Tiuvta in Calendaruc,

attested in mission and ethnolinguistic records as lying in the ancestral lands of Mutsun speakers.

i. Tribal consultations and interactions

According to the Department of the Interior's Bureau of Indian Affairs list of "Indian Entities Recognized and Eligible to Receive Services From the Bureau," no federally-recognized tribes with aboriginal territory in the greater Monterey Bay of California exist. There no other federally recognized tribes with aboriginal territory as defined by NAGPRA in the south-San Francisco and Monterey Bay areas.

The three geographically closest federally-recognized tribes were consulted, although detailed assessment by professional staff indicates that these tribes had no close cultural or linguistic affiliations with ancestral groups located in Santa Cruz and Monterey counties. The federally recognized tribes consulted are the Federated Indians of Graton Rancheria (Rohnert Park, CA 94928), 120 miles away, the Picayune Rancheria of the Chukchansi Indians (Fresno, CA 93711), 160 miles away, and the Santa Ynez Band of Chumash Indians (Santa Ynez, CA 93460), 230 miles away. Of those federally recognized Indian tribes consulted, the Federated Indians of Graton Rancheria affirmatively support this disposition agreement. The Picayune Rancheria of the Chukchansi Indians and the Santa Ynez Band of Chumash Indians have offered no objection to the disposition, after a second letter notifying them that we intended to assume that this was the case from their lack of response to our first letter. As directed by the UC Office of the President Advisory Committee, we have written again to both of these federally recognized tribes asking them to send us a formal written reply indicating whether or not they have any objection to the proposed disposition. We hope to move forward with the disposition process once we have received this written clarification.

Non-Federally-recognized groups with ancestral homelands in the Monterey and southern San Francisco Bay regions were consulted. They descend from speakers of Costanoan languages taken into the Spanish missions of San Carlos Borromeo (Carmel), San Juan Bautista, Santa Cruz, and Santa Clara, California. These are the Amah Mutsun Tribal Band of Costanoan Indians, Costanoan Rumsen Carmel Tribe, Ohlone Costanoan Esselen Nation of the Monterey Bay area, and the Muwekma Ohlone Tribe of the southern San Francisco Bay area. Of those non-federally recognized groups consulted, the Ohlone Costanoan Esselen Nation (OCEN) of the southern Monterey Bay area support the disposition. The Costanoan Rumsen Carmel Tribe and the Muwekma Ohlone Tribe offered no objection to the disposition, after a second letter notifying them that we intended to assume that this was the case from their lack of response to our first letter.

j. Staffing and costs

The UC Santa Cruz Archaeology Archives differs from museum collections at larger UC campuses in that it results from informal developments rather than intentional founding of a research facility or museum. The University of California at Santa Cruz campus opened in 1965. The first archaeologist, Professor John Fritz, a specialist in North American archaeology, was hired in the late 1960s, serving as the only archaeologist. He began to curate collections produced by two field schools on the UC

Santa Cruz campus held before he was hired, plus donations from individuals and local salvage excavations.

In 1976, Professor Fritz was succeeded by Professor Diane Gifford-Gonzalez, an Africanist archaeologist, who continued as the sole UC Santa Cruz archaeologist until 1989. While maintaining research commitments elsewhere, Professor Gifford-Gonzalez undertook collection curation, teaching undergraduate laboratory courses to facilitate their analysis. Resulting student reports on four sites were deposited at the Regional Information Center of the State Historic Preservation Office at Sonoma State University. Two longer reports were published in the Coyote Press (Salinas) California prehistory monograph series. Gifford-Gonzalez, although retired, continues to serve as Curator. In 1979, the UC Santa Cruz Chancellor Sinsheimer allocated a one-time-only funds for an inventory and assessment of the archaeological collections. This facilitated later, NAGPRA-related work outline above.

Presently one faculty Curator, one to two undergraduate student employees, and supervised student volunteers staff the Archives. There is no professional curatorial staff, nor does the Curator receive supplemental salary, research funds, or release time for duties. Student assistant salaries and curatorial supplies are funded by a \$2000/year subvention from the Division of Social Sciences, within which the Anthropology Department resides.

Curation fees for deposit of materials from State and private cultural resource management agencies have supplemented this funding and been applied to curation upgrades and hiring additional student workers for focused projects curating from the deposited materials. From 1989-1999, \$10K in curation fees were paid to the Archives. Currently no new materials are being accepted into the Archives.

The Curator reports to the Director of Systems and Operations, Division of Social Sciences, who in turn reports to the Dean of Social Sciences, to whom the Chancellor delegated administrative oversight responsibility for NAGPRA compliance in 1995.

Professor Judith Habicht Mauche has served as the UC Santa Cruz representative to the UC Office of the President Advisory Committee since 2003. The VCR and Director of Research Compliance provide administrative support.

k. Requests for access or use

The human remains and associated funerary objects on our NAGPRA inventories are not available for research or education, per Archives policy. Beyond these remains, UC Santa Cruz Archaeology Archives has become a significant repository for Central Coast archaeological materials. Artifacts, mollusk shells, and non-human animal bones in Archives collections have been studied by scholars from the campus and surrounding institutions, including San Jose State University (chemical characterization of chert) and Stanford University (obsidian stone sourcing through spectrographic analysis).

Two master's theses and one doctoral dissertation (San Jose State University and UC Santa Cruz) and about a half dozen B.A. senior projects (Anthropology and Earth Sciences, UC Santa Cruz) have been based on Archives collections. These include research and publications that: used pre-European contact sea otter teeth to estimate the baseline lead levels in Monterey Bay; reconstructed ocean paleo-temperatures of the Central California coast from oxygen isotopes in dated mussel shells, reconstructed the ancient distribution and foraging habits of endangered seals and sea lions from their

bones in regional archaeological sites, and examined the technology of Olivella shell bead production, among others.

A \$126K National Science Foundation grant to Professor Gifford-Gonzalez and Professor Paul Koch of Earth Sciences utilized the Archives collections in a large-scale project on paleoecology of the last 6000 years on the Central California Coast.



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August 24, 2018

PROVOST BROWN

Dear Michael:

I am writing in regard to questions, comments, and concerns that have arisen from within the University, the Native American community, and policymakers about the University's policy and processes related to the curation, repatriation, and disposition of Native American remains and cultural items in the University's custody. The "Policy and Procedures on Curation and Repatriation of Human Remains and Cultural Items" was first adopted in 1991 and last substantively revised in 2001. It addresses the treatment and disposition of Native American and Native Hawaiian remains and cultural items in the University's custody. The policy also addresses the repatriation of such remains and cultural items (e.g., funerary objects, sacred objects, and objects of cultural patrimony) under applicable law, including the federal Native American Graves Protection and Repatriation Act.

Concerns include:

- variances among campus implementation approaches,
- the timeliness of the repatriation process,
- whether policies reflect the most recent regulatory developments, and
- whether there is appropriate consideration of tribal viewpoints.

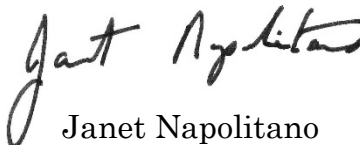
In light of these concerns, I am asking you to assemble a small committee, in consultation with appropriate members of Native American tribes, the existing University Advisory Group on Cultural Affiliation and Repatriation of Human Remains and Cultural Items, and the Academic Senate, to conduct a substantive review and revision of the University's NAGPRA policies, committee structures, and implementation practices in order to strengthen our policies and practices. The committee should define the circumstances under which the research and teaching use of remains and cultural items in the University's possession is appropriate and the circumstances under which the University will offer repatriation of remains and cultural items beyond that which is required by law.

Provost Brown
August 24, 2018
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The University takes the handling and research of all remains under our stewardship seriously. It is important to me that the University's policy is consistent not only with the law but with the values and principles of our institution.

Please submit a plan for the review and revision of this policy by Friday, September 28, 2018. Thank you for your attention to this critical issue.

Yours very truly,

A handwritten signature in black ink that reads "Janet Napolitano". The signature is written in a cursive style with a large initial "J".

Janet Napolitano
President

cc: Academic Senate Chair White
Academic Senate Vice Chair May
Executive Vice President and Chief of Staff Nava
Interim Senior Vice President Holmes
Vice President Ellis
Chief Policy Advisor Kao
Associate Vice President Flaherty