

The University of Denver Museum of Anthropology is a small teaching museum dedicated to educating students about the ethical practices of conservation, interpretation, and management of anthropological collections. The permanent collection includes approximately 100,000 items, primarily archaeological from the southwestern United States. The goal of the Museum's NAGPRA program is the repatriation of all ancestral remains and NAGPRA designated items in the collection, through meaningful consultation with tribes. Until then, relevant collections are housed in separate rooms with restricted access.

I began my work with NAGPRA compliance in February 2011, almost a full year after the promulgation of 43 CFR 10.11, the regulation addressing the disposition of culturally unidentifiable human remains in museum collections. As the new NAGPRA Coordinator at the University of Denver Museum of Anthropology (DUMA), my Director encouraged me to take a proactive approach to NAGPRA compliance, placing special emphasis on resolving the culturally unidentifiable human remains in the collection in accordance with the new regulation.

My first priority was to understand what NAGPRA relevant collections we had at the museum. I reviewed museum records and my predecessors' notes to piece together previous NAGPRA compliance activities at DUMA. At the same time that I was learning about NAGPRA at DUMA, I was also learning about NAGPRA in general. With no previous NAGPRA training, I was eager to meet with practitioners in the Denver area, attend trainings, read scholarly and professional literature, and learn from all willing to teach me.

As I learned about NAGPRA, the more I realized I needed to learn. As I tried to figure out a method for implementing NAGPRA, I realized that each case was different. 6 years later I am still learning.

Working with Museum and Heritage Studies Anthropology graduate students, we inventoried the two NAGPRA collection storage rooms. Without opening any boxes, we checked the numbers listed on the labels against the NAGPRA Inventories on file with the National NAGPRA Program as well as DUMA object files and records in Past Perfect.

Following the inventory, we incorporated NAGPRA information into Past Perfect to improve access and speed up response time to tribal inquiries. I developed protocol to ensure consistent information. We added fields for minimum number of individuals (MNI) and associated funerary object (AFO) quantities; input Notice dates and links to Notice pdfs; related records that were part of the same burial; and entered claim and repatriation information.

Once I had a handle on the collection and an understanding of the NAGPRA process, I made a flowchart so I could prioritize projects (*see attached*). The chart was designed to take any burial in the collection and identify “next steps.” These steps included identifying who we needed to work with to move through the NAGPRA process. The two that I would focus on for the next 5 years related to consulting with tribes on the disposition of individuals included on the culturally unidentifiable inventory. For those individuals with adequate provenience information, we would consult and work towards disposition under 43 CFR 10.11. For those individuals with limited or no provenience information, we would consult and seek disposition approval from the Secretary of the Interior via the Review Committee under 43 CFR 10.16.

I have had the benefit of amazing mentors in my career. I consider myself extremely lucky to have begun my NAGPRA work in the place and at the time that I did. There is a wonderful community of NAGPRA practitioners working in Colorado and they welcomed me and offered invaluable advice. Coming into the field almost twenty years after the passage of the

law meant that there were practitioners with decades of experience for me to learn from. It also meant that I could build on already established partnerships and networks.

During my first two years as NAGPRA Coordinator at DUMA, I worked with Lalo Franco of the Santa Rosa Rancheria on a repatriation of two individuals previously included on the culturally unidentifiable inventory that we corrected to culturally affiliate Yokut. What I learned from him greatly influenced my approach to NAGPRA compliance work. His decades of experience in Native activism and his confidence in tribal sovereignty made a lasting impact on me. I learned the benefit of admitting that I am not the expert in the room when it comes to consultations and working with tribal representatives. Another important mentor at this time was Chip Colwell at DMNS. By 2012, DMNS had been actively consulting and returning CUIs with vague provenience and I used their approach as a model moving forward with NAGPRA implementation at DUMA. With this network of support and the understanding that I would always be learning as a NAGPRA practitioner, I embarked on a multi-year plan to proactively work towards the disposition of all CUIs in the DUMA collection. At the time I had no idea it would take less than 5 years.

In 2012, DUMA received a NAGPRA grant to consult on the disposition of 6 individuals and 210 associated funerary objects from known and unknown sites in the southwestern United States. DUMA invited 46 tribes with a legacy of occupation in the region to consult with the goal of developing an agreed upon disposition plan. On April 30, 2013, 24 representatives from 15 different tribes gathered in a hotel conference room in Albuquerque, New Mexico with two DUMA staff and two student project assistants. The agenda divided the human remains into three geographic areas: 1) 4 individuals removed from 3 sites in the San Luis Valley in Colorado; 2) 1 individual removed from an unknown site in the southwestern United States; and 3) 1

individual and 210 associated funerary objects removed from a cave in Colfax County, New Mexico. I initially scheduled these three groups to be discussed over three separate days, but following preliminary phone conversations with the consulting tribes the agenda was condensed into one full day and an additional half day if necessary.

Representatives arriving to the meeting room found refreshments, name tags, and binders of information prepared by the DUMA project assistants waiting for them. The binders included: a copy of the agenda; a list of all of the tribes invited to consult; text of regulation 43 CFR 10.11 for reference; a summary of all the individuals to be discussed with inventories including MNI and AFO counts, geographical location, collection history, description, prior consultation information, and basis of culturally unidentifiable finding; maps; previously published notices of inventory completion; additional site information if available including site cards and photographs; a 10.11 Notice of Inventory Completion template; W-9 and DU direct deposit request forms to facilitate reimbursements; and a glossary of NAGPRA terms.

The meeting opened with a traditional greeting led by one of the tribal representatives and introductions from all attendees. I reviewed the NAGPRA process for culturally unidentifiable individuals to make sure everyone was on the same page since participants may have different levels of familiarity with the law. We also went over the agenda and discussed the process for the day. We asked tribal representatives if we could take audio and video recordings for documentation and made clear that they could ask us to stop documenting at any time. We reviewed the inventories by location group and then opened up the floor for discussion. After each group, we offered to leave the room so the tribal representatives could have a private discussion. However, they didn't take us up on the offer. When the tribal representatives agreed on disposition plans, we discussed how to document those decisions, for example printing a

document that all of the representatives present would sign. One tribal representative requested we make a verbal agreement – a more traditional way – and everyone agreed. Later, I used the meeting minutes to document the agreement for museum records.

The tribal representatives easily completed the agenda with plenty of time to spare. They used the extra time to update each other on relevant business. It was clear they were taking advantage of the opportunity to be in one room together since funding and schedules limited in-person consultations with some agencies.

Following the meeting, a draft of the minutes along with a summary of the disposition plans for all individuals and funerary objects were sent to tribal representatives for review. I gave a deadline of 30 days to provide corrections or comments, after which time, and if no one objected, we would move forward with submitting the Notices of Inventory Completion to the National NAGPRA Program for publication in the federal register. The Notices for the individuals from the San Luis Valley in Colorado and Colfax County, New Mexico were published on July 30, 2013 and legal transfer (deaccession) took place after 30 days.

For the individual from the southwestern US, we could not move forward under 10.11 because there was not enough provenience information to determine from whose aboriginal lands the human remains were likely removed. Instead we proceeded under 43 CFR 10.16, seeking approval from the Secretary of the Interior via the Review Committee. We presented our disposition plan at the November 2013 meeting in Mount Pleasant, Michigan. A December 11, 2013 letter on behalf of the Secretary of the Interior from the National NAGPRA Program Manager approved the transfer. The Notice was published on January 16, 2014 and legal transfer occurred on February 19, 2014.

In 2013, DUMA received funding to consult on the disposition of two individuals from Colorado and Wyoming included on the culturally unidentifiable human remains inventory. The process was very similar to that of the Albuquerque meeting. DUMA invited 41 tribes to consult and 36 representatives from 19 tribes met at the University of Denver on March 20, 2014 with representatives from 3 additional tribes attending via conference call. Over the course of one day, the group arrived at agreed upon disposition plans for one individual removed from an unknown site in Wyoming and one individual reasonably believed to have been removed from a crevice burial in Pueblo County, Colorado.

During the consultation, tribal representatives inquired about DUMA's remaining NAGPRA work. I told the assembled representatives about my next priority – to address the approximately 90 individuals with no provenience information. I shared with them my plan to use remaining FY12 grant funds to consult with tribes around the country to come up with a process for addressing these 90 individuals. I would then apply for an FY15 consultation grant to execute the plan with the goal of presenting a disposition plan to the Review Committee in the fall of 2016. More than one tribal representative at the consultation expressed frustration at this multi-year plan and urged me to consult on the disposition of the 90 individuals sooner. They also expressed the opinion that the Colorado tribes should take the lead and other tribes didn't need to be consulted. This was in line with something another representative had said to me – that these individuals were not homeless, we might not know where they were from originally but Colorado had been there home for a long time now, as part of the DUMA collection.

I shifted my approach and the following year used remaining funds from the FY12 consultation grant to consult on the disposition of individuals with no provenience information included on the culturally unidentifiable inventory. In preparation, student assistants and I

conducted a physical inventory of all of the remaining boxes in the restricted access storage room where the human remains are housed. We confirmed MNI and AFO counts to make sure all of the ancestors in DUMA's possession were accounted for. Our final inventory of culturally unidentifiable individuals with no provenience information included 96 individuals and 12 associated funerary objects.

In February 2015, DUMA invited tribes with a legacy of occupation in Colorado to consult with the goal of developing a disposition plan for the individuals with no provenience information included on the culturally unidentifiable inventory. We used the Colorado state process for new discoveries of culturally unidentifiable individuals as a model for consultation. That process, approved by the tribes with a legacy of occupation in the state of Colorado, relies on consultation via telephone to keep costs down and turnaround quick. We chose to use this process, developed through consultation, as a model because the tribes were familiar with it.

At a meeting in Denver in March, Southern Ute and Ute Mountain Ute representatives requested transfer of control if no other tribes came forward. DUMA shared this proposed plan with the other consulting tribes through follow up phone calls and emails. We made every effort to get input from as many of the consulting tribes as possible. In the end, DUMA received letters from 18 tribes documenting support for disposition to Southern Ute and Ute Mountain Ute and we decided to move forward under 43 CFR 10.16.

Only one of the consulting tribes opposed this plan. After multiple phone calls and emails, this tribe's designated NAGPRA representative requested further consultation. Initially he requested all of the consulting tribes be invited to meet in person but I did not have funding to accommodate that and told him so. In the end, he notified two other tribes he was most interested in being part of the discussion himself, telling them to contact me and ask to be included. I

resisted at first but eventually yielded. In the interest of having a voice for the proposed disposition at the table, I invited Ute Mountain Ute and Southern Ute representatives. On July 23, 2015, 11 representatives from 4 tribes, including the Southern Ute, met on the University of Denver campus with two DUMA staff and three students.

I found the major downside of one-on-one consultation via telephone was having to act as an intermediary between the tribes. My previous consultation experience had shown that when multiple tribal representatives come together in a room to speak directly to each other, they could make decisions as a group. I was hopeful that this meeting would have a similar outcome.

At the July meeting, the representatives from the tribe that opposed Ute Mountain Ute and Southern Ute taking the lead, introduced their interest in analyzing the DNA of the 96 individuals with the goal of determining cultural affiliation. The other assembled representatives made it clear they did not want any testing done. However, in September, DUMA received a letter from the tribe that had introduced DNA analysis, requesting disposition to Ute Mountain Ute and Southern Ute be postponed. As a general rule, DUMA does not allow testing or research on human remains in the museum's possession or control. However, because this request came to us from a consulting tribe, DUMA respectfully considered the request and sought input from the other consulting tribes in evaluating the request and making a decision.

Again we sent letters to the consulting tribes' leaders and designated NAGPRA representatives. I was careful to present the tribe's request to carry out genetic testing without bias. We followed up with emails and multiple phone calls in an attempt to get responses from as many parties as possible. Of the 48 consulting tribes, 24 responded that they opposed genetic testing of the human remains and requested DUMA move forward with the disposition to Ute Mountain Ute and Southern Ute; 4 tribes responded that they did not oppose genetic testing in



this case; and 3 tribes responded that they were not willing to take a position on the question at this time. Based on the feedback received from the consulting tribes, DUMA notified the objecting tribe that the museum would not pursue genetic testing and would go forward with the disposition under 43 CFR 10.16. While the tribe who had opposed the disposition was not happy with this decision (there were threats of litigation), a later staffing change brought in a new designated NAGPRA representative who supported the disposition and participated in the reburial. We presented our disposition plan to the Review Committee at their November 2015 meeting in Norman, Oklahoma. A January 2016 letter on behalf of the Secretary of Interior approved the transfer and the Notice was published on March 8, 2016 and legal transfer occurred on April 8, 2016.

The end of the NAGPRA process for these individuals marked a major milestone for DUMA and a personal accomplishment for me. All of the culturally unidentifiable individuals and their associated funerary objects in the control of DUMA had been resolved: 2 individuals moved to the culturally affiliated inventory and repatriated, 6 individuals transferred to tribes under 43 CFR 10.11, and 98 individuals and 210 associated funerary objects transferred to tribes under 43 CFR 10.16.

NAGPRA Section 5 Flowchart

