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(Submitted electronically via
<https://www.regulations.gov>)

National NAGPRA Program
National Park Service
1849 C Street NW, Mail Stop 7360
Washington DC 20240

Attn: Melanie O'Brien, Manager NAGPRA Rule Comments

RE: National Park Service RIN 1024-AE19 – University of California Comments

Dear Manager O'Brien:

I write on behalf of the University of California (UC) system regarding the Department of the Interior's (DOI) proposed revisions to the implementing regulations of the Native American Graves Protection and Repatriation Act (NAGPRA), as posted in the *Federal Register* on October 18, 2022. The UC system is comprised of ten campuses, six of which are currently known to hold human remains and other items potentially subject to NAGPRA.

UC applauds the goals of the Department to improve the regulations, provide clarity, simplify the processes and increase efficiency. We believe many of the changes would better align NAGPRA with the California Native American Graves Protection and Repatriation Act (CalNAGPRA) ([California Health & Safety Code \(CHSC\) §§ 8010-30](#)) and with the [UC Native American Cultural Affiliation and Repatriation Policy](#). In particular, we applaud such alignment with the emphasis on consultation in every step and deference to the customs, traditions, and Native American traditional knowledge of lineal descendants, Indian Tribes, and Native Hawaiian organizations.

UC also appreciates that the timelines included in the proposed regulations are intended to spur repatriation. We fully support requirements for museums to collect and evaluate all available evidence for timely repatriation and compliance. Yet, we share the concerns raised by the National NAGPRA Review Committee on the challenging and unrealistic timelines, and the underestimation of the costs, time, and burden to carry out the work of NAGPRA as intended.¹ The challenge will be especially acute as museums simultaneously attempt to engage in tribal consultations to geographically affiliate all collections. In California, CalNAGPRA also requires consultation with both federally and non-federally recognized California tribes in the preparation of State inventories and summaries. Tribes and museums need time to develop relationships to

¹ Native American Graves Protection and Repatriation Review Committee Recommendations regarding the Proposed Rule 43 CFR 10, pp. 16-17, 24, Jan. 10, 2023.

effectively engage in consultations that are respectful and meaningful, and to ramp up necessary resources.

We support the National NAGPRA Review Committee's recommendation for surveys by the American Alliance of Museums and Association on American Indian Affairs to better estimate the time and costs to comply with the proposed regulations.² Alternatively, we suggest a five-year deadline for compliance with the requirements for geographic affiliation. Such timeline can be accompanied by a requirement to provide a status report to National NAGPRA every two years, with information similar to that required for extensions in the proposed regulations at 10.10(d)(5). Moreover, to reduce complexity related to establishing geographical affiliation, we support the National NAGPRA Review Committee's recommendation for an online resource created by the Department of Interior in consultation with Indian tribes that identifies which tribes are geographically affiliated with specific locations.³

Thank you for the opportunity to comment. We welcome the focus and direction of the revised regulations and look forward to continued engagement on repatriation matters.

Sincerely,



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cc: President Drake
Sr. Vice President Colburn
Vice President Maldonado
Associate Vice President Harrington
Chief Policy Advisor McAuliffe
Executive Director Motton
Director DeMattos

² *Id.* at 17.

³ *Id.* at 25.