



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

Dear Tribal Leader:

The Department of the Interior (Department) proposes to revise its Native American Graves Protection and Repatriation Act (NAGPRA) regulations at 43 C.F.R. part 10 and invites you to consult on the proposed rule.

The proposed regulations would clarify and improve upon the systematic process for the disposition and repatriation of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony. In August 2021, the Department hosted consultation sessions with Indian Tribes and Native Hawaiian organizations on a draft proposal and incorporated that input to the maximum extent possible. A summary of the over 700 comments received and the Department's response to each comment is enclosed for your review. Also enclosed is the proposed rule, as published in the *Federal Register* on October 18, 2022. Additional documents can also be found at: <https://www.nps.gov/subjects/nagpra/regulations.htm>.

Our intent with the proposed rule is to:

- Emphasize consultation at every step in the regulatory process;
- Require deference to the customs, traditions, and Native American traditional knowledge of lineal descendants, Indian Tribes, and Native Hawaiian organizations;
- Provide a step-by-step roadmap for museums and Federal agencies to comply with the requirements;
- Establish specific timelines to facilitate the required disposition and repatriation; and
- Remove the burden on lineal descendants, Indian Tribes, and Native Hawaiian organizations to initiate the process and add a requirement for museums and Federal agencies to complete the process.

In addition, we would like your input on the following specific areas:

- Timelines: How can we further allow Indian Tribes flexibility and discretion in the step-by-step processes under Subparts B and C?
- New responsibilities: Do you anticipate sufficient capacity to take on new responsibilities for discoveries and excavations on Tribal lands under Subpart B?
- Requests: Do you anticipate sufficient opportunity under the proposed regulations to submit requests for consultation and repatriation under Subpart C?
- Efficiency: Do you think the proposed revisions have streamlined and simplified the regulatory process for repatriation under Subpart C?
- Impacts: Do you think the proposed revisions will impact your Tribe's capacity and resources for repatriation under Subpart C?

Please register in advance for each consultation session at: <https://www.doi.gov/priorities/tribal-consultation/upcoming-tribal-consultations>. Upon request, the Department will consider additional consultation sessions with individual Indian Tribes to ensure sufficient opportunity to engage and comment in advance of a final rule. Please join us at one or more of the following consultation sessions:

Date	Time	Location
Thursday, December 15, 2022	3:00-5:00 p.m. EST	https://www.zoomgov.com/meeting/register/vJIsceygrjMuEgJnCp7SEqIo8puO4xJonEk .
Monday, December 19, 2022	1:00-4:00 p.m. EST	https://www.zoomgov.com/meeting/register/vJItD-qsrDlrGVx3LMcoFnEj5-dP6zNkcU8 .
Thursday, January 12, 2023	10:00 a.m.-1:00 p.m. MST	BLM National Training Center 9828 North 31st Ave. Phoenix, AZ 85051

If you would like to provide written comments on the proposed regulations, please submit them by 11:59 p.m. ET, January 17, 2023. Comments must be identified by the Regulation Identified Number (RIN) 1024-AE19 and must be submitted by one -- and only one -- of the following methods:

- Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments. Direct link to make comments is: <https://www.regulations.gov/document/NPS-2022-0004-0001>
- Mail to: National NAGPRA Program, National Park Service, 1849 C Street, NW, Mail Stop 7360, Washington, DC 20240. Attn: Melanie O'Brien, Manager, NAGPRA Rule Comments.

Should you have questions about these consultation sessions or the proposed regulations, you may contact Melanie O'Brien, National NAGPRA Program, at (202) 354-2201, nagpra_info@nps.gov. The Department looks forward to hearing your Tribe's comments on the proposed NAGPRA regulations.

Sincerely,

Shannon Estenoz
Assistant Secretary for Fish and Wildlife
and Parks



Bryan Newland
Assistant Secretary – Indian Affairs

Enclosures