

Native American Graves Protection and Repatriation Act (NAGPRA) Compliance Policy

Policy Number	MUC-COL-001	Category	Collections	Effective Date	Pending adoption
Review Cycle	Annually	Supersedes		Approved by	Advisory Board

1. Purpose and Scope

- 1.1. The Museum of Uintah County (MUC) is committed to the ethical stewardship of all collections, including the respectful, legally compliant care and repatriation of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony in its custody. This policy establishes the framework for how the MUC fulfills its obligations under the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, as amended, and the updated federal regulations that took effect on January 12, 2024 (43 CFR Part 10).
- 1.2. This policy applies to all board members, LAM Director, Museum Manager, staff, interns, volunteers, and contracted personnel who handle, access, research, exhibit, or make decisions regarding NAGPRA-related collections.
 - 1.2.1. NAGPRA is federal law (25 U.S.C. §§ 3001-3013). *Non-compliance can result in civil penalties of up to \$10,000 per violation for a first offense and up to \$ 25,000 for subsequent violations. The 2024 regulatory updates significantly expand obligations regarding exhibition consent, consultation, and timelines.*

2. Legal Framework

- 2.1. MUC's NAGPRA compliance program is governed by the following:
 - 2.1.1. Native American Graves Protection and Repatriation Act, 25 U.S.C. §§ 3001–3013
 - 2.1.2. NAGPRA implementing regulations, 43 CFR Part 10, as revised January 12, 2024
 - 2.1.3. National Park Service (NPS) National NAGPRA Program guidance and templates (nps.gov/subjects/nagpra)
 - 2.1.4. Utah state law and any applicable Uintah County administrative requirements
- 2.2. The 2024 regulatory updates require museums to, among other things: obtain free, prior, and informed consent from lineal descendants or affiliated Tribes before exhibiting certain objects; prioritize repatriation of all items previously identified as "culturally unidentifiable"; and substantially update consultation and inventory practices.

3. Definitions

- 3.1. **Human Remains:** Physical remains of the body of a person of Native American ancestry, including bones, teeth, hair, ashes, and mummified or flesh-preserved bodies.
- 3.2. **Associated Funerary Objects:** Objects reasonably believed to have been placed, at the time of death or later, with individual human remains as part of the death rite or ceremony, and the museum or institution is in possession of the human remains.
- 3.3. **Unassociated Funerary Objects:** Objects reasonably believed to have been placed, at the time of death or later, with individual human remains as part of the death rite or ceremony, but the museum or institution is not in possession of the human remains.
- 3.4. **Sacred Objects:** Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.
- 3.5. **Objects of Cultural Patrimony:** Objects having ongoing historical, traditional, or cultural importance central to a Native American group or culture, which therefore cannot be alienated, appropriated, or conveyed by any individual.
- 3.6. **Lineal Descendant:** An individual who can reasonably trace their ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian Tribe or Native Hawaiian organization, or by the common law system of descent, to a known Native American individual whose remains, funerary objects, or sacred objects are in the possession or control of the MUC.
- 3.7. **Cultural Affiliation:** A relationship of shared group identity that can be reasonably traced historically or prehistorically between a present-day Indian Tribe or Native Hawaiian organization and an identifiable earlier group.
- 3.8. **Geographic Affiliation:** Under the 2024 regulations, the MUC may determine affiliation based on the geographic proximity of the area where objects were recovered to the present-day location of tribal lands, even in the absence of documented cultural affiliation.

4. Inventory and Summary Requirements

- 4.1. The MUC shall maintain complete, accurate, and current inventories of all NAGPRA-eligible collections:
 - 4.1.1. A written inventory of all human remains and associated funerary objects, completed in consultation with lineal descendants and Indian Tribes that are, or are likely to be, culturally or geographically affiliated.
 - 4.1.2. A written summary of collections containing unassociated funerary objects, sacred objects, and objects of cultural patrimony.
 - 4.1.3. All inventories and summaries shall be made available to potentially affiliated Indian Tribes upon request.
 - 4.1.4. The MUC shall address all items previously listed as "culturally unidentifiable" within five years of the January 2024 regulatory update, as required.
- 4.2. The Collections Curator is responsible for keeping inventories current and adding any newly acquired NAGPRA-eligible materials within 90 days of acquisition.

5. Tribal Consultation

- 5.1.** Consultation with Tribes is the cornerstone of NAGPRA compliance. The MUC is committed to meaningful, ongoing consultation — not a one-time administrative process.

5.1.1. Initiation of Consultation

- 5.1.1.1.** The MUC shall proactively notify and initiate consultation with Native American Tribes that are, or may be, affiliated with NAGPRA-eligible collections.
- 5.1.1.2.** The MUC shall maintain a list of NAGPRA-affiliated Tribes and update contact information annually.

5.1.2. Consultation Process

- 5.1.2.1.** Consultation shall include exchange of written information, face-to-face meetings (in-person or virtual), and adequate time for Tribal review before decisions are finalized.
- 5.1.2.2.** The MUC shall document all consultation activities, including dates, participants, and the substance of the discussion.
- 5.1.2.3.** Traditional knowledge provided by Tribes during consultation shall be respected and, where the Tribe requests, held in confidence.
- 5.1.2.4.** The MUC shall not make final decisions regarding NAGPRA-covered items without completing good-faith consultation with affiliated Tribes.

5.1.3. Ongoing Relationship

- 5.1.3.1.** Consultation is an ongoing relationship, not a completed task. The MUC commits to regular communication with affiliated Tribes beyond the requirements of specific repatriation actions.
- 5.1.3.2.** The MUC will seek Tribal input on exhibition development, collections care, and interpretation of Indigenous materials whenever those materials are involved.

6. Exhibition and Display Standards

- 6.1.** Under the 2024 NAGPRA regulations, the MUC may not display, provide access to, or conduct research on human remains, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony without first obtaining free, prior, and informed consent from affiliated Tribes or lineal descendants.
- 6.1.1.** The MUC shall not exhibit human remains, associated funerary objects, unassociated funerary objects, or items of cultural patrimony without documented, written consent from all affiliated Tribes.
- 6.1.2.** If consent has not been obtained or has been withdrawn, remove objects from display or cover them immediately. The Museum Manager shall be notified within 24 hours.
- 6.1.3.** Objects previously on display shall be re-evaluated against the 2024 consent requirements. Any object for which consent has not been confirmed shall be removed from display pending consultation.
- 6.1.4.** Consent shall be documented in writing and retained in the NAGPRA records file.

- 6.1.5. Consent is specific to the use described; changes in exhibition context or use require renewed consultation.

7. Photography and Research Access

- 7.1. Photographs of NAGPRA-eligible objects taken before tribal consultation shall be archived but restricted from public access unless affiliated Tribes provide consent for their use.
- 7.2. No new photography of human remains, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony shall be conducted without the written consent of affiliated Tribes.
- 7.3. Outside researchers seeking access to NAGPRA-eligible collections must consult with affiliated Tribes and, where required under the 2024 regulations, obtain their consent.
- 7.4. MUC staff shall inform all researchers of NAGPRA requirements before granting access to potentially covered collections.

8. Repatriation Procedures

8.1. Receiving and Processing Claims

- 8.1.1. The MUC shall promptly accept and process all repatriation claims in accordance with 43 CFR Part 10.
- 8.1.2. Upon receipt of a claim, the MUC shall acknowledge receipt in writing within 30 days.
- 8.1.3. The Museum Manager and Collections Curator shall review the claim against inventory records and consultation history and prepare a recommendation for the LAM Director and Advisory Board within 60 days.

8.2. Disposition

- 8.2.1. Where cultural or geographic affiliation is established, the MUC shall complete repatriation within the timeframes required by 43 CFR Part 10 following a Notice of Inventory Completion published in the Federal Register.
- 8.2.2. The MUC shall carry out repatriation in a manner determined in consultation with the requesting Tribe, including requirements for transportation, handling, and packaging.
- 8.2.3. The MUC shall bear all reasonable costs of repatriation unless otherwise negotiated with the receiving Tribe.

9. Newly Discovered Materials

- 9.1. Any items discovered during renovation, construction, or collection processing that may constitute human remains or NAGPRA-eligible cultural items shall be immediately secured, and the Museum Manager notified.
- 9.2. Work in the affected area shall cease until the material has been evaluated.
- 9.3. The MUC shall notify affiliated Tribes and the NPS National NAGPRA Program of any inadvertent discovery of human remains on lands controlled by the MUC or Uintah County.

10. Duty of Care

10.1. As required under 43 CFR Part 10 and consistent with the MUC's commitment to ethical stewardship:

- 10.1.1.** The MUC shall provide the same standard of physical care for NAGPRA-eligible collections as for all other collections.
- 10.1.2.** Storage conditions shall meet professional museum standards, including appropriate environmental controls, pest management, and security.
- 10.1.3.** The MUC shall defer to Tribal guidance regarding culturally appropriate handling and housing practices for human remains and sensitive cultural items.
- 10.1.4.** The MUC shall not transfer, sell, exchange, or otherwise dispose of any NAGPRA-eligible item without following the repatriation procedures in this policy or complying with applicable federal law.

11. Roles and Responsibilities

11.1. LAM Director

- 11.1.1.** Overall authority for the MUC's NAGPRA compliance program
- 11.1.2.** Approves compliance decisions with policy implications, including repatriation determinations and consultation commitments
- 11.1.3.** Reports compliance status to the Advisory Board annually
- 11.1.4.** Initiates this policy's three-year review and any interim revisions
- 11.1.5.** Ensures the Museum Manager has adequate resources, training, and support to carry out operational compliance obligations

11.2. Museum Manager

- 11.2.1.** Maintains inventory and summary documents
- 11.2.2.** Coordinates tribal consultation
- 11.2.3.** Submits required Federal Register notices through the NPS National NAGPRA Program
- 11.2.4.** Reports compliance status to the Advisory Board annually
- 11.2.5.** Reviews repatriation claims against inventory records and prepares recommendations for the LAM Director and Advisory Board

11.3. Collections Curator

- 11.3.1.** Keeps inventories current and adds any newly acquired NAGPRA-eligible materials within 90 days of acquisition.
- 11.3.2.** Reviews repatriation claims against inventory records with the Museum Manager

11.4. Advisory Board

11.4.1. Adopts and periodically reviews this policy

11.4.2. Approves repatriation decisions

11.5. All Staff and Volunteers

11.5.1. Complete NAGPRA awareness training upon hire/onboarding

11.5.2. Report any NAGPRA-eligible items encountered in the collection immediately to the Museum Manager

11.5.3. Do not photograph, move, or grant access to suspected NAGPRA materials without authorization

12. Training

12.1. All MUC staff and volunteers who handle collections or interact with researchers shall receive NAGPRA awareness training within 60 days of joining the MUC. Training shall cover the basics of NAGPRA law, the MUC's inventory, tribal consultation obligations, and the 2024 regulatory changes.

12.2. The LAM Director, Museum Manager, and Collections Curator shall each complete more comprehensive NAGPRA training within the first year of policy adoption. Training resources are available through the NPS National NAGPRA Program and AASLH.

13. Records

13.1. The MUC shall maintain the following NAGPRA records permanently:

13.1.1. Complete NAGPRA inventory and summary documents

13.1.2. All tribal consultation correspondence and meeting notes

13.1.3. Consent documentation for exhibitions and research access

13.1.4. Federal Register notices

13.1.5. Repatriation documentation, including transfer records

13.1.6. Training logs for all staff and volunteers

14. Review

14.1. The Advisory Board shall review this policy every three years, or sooner if federal NAGPRA regulations are amended. The LAM Director initiates the review process.

15. Related Policies

15.1. Collections Management Policy (MUC-COL-002)



16. Adoption

<p><i>Acting</i> Chair, Historic Preservation and Museum Advisory Board</p> <p><i>[Signature]</i> 10/6/2026</p> <p>Signature / Date</p>	<p>LAM Director, Uintah County</p> <p><i>[Signature]</i> 10/06/2026</p> <p>Signature / Date</p>
<p>Commissioner, Uintah County</p> <p><i>[Signature]</i> 10-14-26</p> <p>Signature / Date</p>	

