

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

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Instruction Memorandum No. 2007-002
Expires: 09/30/2008

To: ADs, SDs, CDs
From: Assistant Director, Renewable Resources and Planning
Subject: Bureau of Land Management (BLM) Reburial Policy on BLM Lands

Program Area: Cultural, Paleontological Resources, and Tribal Consultation

Purpose: The purpose of this Instruction Memorandum (IM) is to clarify and/or supersede language contained in previous guidance issued on this subject in IM No. 98-131. The BLM has held the position in recent years that Native American Graves Protection Repatriation Act (NAGPRA) cultural materials cannot be reburied on public lands due to the fluid nature of multiple-use parcels and the inability to offer future protection for reburied items. Current guidance allows for NAGPRA materials encountered during the course of disturbance activities to be reburied as close as possible to the site, rather than being excavated. However, current guidance does not address the reburial location for the large number of NAGPRA materials housed in BLM museum collections.

Policy/Action: The policy and guidance set out in the following interim amendment to BLM Handbook 8120-1, Chapter II, Paragraph C3 are in effect as of the date of this IM:

II.C.3 – Reburial of NAGPRA items on public lands may be authorized on a case-by-case basis.
American Indians and Alaska Natives have expressed an interest in reburying the repatriated remains and cultural items of their ancestors on BLM lands. The remains and/or cultural items have been, or are being, repatriated to the Tribes under the terms of the NAGPRA (25 U.S.C. 3001-3013).

Repatriations of American Indian human remains and funerary remains, as well as other objects defined in NAGPRA, are carried out under the BLM's statutory responsibilities. The reburial of American Indian and Alaska Native human remains and cultural items is a discretionary action within the agency's administrative authorities. Tribal requests for reburial of ancestral human remains and cultural items are, in general, closely tied to repatriations of those remains and objects by the BLM under the terms of NAGPRA. However, guidance is provided to ensure that these two actions (repatriation and reburial) are treated as separate, although often related, processes. See BLM Handbook 8120-1 for the authority for repatriation of Native American remains originally removed from BLM administered lands.

II.C.3.1 – General Reburial Considerations

a) The BLM retains the discretion to decide whether to authorize reburial of American Indian and Alaska Native human remains and cultural items on BLM lands and under what conditions reburials will occur.

- b) Respect is the foundation for all decisions regarding reburial of American Indian and Alaska Native human remains and cultural items on BLM lands, and BLM officials are expected to be sensitive to the diversity of tribal cultural beliefs.
- c) All activities and documentation related to reburial of American Indian and Alaska Native human remains and cultural items shall be kept confidential to the extent authorized by law.
- d) Prior to authorizing reburial on BLM lands, the BLM shall ensure that the lineal descendant(s) or culturally affiliated Tribe(s) have legal ownership or custody of the remains and that the requirements of NAGPRA have been met.
- e) When the BLM authorizes reburial on BLM lands, including wilderness and other special designation areas, the agency shall attempt to accommodate all aspects of lineal descendants and culturally affiliated Tribe(s) requests. Reburials should be at or as close as practicable to the burial sites from which those American Indian and Alaska Native human remains and cultural items were originally recovered. When authorizing reburials, the BLM shall comply with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), the National Historic Preservation Act, and other applicable laws.
- f) For post-1990 excavations or inadvertent discoveries (Section 3 of NAGPRA) related to a BLM-funded, permitted or licensed project, costs associated with reburial, if authorized, will be considered part of the project costs of the project component.
- g) Lineal descendants and/or culturally affiliated Tribal representatives shall be given opportunities to be present and conduct ceremonies at reburial(s) and to be allowed future access to these sites for cultural and spiritual purposes to the extent permitted by law.

Lands that may be considered for reburial activities include lands withdrawn from multiple uses and mineral entry. Requests for reburials should be submitted to the Assistant Director, Renewable Resources and Planning (WO-200) for review on a case-by-case basis. Documentation to support the request must be submitted at the same time as the request.

Timeframe: This IM is effective upon receipt.

Budget Impact: None.

Manual/Handbook Sections Affected: This policy will be incorporated within BLM Handbook 8120-1.

Coordination: Renewable Resources and Planning (WO 200), Minerals, Realty and Resource Protection (WO 300), and National Landscape Conservation System (WO 170).

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Signed by:
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Authenticated by:
Robert M. Williams
Division of IRM Governance, WO-560

1 Attachment

1 – Museum Collections Management Summary (29 pp)