Bernstein & Associates
NAGPRA Consultants

Reinterment Support Guide for Institutions

Introduction

There are times when a Tribe/Nation may call upon an institution to provide or identify land for the reinterment of repatriated Native American human remains (hereafter referred to as "Ancestors") or funerary objects (hereafter referred to as "funerary belongings") or to help with reinterment planning or logistics. There may be other times under the updated Native American Graves Protection and Repatriation Act (NAGPRA) regulations when an institution reinters Ancestors. We wrote this guide to help institutions respond to requests from Indian Tribes/Nations seeking assistance with the reinterment of repatriated Ancestors and funerary belongings. Our hope is that it will also serve as a guide to institutions reinterring Ancestors or non-Native human remains (hereafter referred to as "Individuals") without a Tribe/Nation, as prescribed under the updated regulations and when NAGPRA does not apply.

This guide was written assuming that exhaustive meaningful consultation already occurred as part of the NAGPRA process. When NAGPRA doesn't apply, this guide assumes that the institution has reached out to affected communities and engaged in meaningful consultation. For guidance on consultation, we refer you to our *Guide to Meaningful Consultation*.

We may update this guide from time to time and plan to make the most recent version available on our website's resource page, https://nagpra.info/resources. Our work is always evolving and we welcome feedback on this guide.



Team from Eastern Shawnee Tribe Reinterment

Confidentiality Considerations

In our experience, most, but not all, Tribes/Nations require confidentiality concerning reinterment. Reasons may include privacy - this is a funeral, after all - and concerns about vandalism and looting. Some Tribes/Nations may prefer that the site be described as a “culturally sensitive area” instead of a burial area. Faculty and staff should also consider confidentiality and sensitivity when discussing reinterment internally.

The institution and the Tribe/Nation should consider discussing a media plan or blackout. In our experience, it is the exception rather than the rule for Tribes/Nations to agree to or issue public statements regarding repatriations, let alone reinterments. You may even consider or be asked to enter into a written confidentiality agreement.

Legal Considerations

When NAGPRA applies, the transfer of physical custody and reinterment may proceed only after the institution has relinquished control following the steps outlined in 43 CFR 10 (updated NAGPRA regulations effective January 12, 2024). Other laws, such as CalNAGPRA may also apply.

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Land for Reinterment

Some Options

- The site from which the Ancestors were removed
- Land owned, controlled, or managed by your institution, especially when Ancestors or Individuals are from an unknown geographic location
- Federal land
- Land owned by a state or municipality
- Land owned by a conservancy
- An existing cemetery or a cemetery plot

If your institution has been asked to provide land for reinterment, assist in identifying land for reinterment, or if you suspect a lack of Tribe/Nation access to land may pose an obstacle to repatriation, your institution may be positioned to explore possible remedies.

Many, but not all, Tribes/Nations prefer to reinter as close to the site from which the Ancestors were removed as possible. Likely, if your institution is situated on or near the location from which the Ancestors were removed, Tribes/Nations would be interested in on-site reinterment. When Ancestors or Individuals are from an unknown geographic location, reinterment on institution-owned land is often desirable.

As stated above, when Ancestors were removed from a known location, reinterment as close to the original site as possible is often desirable. On occasion, Tribes/Nations may ask the institution to help identify appropriate land. Typically, appropriate land would be federal land, which offers more protection under the law than other types of land.

Currently, with only one exception, federal agencies, if they have the authority to accommodate reinterment, can only do so under certain circumstances. For example, Ancestors may be reinterred on National Park lands when the Ancestors were removed from that land or from a private in-holding within the boundaries of that land, unless the Tribe(s) receive a waiver from the National Park. The US Forest Service has more leeway to accommodate reinterment.

Often Tribes/Nations raise the topic of reinterment early in the NAGPRA compliance process. If the Tribe/Nation didn't raise the topic and you feel like it may be appropriate to raise the topic, do so, knowing that you don't have to have solutions in hand but that you do have institutional support to explore options.

Additional Land Selection Considerations to Discuss During Consultation

Long-Term Management Plan Considerations

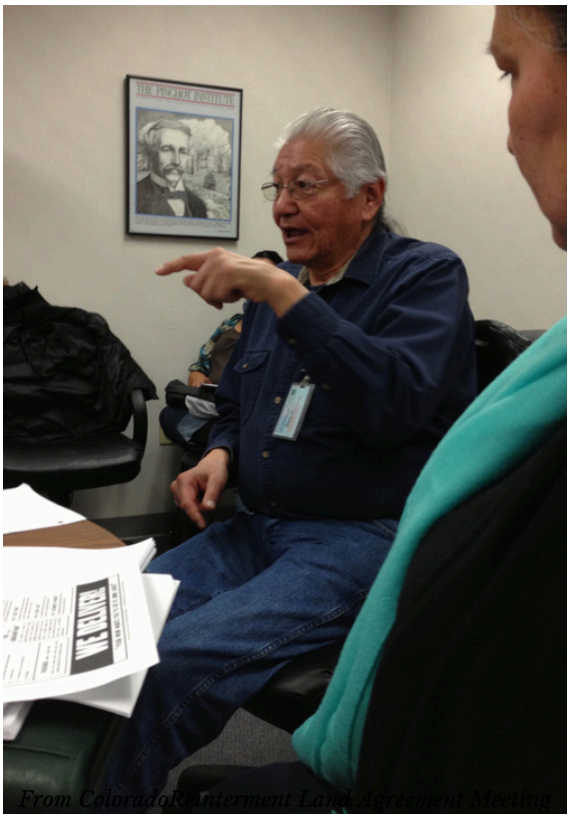
- How will the site be documented, safeguarded from disturbance, and the information kept secure?
  - Registering the location as a site with the State Historic Preservation Office/State Archaeologist is one way of reducing the risk of future disturbance.
  - The institution and Tribes/Nations may want to explore options for long-term protection from disturbance, such as a conservation easement.
- Is the site in a floodplain or exposed to other types of natural disasters, including any related to climate change?
- Who is responsible for long-term management and monitoring?
- Is Tribe/Nation access and ceremonial use being taken into consideration?
- Is recreational use, such as use by hikers and bikers, being taken into consideration?
- Should there be an educational component?

Legal Considerations Concerning Land Preparation for Reinterment

- Federal Laws and regulations that may apply when reinterring, especially on federal land, include Section 106 and NEPA.
- There may also be applicable municipal and state regulations concerning reinterment.

Access Considerations During Reinterment

- If people with limited mobility will participate in the reinterment, can they access the site?
- If heavy earth-moving equipment will be used to excavate the site, can it be delivered to the site?
- If the site is visible to the public, what is the communication plan? For public inquires, it may be appropriate to advertise reburial activity as a maintenance project or other project that won't attract public attention.



Colorado reinterment land agreement meeting

Considerations When Preparing to Present Reinterment Site Options to Tribes/Nations

As appropriate, consider sharing the following with the Tribes/Nations at least one week before your meeting to give them time to review and consult internally:

- Maps (overview and detailed), images from various vantage points, and a brief description of each site.
- Information about traffic (foot, non-motorized, and motorized vehicles).
- Information about nearby buildings and activities.
- Information about what protections from disturbance are present and possible.
- Information about the types of plants that are present.

Discussions Regarding Site Design Considerations

- Will the site be marked in any way, or will it be unmarked? Markers may include:
  - Stone large enough to discourage disturbance
  - Historical marker
  - Another type of marker
- Will native/medicinal plants be introduced into the landscape, and if so, will there be interpretive signage or QR codes with website links?
- Will the site be accessible for people with mobility or visual limitations?



Team from Pawnee National Grasslands Reinterment

Reinterment Site Preparation Considerations

Reinterments can take on many different forms based on cultural practices, burial locations, and size. For example, in a large reinterment, Ancestors and funerary belongings were reinterred by several non-related Tribes, who, over the course of many meetings, established protocols for reinterment in a single grave excavated by heavy machinery. On another occasion, a non-culturally affiliated Tribe offered land for reinterment to the culturally affiliated Tribes/Nations. The land-owning Tribe/Nation's construction enterprise was used to excavate multiple trenches to accommodate the burial of many Ancestors and their funerary belongings in accordance with traditional practices related to gender, age, and relationship. In other reinterments, institution owned lands such as cemeteries and conservation easements were used as burial sites with and without burial markers.

After taking all necessary steps to comply with legal requirements and conducting research and testing to confirm that nothing underground will be disturbed, the site may be prepared to return Ancestors and their funerary belongings to Mother Earth. Preparation considerations include:

- Calculating the space required, considering the volume of the Ancestors and their belongings, including containers, offerings, or anything else that will be placed with them. Also, consider leaving enough room for participants to move around them.
- Determining how many graves/trenches will be required. Some Tribes inter men separately from women and children, especially when they were not buried together originally.
- Determining how the graves will be excavated. Is a backhoe or some other type of heavy equipment required, or will the grave(s) be hand-dug or created in another way? Decisions may be based on cultural protocols, the number of Ancestors, the terrain, or accessibility to the site.
- If heavy equipment is required, you may also need to arrange for its transportation to the site, an operator's services, and fuel.
- Determining how the Ancestors and their funerary belongings will be transported to the graveside. While this should have been done during site selection, it is worth revisiting again.
- Determining how participants, especially those with mobility issues, will gain access to the graveside. Again, while this should have been done during site selection, it is worth revisiting again.

Preparing Ancestors for Transport and Transportation Considerations

Frequently, Tribe/Nation representatives travel to the institution to prepare Ancestors and funerary belongings for reinterment and then transport them themselves. However, on occasion, Tribes/Nations may ask an institution to prepare Ancestors and funerary belongings for reinterment and transport them to the reinterment site or a repository. When that occurs, the best course of action is to get clear guidance from the Tribes/Nations. Some Tribes/Nations ask that handling be kept to a minimum while the Ancestors and funerary belongings are packed in biodegradable material that will keep them safe during transport. Others may ask the institution to remove all plastic and metal before bundling the Ancestors in cloth and then placing them in wooden boxes constructed with no metal.

Ancestors and their housing may be transported in new, non-archival boxes or luggage via cars, trucks, vans, or passenger compartment of airplanes. Ancestors may also be transported on multi-modal journeys that included trucks and ocean-going barges.

When flying, TSA restrictions apply to all carry-ons, including funerary belongings and any embedded blades. In our experience, TSA agents do not require advance notification, but it never hurts to contact the TSA manager at the airport(s) the institutional representatives or Tribe/Nation representatives will pass through screening with Ancestors. TSA likely will insist on opening containers if scanning is deemed inappropriate by the Tribes/Nations. The TSA webpage concerning this is https://www.tsa.gov/travel/tsa-cares/tribal-and-indigenous.

Reinterment Planning and Logistical Considerations

Tribes/Nations may assume full responsibility for planning and deem it inappropriate to involve the repatriating institution beyond the physical custody transfer. Sometimes Tribes/Nations may choose privacy during reinterment. Other times, Tribes/Nations may choose to invite repatriating institutions to participate.

Institutions should be prepared for multiple consultations regarding the planning and logistics of reinterment which could take weeks, months, or even years. Some Tribes may request meetings to be held in person, while others may prefer virtual.

Every step should be considered, including packing, transportation, temporary housing of the Ancestors if needed, participant transportation, lodging, meals, the reinterment, and whether there will be a ceremonial activity afterward, such as a meal. Plan everything well in advance, taking into consideration the following:

- Scheduling considerations may include timing the reinterment to coincide with the culturally appropriate time for reinterment and the optimum time of year to access the reinterment site taking into consideration other uses and weather. It may be preferable to reinter when students are not on campus or when there will be fewer recreationists present.
- Where will the funding come from? If it will be a NAGPRA Repatriation grant, will a Tribe/Nation with control or the repatriating institution be the applicant?
- Who will participate, and who will be invited to attend? The number of people who can be accommodated and cultural considerations should be considered. Should stipends for elders be made available?
- Are any ceremonial supplies needed that the institution should purchase? It may be paper plates and certain food items and water that will be provided to the Ancestors for their journey. It may be specific types of cedar, red cloth, and other plants. Some Tribes/Nations may ask the institution to commission baskets, blankets, or other items from a particular artist for each group of Ancestors.
- What supplies will be required, and who will be responsible for acquiring and transporting them? (See Appendix One for more suggestions and sources.)
- Special needs (mobility and accessibility)
- Equipment and operators
- Day of event security
- Routes and maps
- Arranging for lodging, meals, transportation

Last Words and Gratitude

We cannot stress enough the importance of seeking Tribe/Nation guidance and acting upon that guidance in good faith. Transparency is essential. You do not have to have all the answers or know all the questions. It is a journey you are embarking upon with Tribe/Nation partners who should be afforded every opportunity to make informed decisions.

We are eternally grateful to the Tribes/Nations who allowed us to hold space for planning and help reinter their Ancestors and Individuals allowing them to continue their journey. We are also grateful to the people representing the repatriating institutions and agencies, as well as the representatives of the federal agencies who considered reinterment inquiries and accommodated reinterments.



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APPENDIX ONE – PACKING LISTS AND TIPS

SUPPLIES FOR THE WORKSTATIONS AND REBURIAL

The exact list of supplies required will depend on protocols established by the controlling Tribe(s)/Nation(s) or Tribe(s)/Nation(s) authorized to take the lead on the reinterment.

Art Supply Store

- Artist's stiff canvas bag with lots of pockets
  - Use: Hold supplies
- Flexible tape measure (fabric sewing tape)

Archival Supply Vendor

- Fabric tying tape
- Gloves
  - Cotton
  - Nitrile (may also be available from a hardware store)

Pet/Farm Supply

- Shredded cedar bedding, if being used as box fill

Dollar Store

- Mesh laundry bags
  - Use: One pair of clean cotton gloves and one pair of soiled gloves (washing is better than using disposable gloves unless there are contaminants that require Nitrile.
- Bibbed aprons with pockets (2 minimum) to hold supplies
- Small lighted magnifying glass
- Wet wipes
- Small first aid kit
- Hand cream (Udderly Smooth or similar greaseless product)
- Spray bottles (if using rose water)

Hardware Store

- Brushes (cheap wood handle/natural bristles in a variety of sizes)
  - Use: Removing dust out of bags and boxes and off tables
- Cleanup/disposal - Some Tribes/Nations, such as those in the Plateau, wash the brushes in rose water or burn them with non-biodegradable packing materials.
- Rolling trash can to contain shredded cedar if it is being used as box fill
- Scoop for shredded cedar if it is being used as box fill
- Tape measure
- Box cutters or similar with extra blades (2)
- Packing tape
- Masking tape

Amazon.com

- Muslin/cotton bags

U-Line

- Boxes (unmarked/unbleached)
- Box label holders (if appropriate)
- Muslin/cotton bags

Local Newspaper Publisher (free of charge)

- Unprinted newspaper end runs can be used to fill out boxes to stop contents from shifting.

APPENDIX ONE – PACKING LISTS AND TIPS (continued)

SUPPLIES FOR THE WORKSTATIONS AND REBURIAL

Office Supply Store (some items may also be available from other vendors)

- Pens
- Pencils
- Markers
- Pencil sharpener
- Pencil bag used to contain:
  - Small stapler
  - Stables
  - Highlighter
  - Sticky note pads
  - Small calculator
  - Binder clips of various sizes
  - Scissors (2 minimum)
  - Kraft paper if being used as box fill (also available through other vendors)

Burlap.com and Fabric.com (if fabric is specified by Tribe(s) to wrap ancestors)

- Red cotton muslin
- Red cotton flannel
- Red wool
- Unbleached cotton flannel
- Unbleached cotton muslin

Biodegradable Bags

- At least one Tribe/Nation buries old packing material in biodegradable bags sourced such as these.



WORKSTATION SETUP TIPS

Tables

- Cover worktables with kraft paper, taped down with masking or packing tape. This provides a little padding and can be disposed of with old packing materials in accordance with the Tribes' wishes.
- If you must leave remains or items out on tables overnight, cover them with muslin or cotton fabric.

PACKING TIPS

Transferring Small Items from One Container to Another

- Beads and other small items that need to be removed from non-biodegradable storage containers can be transferred into premade muslin bags or squares of fabric that will be tied into bundles. To reduce the chance of spillage, place the bag or fabric in a bowl or box and pour the items from the old jar, vial, or zip lock bag into the fabric.

APPENDIX ONE – PACKING LISTS AND TIPS (continued)

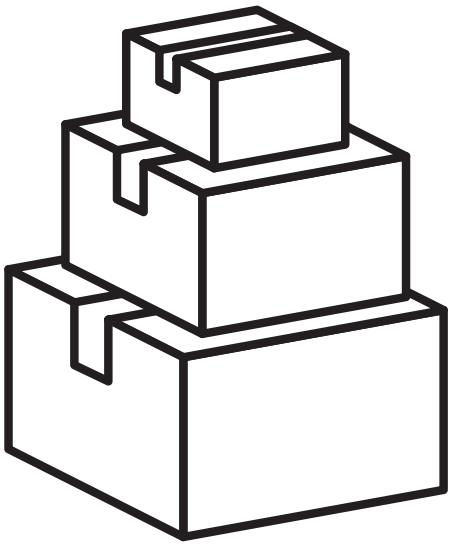
Box Labeling

Instead of writing on boxes, print labels from a database to reduce the chances of errors

- Avoid writing on boxes.
- Adhere labels so label/label holder can be removed.
- Label all sides of a box, if appropriate, so boxes don't have to be overhandled when loading/unloading the truck at the reburial site.

Clean-Up Tips

- Sweep the floor periodically as small items, such as beads, can escape when transferred from old containers.
- Label discarded packing materials so they and the paper that lined the tables can either be transferred and buried with the remains of the ancestors to which they are associated or otherwise disposed of (options include cremation and incineration through medical waste disposal) per Tribal wishes.
- Some Tribes wash tables, chairs, floors, and storage areas with rosewater sprayed on surfaces.



Truck Loading Tips

- Load the trunk by who comes out first. For example, some Tribes bury males first; therefore, they are loaded last.

Disposal Of Old Packing Materials

- Some Tribes/Nations may prefer to bury or burn old packing/housing materials. Institution, on occasion, have been authorized to incinerate old packing/housing materials. Many institutions use disposal services and crematoriums. Both can be asked to provide proof of incineration.

Acknowledgments

Appendix One was developed by Bernstein & Associates NAGPRA Consultants in consultation with Indian Tribes/Nations throughout the US. We would especially like to thank Jackie Cook of the Confederated Tribes of the Colville Reservation for her contributions.

APPENDIX TWO – TRANSPORTATION RESOURCES

Transportation Security Administration (TSA)

Contact: Marie A Trottier (she/her)
Disability Multicultural Branch
TSA Multicultural Coalition POC
TSA Tribal Affairs Liaison
Traveler Engagement Division
Transportation Security Administration - CRL/OTE
Department of Homeland Security
571-227-2860 (direct office line)
202-689-9770 (mobile)
Marie.Trottier@tsa.dhs.gov



United Airlines QuickPack Service

https://www.unitedcargo.com/en/us/products/quickpak.html
United offers a service called QuickPak that can handle human remains under 100 lbs. without requiring a wide-bodied aircraft. This service allows the Ancestors to travel on the same itinerary as Tribal Representatives to and from smaller airports instead of what would have been a very long truck trip. A known shipper with United can only reserve the shipment, but one can apply for such a designation with 7-10 business days lead time.

Contact: Kathy Parreno
United Airlines Cargo Reservation Specialist with Interline & Trust UA
kathy.parreno@united.com

United Airlines known shippers include Masterpiece International
https://masterpieceintl.com/