



Commissioner Laura Miranda
NAHC Chairperson
California Native Heritage Commission
1550 Harbor Blvd, Suite 100
West Sacramento, CA 95961

May 16, 2022

Dear Chairperson Miranda and NAHC Commissioners,

I am writing on behalf of the UC Berkeley NAGPRA Advisory Committee to update the NAHC and seek your guidance in regards to possible NAGPRA-eligible holdings found on our campus under the new UC policy.

I want to acknowledge that some of what this letter details is sensitive, dealing with the handling of ancestral remains being held at UC Berkeley, and it may be upsetting to readers.

Background: In August 2020 Professor Tim White (Professor, Integrative Biology UC Berkeley) contacted the Hearst Museum Director Lauren Kroiz, followed by our NAGPRA Liaison Tom Torma, to self-report previously undisclosed holdings of skeletal remains being used for teaching in the Department of Integrative Biology. Professor White's disclosure of these remains was prompted by the then interim University of California system-wide Policy that asks high-risk departments to locate and disclose all previously unreported holdings of any potentially NAGPRA/CalNAGPRA-eligible Human Remains (section E). Within these holdings, there were two groups. The first, was a group of accessioned remains taken on loan from the Hearst Museum, that have now been returned to the Hearst Museum¹. **The second group, for which we are contacting you, was a large collection of unprovenanced (unknown source) historical skeletal remains.** This was a group of human remains that had been used for teaching by Professor White in the Department of Integrative Biology and previously in Anthropology teaching space since his arrival in 1977. The history of this collection of human remains is unknown, we know only that it was present and used by Prof. White and others in the Department of Anthropology since his arrival in 1977, but that it was likely collected and added for over a century. There are no written records with any of the mostly non-labeled remains.

Current Status/Protection of Unreported Items: As per the policy, this large number of unreported human remains were moved to an appropriate and secure location, and a preliminary determination was made to determine whether the items fall under NAGPRA or CalNAGPRA, as per the UC Policy. The remains were moved from the Department of Integrative Biology in July 2021, and analysis of the remains was led by myself (Sabrina Agarwal) in September-December 2021, in order to determine only for each remain element if it *could* be Native American in origin and the overall minimum number of individual ancestors. No in depth or destructive analysis was made. It was determined that the minimum number of individuals that could potentially be Native American archaeological ancestral is **95**. There were a total of 22 minimum number of individuals determined to not be Native American (medically marked and/or labeled specimens). We note that while these ancestral remains are certainly archaeological, there is no way to determine the provenance of where they were removed. Further, the 95 minimum number of individuals is represented by thousands of smaller disarticulated and commingled skeletal and dental remains.

As per the policy under section "Protecting Previously Unreported Items Potentially Subject to NAGPRA or CalNAGPRA" these ancestral remains are now managed and preserved securely and there is absolutely no research or instructional use, in accordance with the requirements of Section V.J.2 Since it is possible that these ancestral remains are subject to NAGPRA or CalNAGPRA our campus will comply with all applicable portions of the policy (e.g., Consultation, Inventory/Summary completion, and respectful treatment), NAGPRA (including 43 C.F.R. § 10.13), CalNAGPRA, and campus policies and procedures.

¹ The accessioned material included both NAGPRA and non-NAGPRA eligible remains (medical), and were returned to the appropriate holdings in the Hearst Museum. Note, there was one sub-set of ancestral remains that were found to be in the control of the Santa Ynez Band of Chumash Mission Indians and part of a group of ancestors that had already been repatriated to the Santa Ynez Band in 2018. The Santa Ynez Band was immediately notified of this unexpected and upsetting finding, and a formal campus investigation into this occurrence is underway. The ancestral remains have since been physically returned to the Santa Ynez. We have confirmed that there are no other ancestral remains in this space that are under the control of the Santa Ynez or any other Tribe.

What we seek from the NAHC: While we have determined that these ancestral remains are most certainly archaeological, it is possible that not all are Native American ancestors, and it is possible that some are from other parts of the world or various States. **However, with the well-known historical legacy of collecting ancestors that led to this teaching collection in the former Lowie Museum, later the Hearst Museum and Department of Anthropology, for over a century, we feel that the preponderance of evidence suggests that the *majority* are indeed ancestors from the State of California.** However, since we will not be able to determine a precise cultural affiliation, we ask the NAHC Commissioners for any guidance on whether our federal notice should be based on the ICC "Tribes of California" designation (or all federal tribes) and how you would like us to handle this relative to CalNAGPRA as we begin consultation in order to determine disposition of these ancestral remains.

Sincerely,



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On behalf of the UC Berkeley NAGPRA Advisory Committee:

Phenocia Bauerle (Director, Native American Student Development, Crow Nation)
Daniel Fonseca (Cultural Resource Director, Shingle Springs Band of Miwok Indians)
Vincent Medina (Ohlone Indian Tribe, cultural leader of 'Itmay Cultural Association)
Beth Piatote (Associate Professor of Native American Studies, Nez Perce/Colville Confederated Tribes)
Creed Stedman (United Auburn Indian Community)

cc:

Tom Torma (NAGPRA Liason and interim Repatriation Coordinator, UC Berkeley)
Chris Treadway (Chancellor's Designee for NAGPRA, UC Berkeley)
Linda Rugg (Associate Vice Chancellor for Research, UC Berkeley)
David Robinson (Legal Counsel, UC Berkeley)
Lourdes Demattos (Associate Director, UCOP Research Policy Analysis and Coordination Office)