



Maryland Department of Planning
Maryland Historical Trust

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Considering An Appropriate Place of Repose Spring 2008

On August 3, 2007, the Maryland Department of Planning and the Maryland Commission on Indian Affairs (the Commission) announced plans to initiate a consultation process to assist the Secretary of Planning in a consideration of the appropriate place of repose for Native American human remains currently in the possession, custody or control of the Maryland Historical Trust (the Trust). As a first step toward ensuring broadly inclusive and open discussion among all parties with an interest in this important topic, the Secretary directed the Trust and the Commission to invite public comment on the consultation plan. At the September public meeting of the Commission (September 10, 2007), staff of the Commission and the Trust presented an overview of the plan, and invited all comments. Following the comment period (ending on October 17, 2007), staff of the Commission and the Trust reviewed and addressed the comments received. A revised consultation plan was presented at the February public meeting of the Commission (February 4, 2008). The Commission voted to accept the plan on February 20, 2008, to accept the plan. The Trust Board of Trustees voted on February 28, 2008, to delegate decision making authority regarding the consultation plan to the Director, who accepted the plan for the Trust.

The Trust and the Commission wish to assist the public with their participation in the planned consultation process, and offer the following annotated list of resources that may be of interest or use. The Trust and the Commission are committed to providing up-to-date and relevant information to parties with an interest in the consultation process. Please send suggestions and requests for additional material to be posted on this website to Charlie Hall, Maryland State Archeologist for land resources, at chall@mdp.state.md.us.

Consultation Documents:

Press Release. This is the August 3, 2007 joint press release of the Department of Planning and the Commission, announcing the cooperative process, and inviting comment.
http://www.mdp.state.md.us/pdf/press/Press_Release_GCIA_080307.pdf

Comment Report. Following the presentation of the proposed process at the September public meeting of the Commission, comments were received until October 17, 2007. This report characterizes and summarizes the comments received, and explores their implications for the consultation process. http://www.MarylandHistoricalTrust.net/Final_Consultation_Process.pdf.

Consultation Plan. This is the full-text plan of a consultation process for the cooperative consideration of an appropriate place of repose, as accepted by the Commission and the Trust. Relevant federal and state law and regulations are discussed in some detail. The full title of the document is *Consultations Regarding the Disposition of Culturally Unidentifiable Native American*

Human Remains In the Possession, Custody or Control of the Maryland Historical Trust.
http://www.MarylandHistoricalTrust.net/Comment_Report.pdf

Applicable State Law and Regulations:

State Law. The applicable state law is found in Maryland Code at State Finance and Procurement Article, Title 5A, Division of Historical and Cultural Programs, Subtitle 3, Maryland Historical Trust. That section defining the process of Transfer of Human Remains (§ 5A-339 (b-d)), is available as a pdf document at http://www.marylandhistoricaltrust.net/AI_StateLaw.pdf.

Definitions. Some important terms are defined in the State Law. These definitions are available at http://www.marylandhistoricaltrust.net/AI_Definitions.pdf.

Implementing State Regulations defining the process for transferring human remains in the possession, custody or control of the Trust, are published as COMAR 05.08.07.
http://www.marylandhistoricaltrust.net/AI_StateRegs.pdf

Applicable Federal Law and Regulations:

Federal Law. The principle applicable federal law is the Native American Graves Protection and Repatriation Act, as amended. The National NAGPRA website is a very rich resource for interested individuals, and a visit to their website is strongly encouraged. <http://www.nps.gov/history/nagpra/>.

NAGPRA. The text of the NAGPRA law (Public Law 101-601, 25 U.S.C. 3001 et seq.) can be accessed at http://www.nps.gov/history/local-law/FHPL_NAGPRA.pdf.

Federal Regulations implementing NAGPRA (43 CFR Part 10) can be accessed at http://www.nps.gov/history/nagpra/MANDATES/43_CFR_10_10-1-03.pdf