SITKA TRIBE OF ALASKA

CULTURAL RESOURCES POLICY & PROCEDURES

STA REPATRIATION AND CLAN OWNERSHIP POLICY

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I. PURPOSE AND DECLARATIONS

(a) The purpose of this policy is to provide for the correct treatment, protection, and return of ancestral remains and items of cultural significance, and to establish a systematic process to implement that protection.

(b) The Tribe recognizes the spirit in all things, including at.óow, koo.éex' regalia, and other ceremonial items, and that the Tlingit are required to treat these items with respect. The Tribe also recognizes that a soul can remain intertwined in human remains and at the burial site after death, and that the Tribe has a duty to ensure ancestral remains are treated respectfully and according to the appropriate custom.

(c) Since first contact with explorers and collectors, the Tlingit people have lost possession of important cultural items. Many of these items as well as ancestral remains are currently held by federal agencies and organizations that receive federal funding such as universities, museums, and states. The Tribe accepts the responsibility to help facilitate the return of these lost items and ancestral remains back into the hands of the Tlingit people.

(d) The Tribe recognizes the authority of clans to own and use their at.óow. This code also establishes policy and procedures to ensure that clan ownership of items repatriated to the Tribe is restored, that clans are able to access and use their at.óow, and that these items are not lost again.

II. AUTHORITY

(a) By virtue of the inherent sovereignty of the Sitka Tribe of Alaska, the Tribe has the authority and the duty to enact and implement policies and procedures to manage important Cultural Resources.

(b) Pursuant to Article VII(e) of the STA Constitution, the Tribal Council is authorized to exercise its powers to encourage, guard, and foster Traditional Tlingit culture and to protect its artifacts.

III. DEFINITIONS

(a) **Tribe** means Sheet'ká Ḵwáan Tribe or Sitka Tribe of Alaska (STA).

(b) **Ancestral remains** means all human remains, including ashes, remains, dirt that may contain trace remains, and any other remains as defined in the Native American Graves Protection and Repatriation Act, 25 U.S.C. Ch. 32 § 3001 et seq.

(c) **Item of Cultural Importance** means any item that qualify as a Funerary Object, Sacred Item, or Item of Cultural Patrimony as defined in 25 U.S.C. Ch. 32 § 3001 et seq., or any other object that the Tribe and/or a Clan determines to be culturally important to the heritage, culture, or practices of the Tribe and/or the Clan and its Citizens.

(d) **Cultural Resources** means both ancestral remains and Items of Cultural Importance.

(e) **Clan** means any traditional Tlingit clan whose membership overlaps with the Tribe's enrolled citizenship.

(f) **Federal Party** means any federal agency and/or any organization, typically a museum, that has received federal funding or would otherwise be subject to any authority mandating the repatriation of Cultural Resources.

(g) **Custodian** means any individual authorized by the Tribe and/or by a clan leader to check-out, use, and/or handle Cultural Resources in the Tribe's possession.

(h) **Inventory** means an itemized list of human remains and associated funerary objects. This list should be reported to the Federal Register by the relevant Federal Party, pursuant to 43 CFR §10.10.

(i) **Summary** means a compiled list describing any holding or collection possessed by a Federal Party that may contain unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony. This summary should be compiled and published to the Federal Register by the relevant Federal Party, pursuant to 43 CFR §10.9.

(j) **Control** means the authority to determine possession, ownership, and alienability of a Cultural Resource.

(k) **Ownership** means the authority to determine the treatment of a Cultural Resource.

(l) **Possession** means physical custody of a Cultural Resource.

IV. NAGPRA MANAGEMENT

(a) Establishment of NAGPRA Staff Taskforce and NAGPRA Advisory Committee.

(1) A NAGPRA Staff Taskforce and a NAGPRA Advisory Committee will be established to facilitate the repatriation of Cultural Resources under:

(A) 25 U.S.C. Ch. 32 § 3001 et seq., the Native American Graves Protection and Repatriation Act ("NAGPRA"),

(B) 16 U.S.C. Ch. 1B § 470aa et seq., the Archeological Resources Protection Act ("ARPA"),

(C) 20 U.S.C. §80q, the National Museum of the American Indian Act ("NMAIA"), and

(D) any other laws, statutes, policies, or powers that authorize the return of Cultural Resources to the Tribe.

(2) The NAGPRA Staff Taskforce will include staff members from the Cultural Resources Education and Employment Department, the Resources Protection Department, and the Legal Department.

(3) The standing STA Cultural Resources Committee (CRC) will serve as the NAGPRA Advisory Committee. The CRC is authorized to establish ad hoc sub-committees to inform knowledge, understanding and decisions regarding Cultural Resources as appropriate.

(b) Duties of the NAGPRA Staff Taskforce.

The NAGPRA Staff Taskforce will advise and assist the Tribe and Federal Parties in carrying out their cultural and historic preservation responsibilities, by:

(1) **Receiving and Responding to Notices.**

The NAGPRA Staff Taskforce will be responsible for receiving, reviewing, disseminating and when appropriate, responding to all relevant notices from any Federal Party regarding Cultural Resources. Relevant notices include:

(1) Notices that an Inventory or Summary has been posted to the Federal Register;

(2) Requests, typically by museums, universities, or Clans, for consultation;

(3) Requests, typically by Clans, for permission to display or use a Cultural Resource;

(4) Requests to conduct research, in compliance with STA's Research Policy, on a Cultural Resource; and

(5) Any other relevant communications from outside parties.

(2) **Facilitating Repatriation.**

When directed to by the NAGPRA Advisory committee, the NAGPRA Staff Taskforce will facilitate repatriation by responding to a Federal Party's submission of inventory notice to the Federal Register when items relevant to the Tribe are included.

i. The NAGPRA Staff Taskforce will initiate repatriation consultation, prepare the required documentation for each item the Tribe seeks to repatriate, and submit it to the relevant parties.

ii. The NAGPRA Staff Taskforce will follow the appropriate steps and procedures to contest another Tribal entity's repatriation claim on a Cultural Resource whenever appropriate, as determined by the NAGPRA Advisory Committee.

iii. The NAGPRA Staff Taskforce will work with the At.óow Repository Manager to physically repatriate and acquire any Cultural Resources flagged for repatriation.

(3) **Performing the following duties:**

i. Analyzing information (including summaries and inventories) provided to the Tribe by Federal Parties;

ii. Conducting independent investigations to locate ancestral remains and Items of Cultural Importance that the Tribe may want to have repatriated;

iii. Informing the NAGPRA Advisory Committee about any located ancestral remains and potential Items of Cultural Importance;

iv. Providing recommendations to the NAGPRA Advisory Committee about what Cultural Resources to pursue for repatriation;

v. Facilitating involvement by traditional culture bearers;

vi. Conducting an initial analysis of Clan affiliation;

vii. Doing small-scale consultation with Federal Parties;

viii. Drafting and presenting repatriation requests to Federal Parties; and

ix. Assisting any plans to protect and avoid harm to Cultural Resources.

(c) **Duties of the NAGPRA Advisory Committee.**

(1) **Coordinate and Consult**

The NAGPRA Advisory Committee will advise and assist the Tribe and Federal Parties in carrying out their cultural and historic preservation responsibilities, by doing the following things, including but not limited to:

(A) Preparing and implementing a comprehensive plan to facilitate consultation and repatriation of Cultural Resources to the Tribe;

(B) Determining which items to pursue for repatriation;

(C) Consulting with and making recommendations to Tribal Council;

(D) Conducting large-scale consultation with federal and state agencies on agreements and undertakings that may affect Cultural Resources;

(E) Advocating for the Tribe's claims to Cultural Resources;

(F) Involving Clan representation in the NAGPRA processes; and

(G) Resolving intratribal (and intertribal) disputes regarding Cultural Resources.

(2) **Identify Clan Ownership.**

The NAGPRA Advisory Committee will, throughout the course of the consultation and repatriation process, use all information available, including oral history, to identify and document what, if any, clan each Cultural Resource is associated with. The NAGPRA Advisory Committee will then report its recommendation to Tribal Council, who will make the final decision regarding clan ownership. In some circumstances, disputes may require mediation in the STA Tribal Court.

V. POSSESSION & OWNERSHIP OF REPATRIATED ITEMS

(a) **Tribal Control of Items of Cultural Importance.**

(1) Any and all Items of Cultural Importance in the Tribe's control or transferred into the Tribe's control will remain in the Tribe's control indefinitely.

(2) Non-alienation.

(A) Any Item of Cultural Importance under clan ownership may not be sold, traded, gifted, disposed of, or otherwise alienated from its associated clan unless clan ownership is waived by the associated clan.

(B) Waiver of clan ownership does not extinguish the Tribe's control over a Cultural Resource. However, the Tribe will not pursue custody of a Cultural Resource whose clan ownership has been waived unless directed to do so by the associated clan.

(b) **Reinternment of Ancestral Remains.**

Any ancestral remains repatriated to the Tribe will be reinterred in the manner preferred by the associated clan. If no clan association can be determined, the Tribe will reinter the ancestral remains in the most appropriate manner after consulting the recommendation of the NAGPRA Advisory Committee.

(c) **Determination of Clan Ownership.**

i. Once Cultural Resource is repatriated to Tribe, the Tribe will facilitate transfer of the Cultural Resource into the ownership of the most directly associated clan. Clan association will be determined by traditional custom, using the procedure described in Section IV(c)(2).

ii. Determination of clan association will be made using the best available information, including any information that has surfaced during the repatriation process.

iii. Once a determination has been made, all clans within the Tribe's jurisdiction will be notified and given an opportunity to contest the determination.

iv. Opportunity to contest the determination will remain available for forty-five (45) days after a notice of determination has been issued. Notice may be posted in the newspaper, radio, Tribal newsletter, and direct notification. If no relevant party contests within the forty-five (45)-day window, ownership will be transferred to the associated clan.

v. If another interested party or parties contest the clan association finding, all contesting parties and the clan initially determined to be the associated clan will consult with the NAGPRA Advisory Committee.

vi. The NAGPRA Advisory Committee has the responsibility to make recommendations to Tribal Council regarding final determination of clan association.

(d) **Rights of Clan Ownership.**

i. Clans with ownership of a Cultural Resource have the right to own, use, grant access to, and determine how that Cultural Resource will be treated, researched, displayed, and stored by the Tribe.

ii. Clans with ownership of an Item of Cultural Importance may appoint any number of custodians who may retrieve the owned Item from the Tribe's At.óow Repository (see Section VI). Clan leaders must appoint and authorize each custodian of their own clan and notify the Tribe of their named custodians.

iii. If a Clan chooses not to store an Item of Cultural Importance in the Tribe's At.óow Repository, the Clan leader must sign a formal waiver of Tribal custody. The Clan leader will be fully informed of the risks of alienation before waiving Tribal custody of any and all Items of Cultural Importance.

iv. If a Clan chooses to relinquish ownership of a Cultural Resource, the Clan leader must sign a formal waiver of Clan ownership. The Clan leader will be fully informed of the risks of alienation before waiving Clan ownership of any and all Cultural Resource.

VI. AT.ÓOW REPOSITORY

(a) Establishment of a Repository for Items of Cultural Importance

The Tribe will establish a facility to store, display, and protect Items of Cultural Importance controlled by the Tribe. The facility will be managed by a Repository Manager. The Repository Manager will determine and ensure the best conditions to maintain the integrity of each Item of Cultural Importance, and to make sure each Item is accessible by their associated clan, and that Items without clan association are available for Tribal use.

(b) Repository Manager's Duties and Authority

(1) Historic Register.

The Repository Manager will develop and manage a register listing the Items of Cultural Importance that STA controls. This register will contain a list of all Items of Cultural Importance, their clan affiliation if known, any special instructions regarding the care and display of each Item, any damage or wear as of last use, and the dates of check-outs.

(2) Custodian Register.

The Repository Manager will develop and manage a register of custodians authorized by their clan leader to check out clan possessions from the repository. The Repository Manager will also include in the register any individuals authorized only by the Tribe to act as a custodian. The Repository Manager will implement the following procedures for the Custodian Register:

i. Items in possession of the Tribe with no clan ownership may be checked out by any registered custodian, regardless of clan affiliation or lack thereof.

ii. Custodians must give the Repository Manager twenty-four (24)-hour notice before checking out an Item from the Repository. Notice requirement may be waived in case of emergency, as determined by the Repository Manager.

iii. Items must be returned to the Repository within five (5) days of check-out, unless otherwise determined by the Repository Manager. The Repository Manager may set an extended use period if deemed appropriate.

iv. The Repository Manager may delegate any duties detailed in the provisions above to Tribal employees under their supervision.

(3) **Preservation Planning.**

The Repository Manager will prepare and implement a comprehensive cultural preservation planning process which includes identification, evaluation, registration, and treatment of Items of Cultural Importance so that effective decisions concerning preservation can be made.

CERTIFICATION

The foregoing Cultural Resources Policy & Procedure was adopted at a duly called and convened meeting of the council of the Sitka Tribe of Alaska held on August 20, 2025, and at which a quorum was present by a vote of 9 IN FAVOR, 0 AGAINST, 0 ABSTAIN, and 0 ABSENT.

Yeidikook'áa | Dionne Brady-Howard
Tribal Chairwoman

Attest:

Martha Moses, Tribal Secretary