

*The Board of Trustees
of the
School and Institutional Trust Lands Administration
☒ New Policy*

*Policy Statement No. 97-04
Cause No. 1*

*Subject: Native American Grave
Protection and Repatriation Act*

The Board of Trustees of the School and Institutional Trust Lands Administration met in open, public session on April 10, 1997 and by majority vote declares the following to be an official policy of the Board.

Any person who discovers human remains on school and institutional trust lands must immediately cease all activity which might disturb the remains, take reasonable steps to protect the remains, and report the discovery to local law enforcement (in accordance with state law) and to the Director of the School and Institutional Trust Lands Administration.

If discontinuation of the activity is reasonable and prudent, and consistent with the Director's fiduciary responsibilities, the immediate site shall be restored and all activity in the area shall be re-routed or discontinued to limit any further disturbance to that site.

If discontinuation is not reasonable or prudent, the School and Institutional Trust Lands Administration shall follow the Utah Division of Indian Affairs' process (as contained in Utah Administrative Code R230-1), except when the Director of the School and Institutional Trust Lands Administration concludes by written finding that: (1) the determination of whether the remains in question are Native American, pursuant to U.A.C. R230-1-6(3), will unduly impact an authorized use of trust lands; or (2) the time needed to prepare a preservation plan or the requirements of such a plan, pursuant to U.A.C. R230-1-7(1), will violate the fiduciary duty to the trust. When such a finding is made, the Director of the School and Institutional Trust Lands Administration will assume control over the process.

Ownership or control of any Native American human remains that are excavated or removed from the site shall be determined pursuant to *Utah Code Annotated* § 9-9-401 et seq.