





DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

OPNAVINST 11170.2  
N44 /689-99  
17 Sep 99

OPNAV INSTRUCTION 11170.2

From: Chief of Naval Operations

Subj: NAVY RESPONSIBILITIES REGARDING UNDOCUMENTED HUMAN  
BURIALS OR CEMETERIES

Ref: (a) Native American Graves Protection and Repatriation  
Act, 25 U.S.C. 3001  
(b) National Historic Preservation Act, as amended, 16  
U.S.C. 470-47W-6  
(c) Archeological Resources Protections Act of 1979, 16  
U.S.C. 470AA-MM  
(d) 36 CFR 60, "National Register of Historic Places"  
(e) NAVFACENCOM P-73, Chapter 9, "Relocation of  
Cemeteries"

Encl: (1) Department of the Navy Policy Memo 98-08

1. Purpose. To provide guidance regarding the discovery and  
handling of undocumented human burials or cemeteries.

2. Background

a. Enclosure (1) clarifies Department of the Navy policies,  
procedures and responsibilities when undocumented human burials  
or cemeteries are discovered while carrying out the military  
mission. Cemeteries are cultural resources, and the discovery  
of undocumented burial grounds and relocation of cemeteries  
requires that special procedures be followed. Furthermore,  
local laws may require notification of civil authorities upon  
discovery of undocumented burial grounds.

b. Cemeteries are usually marked and separated from the  
surrounding area by an enclosure, and documented by grave  
markers and written records. In some instances, burial sites  
are undocumented and may be unmarked and not readily obvious.  
They may also house remains of Native Americans, settler  
communities, or families.

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c. Identification and return of Native American, Native Alaskan, and Native Hawaiian remains and cultural objects are required by reference (a). This is not required for other populations.

3. Policy. All Navy-controlled burial sites will be treated with utmost respect and protected from the impacts of Federal actions. Cemeteries or graves may be relocated if the military mission requires use of the land and the requirements of references (a) through (c) are met. Local commands are authorized to make decisions regarding cemeteries and burial grounds in accordance with references (a) through (e).

4. Responsibilities. The following procedures shall be followed when planning any action that may require ground disturbance.

a. The Chief of Naval Operations (CNO (N44)) shall provide coordination with the Deputy Assistant Secretary of the Navy for Environment and Safety (DASN (E&S)), in accordance with enclosure (1).

b. Installation Management Claimants (IMC's) shall be familiar with enclosure (1) and references (a) through (e), ensure proper and timely execution of the policy described in enclosure (1), and forward reports of significant burial findings to CNO (N44).

c. Regional Commanders and/or Installation Commanding Officers shall:

(1) Consider the possibility of human burials or cemeteries when planning any ground disturbing action.

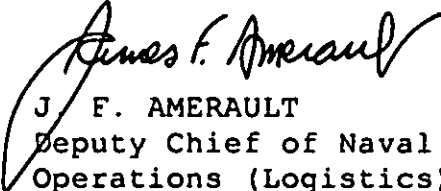
(2) Stop work immediately if a burial or cemetery is discovered. Notify Naval Criminal Investigative Service (NCIS) and a qualified cultural resources specialist either on the staff of the IMC or at the cognizant engineering field division.

(3) Ensure appropriate notification is given to the State Historic Preservation Officer and IMC.

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(4) Determine whether the burial is Native American, Native Alaskan or Native Hawaiian; and, if so, implement the procedures of reference (a). If the burial is not Native American, Native Alaskan or Native Hawaiian, consult with interested parties regarding identification, cultural or historic significance, eligibility determination for National Register of Historic Places documentation, and documentation of compliance with reference (c) and other applicable Federal, state, and local laws.

(5) Ensure compliance with the provisions of enclosure (1) whether burials are protected in place or are relocated.

  
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