

United States Department of Agriculture



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Subject: Comments: Policy Statement Regarding Treatment of Burials, Human Remains, and Funerary Object

Date: January 16, 2007

**To: Sarah Bridges,
National Cultural Resources Specialist/ FPO
Washington, DC**

**File Code: 401- Cultural
Resources**

We have received comments from our three Area Cultural Resource Specialists regarding the Policy Statement Regarding Treatment of Burials, Human Remains, and Funerary Objects.

Please note: These comments are a summary of those received from the NRCS Washington State Office and have been edited to focus on the policy itself. (Sarah Bridges, NRCS FPO, 01-17-07)

The ACHP has developed excellent policy that reinforces the basic mandates of Section 106. The ACHP policy highlights the need for consultation in advance of the proposed undertakings, legally mandated but especially critical when burials or funerary objects are expected. It charges the federal agency with engaging in meaningful consultation with Native Americans and other communities to acquire "special expertise", and to avoid burial disturbance unless absolutely necessary. It charges Federal agencies with drafting operational and treatment plans in advance of project-specific discoveries; this clearly benefits the resource and all concerned.

Principle 4. When human remains or burials are found, State law may require Federal agencies to contact other government agencies or authorities. This may result in relinquishing control of the treatment and disposition of the remains. State and local law enforcement agencies must follow their own procedures and often take human remains into custody to ascertain whether they are the result of a recent crime. This may remove or defer the opportunity for American Indian tribes or other concerned communities to immediately consult on the appropriate treatment of the remains. Is there a way to resolve this clear conflict?

Principle 7. We support this principle and hope that it will encourage Federal agencies to include advance planning for discoveries in their national policy and national and local operational procedures.

The glossary is very helpful!

Please call if you have any questions.

Larry Cooke, Acting for;

FRANK R. EASTER
State Resource Conservationist

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