

6/28/06

Memo to: Dr. Tom McCulloch
Archeology Task Force, Advisory Council on Historic Preservation

From: Dr. Kate Winthrop
Acting Preservation Officer
Bureau of Land Management
Cultural and Fossil Resources and Tribal Consultation Group
Washington D.C.

Re: Comments on: "Policy Statement Regarding Treatment of Human Remains and Grave Goods"

We have reviewed the above referenced draft policy, published March 14, 2006, in the Federal Register, Vol .71, No. 49, and have the following comments:

- 1) This draft policy represents guidance for Federal agencies; overall, BLM's current policies conform to the general principles of this guidance.
- 2) The explanatory notes state, but the draft policy does not, that in order to be considered under Section 106 of the National Historic Preservation Act, burial sites, human remains, and funerary objects must be historic properties (listed on or eligible for the National Register). This important point should be reiterated in the policy statement itself.
- 3) The draft policy does not specifically address issues regarding non-Federal land discoveries, which can be problematic. This area could use more discussion and clarification concerning Federal agencies' responsibilities when burial sites, human remains, and funerary objects are discovered on non-federal lands during the Section 106 process.
- 4) The explanatory notes for Principle #3 state that "Consulting parties include the State Historic Preservation Officer...". All possible consulting parties are listed; not all of these are appropriate for every undertaking. We suggest changing the language to: "Consulting parties may include...".
- 5) Principle #3 and Principle #7, and the discussion of consultation in the explanatory notes, need to recognize that consultation is a two-way process. Federal agencies must attempt meaningful consultation, but cannot guarantee participation by other parties.
- 6) Other comments:
 - Please provide reference to these acronyms when you first use them: NHO and HAGPRA.

- Definition of “Federal Land”: The statement “Mere federal funding or permitting of a project does not turn an otherwise non-federal land into land” does not make sense; insert “federal” before “land” at the end of the sentence.