



United States Department of the Interior

BUREAU OF RECLAMATION

Washington, D.C. 20240

JUN 26 2006

IN REPLY REFER TO:

84-53000
ENV-3.00

Dr. Julia A. King, Chair
Archaeology Task Force
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004

Subject: Response to the Advisory Council on Historic Preservation's Draft Policy Statement
Regarding Treatment of Burial Sites, Human Remains and Funerary Objects

Dear Dr. King:

As instructed in the March 14, 2006, *Federal Register*, the Bureau of Reclamation is providing comments on the subject draft policy statement. Generally, we found the policy statement clear and concise with excellent presentation of definitions and rationale for updating the 1988 "Policy Statement Regarding Treatment of Human Remains and Grave Goods." We offer the following specific comments:

1. The definition of Federal land contained in *Definitions Used for the Principles*: appears to be missing a word. We recommend the following changes (in bold italics): "Mere Federal funding or permitting of a project does not turn ~~an~~ otherwise non-Federal land into ***Federal*** land..."
2. The use of the term "shall" in Principle 2 is not appropriate because its use is more imperative than that prescribed in relevant law or regulation. We recommend changing "shall" to "should."
3. The use of the term "shall" in Principle 7 is overly imperative when compared to relevant law and regulation. In order to retain the term, we recommend the following changes (in bold italics) to make the Principle consistent with 36 CFR Part 800.13(a)(2): "Federal agencies shall, after meaningful consultation, develop plans for the treatment of burial sites, human remains, and funerary objects that may be ***encountered when historic properties are likely to be discovered during implementation of the undertaking and no programmatic agreement has been developed.***"

If you have any questions, please contact Reclamation's Federal Preservation Officer
Mr. Thomas Lincoln at 303-445-3311.

Sincerely,

William E. Rinne
Acting Commissioner