



"LEGEND HOUSE"

Archeology Task Force,
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue N.W.
Suite 809
Washington, DC 20004

Re: Policy on Treatment of Burial Sites, Human Remains and Funerary Objects

Dear Mr. Nau:

In response to the invitation to comment on the ACHP's Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects, the Bois Forte Band supports the Council's consideration of a policy that recognizes the legal obligations of the United States and its agencies to Indian tribes and tribal law.

The Band also urges the Council to incorporate specific requirements that ensure there is deference to tribal laws that prescribe an outcome when human remains are discovered within the territory of the tribe. The Bois Forte Band is in the process of adopting laws in this area and these laws will not subordinate the desire to treat human remains in a culturally sensitive manner to scientific study.

The policy should also take special care to ensure that any required consultation with tribes be truly "meaningful." This could be accomplished by requiring agencies to identify tribes with an historic presence in the territory in question and to document efforts to engage the tribe(s) in consultation. It would be particularly useful if federal agencies were required to create a record of consultation that includes an explanation of how tribal recommendations with respect to the treatment of the remains of tribal ancestors have been incorporated in an agency decision. Of course, if tribal recommendations have not been incorporated, then the agency's rationale or justification should be required.

The Bois Forte Band appreciated the opportunity to participate in the consultation process.

Sincerely,

Rosemary Berens

Rosemary Berens
Tribal Historic Preservation Officer
Bois Forte Band of Chippewa