



# The Eastern Band Of Cherokee Indians

- *The Honorable Mitchell Hicks, Principal Chief*  
*The Honorable Larry Blythe, Vice-Chief*

*Dan McCoy*  
Chairman

Birdtown Township

*Alan B. Ensley*

Vice-Chairman

Yellowhill Township

Tribal Council Members

*Mary Welch Thompson*

Big Cove Township

*Perry M. Shell*

Big Cove Township

*Jim Owle*

Birdtown Township

*Marie L. Junaluska*

Painttown Township

*Tommye Saunooke*

Painttown Township

*Angie Rose Kephart*

Snowbird &  
Cherokee Co. Township

*Abraham Wachacha*

Snowbird &  
Cherokee Co. Township

*Carroll "Pee-Wee" Crowe*

Wolfetown Township

*Mike Parker*

Wolfetown Township

*David Wolfe*

Yellowhill Township

DATE: 26 - June - 06

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

PROJECT(S): **Comments regarding proposed revision of "Policy Statement Regarding Treatment of Human Remains and Grave Goods."**

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians is in receipt of the above-referenced project information and would like to thank you for the opportunity to comment on this proposed activity.

This office believes that the term "Grave Goods" should include language reflecting funerary objects, as well as objects of cultural patrimony, and personal adornment attributed to the inadvertently discovered human remains.

## **Principle 1**

The lead federal agency cannot make a determination regarding preservation in place or avoidance without first holding consultation with all culturally affiliated Tribal Historic Preservation Offices, and / or representatives of federally recognized Indian tribes, and State Historic Preservation Offices.

Additionally, language should be clearer regarding consultation as described in the document. For example, Principles 2, 3, and 7 only state "meaningful consultation." The lead federal agency is required to take into account the SHPOs and THPOs comments, and all those from federally recognized tribal nations and Native Hawaiian organizations which do not have THPOs.

## **Principle 5**

The disinterment of human remains should only occur after all possible alternatives have been discussed through consultation between the lead federal agency, the SHPO, the THPO and all federally recognized tribal governments and Native Hawaiian organizations which do not have THPOs.

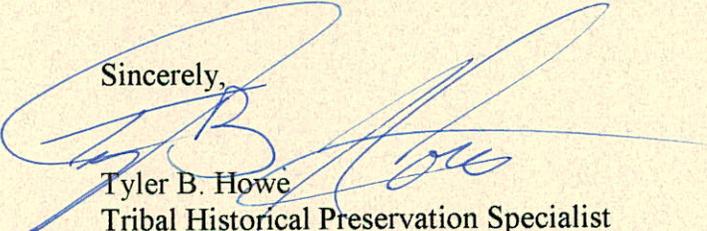
### **Principle 8**

The EBCI THPO wishes clarification regarding, "In cases where the disposition of human remains and funerary objects is *not legally prescribed* (emphasis added) . . . ." Does this principle apply only to human remains and funerary objects? Are objects of cultural patrimony or personal adornments associated with the deceased included? Additionally, does "not legally prescribed" apply to cultural affiliation in cases where that affiliation cannot be determined with certain accuracy?

Moreover, legal prescription should only be determined through consultation between the lead federal agency, SHPOs, THPOs and representatives of federally recognized Native American Indian tribes, and Native Hawaiian organizations which do not have THPOs.

If we can be of further service, or if you have any comments or questions, please feel free to contact Russell Townsend, the Eastern Band of Cherokee Indians Tribal Historic Preservation Officer at (828) 488 – 0237, ext. 1. He can also be reached at [russtown@nc-chokeee.com](mailto:russtown@nc-chokeee.com). I can be reached at (828) 488 – 0237, ext. 2, or [tylehowe@nc-chokeee.com](mailto:tylehowe@nc-chokeee.com).

Sincerely,



Tyler B. Howe  
Tribal Historical Preservation Specialist  
Eastern Band of Cherokee Indians