Laura Dean

From: Valerie Hauser
Sent: Friday, July 28, 2006 1:05 PM
To: Tom McCulloch; Laura Dean
Subject: FW: Draft Working Principles

Valerie Hauser
Native American Program Coordinator
202-606-8530 phone
202-606-8647 fax

From: Pemina Yellow Bird [mailto:pemina@hotmail.com]
Sent: Friday, July 28, 2006 2:01 PM
To: Valerie Hauser
Subject: Draft Working Principles

Valerie:

Attached please find a letter under my Chairman's name requesting government-to-government consultation with my Tribe regarding the Draft Working Principles.

Monday I will send a hard copy under separate cover - I'm on the road right now - we just wrapped another 3-day'er with the Army Corps on some of the collateral documents to the PA: we are reviewing a draft MOA to deal with NAGPRA issues basin-wide that is based on the NDIRC MOA, and we also went rounds about the draft Enforcement MOA to deal with looters. Also a PA to deal with the Title VI lands. Whew! Just wanted to get this in by the deadline.

Hope all's well with you and your family - I think of you often and keep you all in my prayers. Thanks for your help the other day, but the guy you routed me to told me Forest Service doesn't do PAs. What's up with that?

Talk to you soon,
Pemina

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John Nau, Chairman
Advisory Council on Historic Preservation
Washington DC

Honorable Chairman Nau:

Thank you for the opportunity to comment on the Advisory Council's Draft Working Principles which will be used in revising the 1988 Human Remains Policy.

As you know, the Mandan, Hidatsa and Arikara Nation has fought hard to ensure culturally-relevant treatment and protection of our ancestors' resting places. Our Nation has worked for nearly twenty years to locate, repatriate and rebury all ancestral remains and burial property which were wrongfully taken and stored in universities, museums and federal repositories all over the country. We did this to restore to our ancestors their self-evident, human right to rest in peace and to protect those whose resting places are still intact. We also did this because our teachings tell us that the contents of our ancestors' burials are not meant to be used for scientific or academic research or study; this type of activity is a violation of our spiritual beliefs.

To the extent that Section 106 of the National Historic Preservation Act applies to federal undertakings with the potential to impact our ancestors' resting places and which could trigger the terms of the Native American Graves Protection and Repatriation Act (NAGPRA), we agree that guidance would be useful in those states which do not have a burial protection law. All guidance related to Native burials, however, must reflect the beliefs and customs of Native peoples. Those states which lack a specific law dealing with Native burials must join the ACHP in government-to-government consultation with those Tribes whose homelands are now within those states' boundaries.

We request further consultation with the Advisory Council to discuss this and other serious concerns we have with the proposed Working Principles. Please contact me at your earliest convenience to plan a government-to-government consultation between the Mandan, Hidatsa and Arikara Nation and the Advisory Council. Thank you for your attention to this important matter. We look forward to hosting your visit here at our Figure Four Ranch and Hunting Lodge on the Ft. Berthold Reservation.

Sincerely,

Tex G. Hall, Chairman
Mandan, Hidatsa and Arikara Nation