THE
NAVAJO
NATION

JOE SHIRLEY, JR.
PRESIDENT

FRANK J. DAYISH, JR.
VICE-PRESIDENT

July 26, 2006

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

RE: DRAFT POLICY STATEMENT REGARDING TREATMENT
OF BURIAL SITES, HUMAN REMAINS AND FUNERARY OBJECTS

Dear Dr. King,

The Navajo Nation Historic Preservation Department under the authority of Title 19 of the Navajo Nation Code, manages all Navajo historic and cultural resources. The Draft Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects by the Advisory Council on Historic Preservation (ACHP) has been reviewed and the following statements were made at the May 16, 2006 consultation meeting and are presented here as the Navajo Nation's formal written comment.

The Navajo Nation does not view the proposed policy statement as a useful procedure because it fails to provide substantive guidance for the treatment of burial sites, human remains, and funerary objects not already addressed in existing policies, regulations or legislation.

The language of the draft policy is unclear and most importantly, unnecessary. (For example: "This policy is mindful of the values reflected in the guarantee of a burial for every person as expressed in the laws of every state." What is this "guarantee of a burial" supposedly reflected in state law?). The Navajo Nation recommends that ACHP simply repeal its current policy and prepare a guiding statement that directs federal agencies to adhere to the procedures outlined in the Native American Graves Protection and Repatriation Act (NAGPRA), the 1992 amendments to the National Historic Preservation Act, and associated regulations, as well as applicable state and tribal laws, in all federal undertakings (even those impacting non-federally recognized tribes and other groups).

Existing federal legislation and the accompanying regulations contain enforceable mandates that ensure the appropriate implementation of these laws. Specific civil or criminal penalties necessary to ensure compliance are detailed therein. The ACHP's draft

HISTORIC PRESERVATION DEPARTMENT P.O. BOX 4950 WINDOW ROCK, ARIZONA 86515 928.871.7198 (v) 928.871.7886 (fax)

policy statement must be more specific than simply talking about the "human rights" and "respectful treatment." The Navajo Nation's Policy for the Protection of Jishcháá: Gravesites, Human Remains, and Funerary Items (Copy enclosed), for example, clearly and specifically limits the scope of research allowed when human remains are encountered on our land. Further, when non-Native remains are encountered on Navajo land, we enter into consultation with appropriate parties and follow their recommended treatment. The ACHP needs to be as clear in its policy statement with regard to the results of consultation as the Navajo Nation has been in ours.

Should you have any concerns or questions, do not hesitate to contact Mr. Tony Joe, Supervisory Anthropologist, HPD's Traditional Culture Program at 928-871-7750, or email: tonyjoe@navajo.org.

Sincerely,

Alan S. Downer, Ph.D.
Tribal Historic Preservation Officer

Chrono	067TCP
XC	ACHP Washington Office
Enclosure	Navajo Nation's Policy for the Protection of Jishcháá: Gravesites, Human Remains,and Funerary Items

NAVAJO NATION POLICY FOR THE PROTECTION OF JISHCHAA':

GRAVESITES, HUMAN REMAINS, AND FUNERARY ITEMS

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8 February 1996

I. POLICY STATEMENT

Diné (Navajo) society is based on harmony and beauty. Issues related to death are treated with the utmost respect in our culture. In harmony with the Diné way of life, we do not talk about or discuss death. We avoid burial sites and do not handle materials belonging to one who is deceased. The Diné view is that human remains, associated funerary items, and unassociated funerary items all fit under *jishchaa',* a term that refers to things that are associated with death as well as the burial itself.

Due to the circumstances of modern life, we find it necessary to establish rules and regulations concerning the protection of gravesites, human remains, and funerary items. We do this with complete and full awareness of the wide range of Diné values, beliefs, and practices. We apologize to those who have passed on for the intrusion. We apologize to the living for all the discomfort this subject causes.

This policy outlines procedures based on Diné cultural beliefs. The Navajo Nation is committed to protecting all gravesites, human remains, and funerary items under its jurisdiction. Human remains and funerary items, once interred, should not be disinterred. However, the Navajo Nation recognizes that under certain circumstances disinterrment will occur. In these situations the human remains and funerary items must be reinterred as quickly as possible and as near to the original burial location as feasible. Except under extraordinary circumstances, analysis of human remains is restricted to in-field non-destructive visual determinations of age and sex for the purposes of locating lineal descendants. Records about human remains and funerary items or their location shall be maintained and safeguarded in the Cultural Resource Compliance Section (CRCS) at the Navajo Nation Historic Preservation Department for use in project planning and appropriate related activities.

In the absence of identified lineal descendants, all Native American human remains and funerary items identified on Diné lands are the responsibility of the Navajo Nation. The Historic Preservation Officer shall determine the treatment of human remains without identified lineal descendants and/or funerary items in consultation with other tribes, as appropriate. We expect that other tribes will make a reciprocal commitment. The Navajo Nation encourages the development of programmatic agreements with federal agencies and other tribes. The Navajo Nation expects all human remains and funerary items to be treated with the utmost respect from the time they are discovered until their final disposition.

II. AUTHORITY

This policy is implemented pursuant to the Navajo Nation Cultural Resources Protection Act (CRPA, CMY-19-88). It is intended to complement provisions set forth in the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA, P.L. 101-601), the Archaeological Resources Protection Act of 1979 (ARPA, P.L. 96-95), the National Historic Preservation Act of 1966 (NHPA, P.L. 89-665, as amended), and others.

III. DEFINITIONS

For the purpose of this policy, the following definitions apply.

Analysis of human remains—limited to non-destructive, in-field visual determinations of age at death, approximate date of interment (based on context), sex, and cultural affiliation of human remains. No other type of analysis will be allowed.

Analysis of funerary items—limited to non-destructive, in-field, visual determinations of cultural or temporal affiliation.

Anaasází—the Diné term for all ancient peoples who inhabited Diné customary lands, including all peoples whom archaeologists call "prehistoric."

Cultural Affiliation—a relationship of shared group identity which can be reasonably traced between the deceased and living people.

Cultural Property—any cultural resource deemed sufficiently important to warrant listing on the Navajo Nation Register of Cultural Resources.

Cultural Resource—any product of human activity, or any object or place given significance by human action or belief.

Cultural Resource Professional—any individual who is authorized by the Navajo Nation to conduct cultural resource investigations. Such individuals may include persons who work in archaeology, anthropology, ethnology, Navajo culture, and other related disciplines, including traditional healers.

Diné—the Navajo people.

Federal Agency—any department, agency, or instrumentality of the United States.

Funerary Items—items that are reasonably believed to have been associated with the deceased either at the time of death or later, whether or not they are found in direct association with human remains. For Navajo burials, such funerary items may include, but are not limited to, shovels, tinware, saddles, clothing, and jewelry.

Historic Preservation Department (HPD)—the Navajo Nation Historic Preservation Department as established by Section 20 of the CRPA.

Historic Preservation Officer—the Director of the Historic Preservation Department.

Human Remains—the physical remains of a human body, including but not limited to bone, teeth, hair, ashes, or mummified or otherwise preserved soft tissues of a person.

Inadvertent Discovery—finding; locating; observing; uncovering; unearthing; learning about through conversation, discussion, or interview; or otherwise detecting human remains, funerary items, or site(s) in which human remains or funerary items are believed to exist when such discovery was not the original intent.

Intentional Excavations—the unearthing of sites, gravesites, human remains, or funerary items for an undertaking or any purpose authorized by the Historic Preservation Department pursuant to CRPA.

Jishchaa'—a location or item associated with death and burial of an individual.

Lineal Descendant—an individual tracing his or her ancestry directly and without interruption to a particular individual. The Diné traditional kinship system shall be used for Diné burials.

Navajo Nation lands (Diné lands)—all lands or interests in land owned or held by the Navajo Nation, whether held by original title, held in trust by the United States, held in fee simple or held under lease, easement, permit or otherwise, whether restricted or unrestricted, and whether within or outside the boundaries of the Navajo Nation.

Site—the location of human activity as indicated by physical or ethnographic evidence.

Sponsor—the agency official or the official in a private capacity who has decision-making authority over a particular undertaking.

Treatment—a thoughtfully developed and respectful plan for taking care of human remains or funerary items, accomplished through consultation with appropriate parties.

Unclaimed—human remains or funerary items for which no lineal descendants can be identified or located.

Undertaking—any project, activity, or program that can or does change the character or use of cultural properties or jishchaa'. The project, activity, or program must be under the direct or indirect supervision of a sponsor.

Unidentified—human remains or funerary items for which lineal descent or cultural affiliation cannot be determined through either consultation or analysis.

IV. TRADITIONAL CONCERNS

Diné traditional and spiritual values shall be observed in dealing with human remains, and associated funerary items, burials, and/or the relocation and transfer of gravesites. Diné teachings discourage the direct handling of human remains. Development projects, such as the construction and maintenance of roads, power lines, and water lines, often disturb burials. In such instances, the Navajo Nation must take steps to ensure the protection of human remains. It must also protect its people from association with human remains. The concerns listed below should therefore be taken into consideration in dealing with gravesites, human remains, and funerary items.

A. All individuals involved in burial issues must be warned that handling human remains or funerary items, direct exposure to gravesites, or discussion of burial issues may affect their overall health in the immediate future or sometime during their lifetime. For example, the soil associated with a burial is considered contaminated by death. Procedures such as brushing bones or funerary items, taking soil samples, and disarticulating bones are therefore considered both offensive and dangerous. Knowledgeable Diné should be consulted regarding appropriate protective measures.

B. Individuals involved with burial issues will come into contact with the Navajo public after they have been in contact with gravesites, human remains, or funerary items and that contact may affect the health of other individuals. They should take measures to protect the public and themselves when disinterring and/or reinterring human remains or when in contact with gravesites. If individuals, sponsors, or their agents need assistance or information regarding protective measures, they should contact the Navajo Nation Historic Preservation Department Traditional Culture Program.

C. Pregnant women, or individuals in daily contact with them, should not be directly involved in the handling, removal, or intimate discussion of gravesites, human remains, or funerary items.

D. Funerary items must be treated with respect. They have been placed with the human remains for essential reasons and should not be handled casually, collected, removed, or separated from the human remains.

E. Traditional Diné avoid gravesites, human remains, and funerary items. They do not talk about someone who has passed on, and they do not carelessly mention or discuss death. Researchers need to be aware that the Diné may be extremely uncomfortable even talking about the topic, may not be willing to visit the gravesite, and should not be interviewed over and over regarding the same topic.

F. Sponsors and others should limit the number of individuals who come into contact with gravesites, human remains, or funerary items.

V. ENCOUNTERING GRAVESITES, HUMAN REMAINS, AND FUNERARY ITEMS

A. The Navajo Nation requires sponsors to make a good faith effort to locate gravesites, human remains, and funerary items within the area of potential effect prior to initiation of an undertaking. Such good faith effort shall include the following:

1. file searches of existing information, including files maintained at HPD (contact

CRCS), mission records, and other pertinent materials as appropriate.

2. archaeological inventory and ethnographic interviews with residents of the local community and with other knowledgeable individuals. Navajo Nation permitting procedures require that investigators contact local chapters prior to initiating field activities (Navajo Nation Policy To Protect Traditional Cultural Properties, 1989). Continuing contact may be appropriate to ensure that local concerns are addressed.
3. other approaches, such as traditional diagnostic techniques, as necessary or appropriate. Traditional practitioners may provide such information.

B. When an inadvertent discovery occurs in the context of an undertaking but outside the context of intentional excavation, the sponsor shall adhere to the following procedures.

1. All ground-disturbing activities shall immediately cease within a 50-foot (15.2-meter) radius, using the discovery as the center point.
2. The sponsor or its agent *must* contact CRCS within one (1) business day to arrange for proper evaluation and consultation.
3. The sponsor or its agent shall identify itself and its project and shall supply the following information:

    a. a verbal description of what has been found and the context in which remains are located;
    b. the general location of the gravesite, human remains, and/or funerary items; and
    c. any other pertinent information.

4. Verbal notification shall immediately be followed by written notification. HPD will attempt to respond promptly so as not to cause project delays.
5. Human remains and funerary items *must* be protected in place until treatment measures are implemented. Treatment measures shall be consistent with Part VII of this policy.
6. The sponsor or its agent may resume ground-disturbing activities only after a proposed treatment plan has been agreed upon *and* implemented.

C. When an inadvertent discovery occurs within the context of intentional excavation, the sponsor shall adhere to the following procedures.

1. All trenching, hand excavation, sampling, photography, etc., shall cease within a 10-foot (3-meter) radius of the discovery after the nature and extent of buried remains have been determined.
2. The sponsor or its agent *must* contact CRCS within one (1) business day to arrange for proper evaluation and consultation.
3. The sponsor or its agent shall identify itself and its project and shall supply the following information:

    a. a verbal description of what has been found and the context in which remains are located;
    b. the general location of the gravesite, human remains, and/or funerary items;
    c. a preliminary assessment of the type of burial it is (Diné, Anaasází, other);
    d. an assessment of the complexity of the burial(s) and the likelihood of disturbance if left in place;
    e. a proposed location for reburial, if applicable; and
    f. any other pertinent information.

4. Verbal notification shall immediately be followed by written notification. HPD will attempt to respond promptly so as not to cause project delays.
5. Human remains and funerary items *must* be protected in place until treatment measures are implemented. Treatment measures shall be consistent with Part VII

of this policy.

6. The sponsor or its agent may resume ground-disturbing activities only after a proposed treatment plan has been agreed upon *and* implemented.

D. When CRCS is notified of an inadvertent discovery of human remains outside the context of an undertaking:

1. CRCS shall ask the notifying party to provide

   a. a verbal description of what was found and the context in which remains are located;
   b. the general location of the gravesite, human remains, and/or funerary items; and
   c. any other pertinent information, including the name of a contact person.

2. CRCS shall determine on a case-by-case basis whether HPD will assume responsibility for treatment.

VI. IDENTIFICATION OF GRAVESITES, HUMAN REMAINS, AND FUNERARY ITEMS

A. Once gravesites, human remains, and/or funerary objects are located, a good faith effort shall be made to determine through contextual analysis, interviews, non-destructive visual inspection, and other appropriate means whether the remains represent:

1. a burial with lineal descendants;
2. a Diné burial for whom lineal descendants cannot be identified or located;
3. a Native American burial for whom lineal descendants cannot be identified or located (including Anaasází burials, burials of individuals from other tribes, and unidentified burials); or
4. a non-Native American burial for whom lineal descendants cannot be identified.

B. Non-destructive visual inspection of human remains shall be limited to determinations of age (of both the individual and the interment), sex, and cultural affiliation. To the greatest extent possible, such visual inspection shall be performed without handling, brushing off, or disarticulating the remains.

C. Initial identification efforts may require consultation with Diné elders and other residents and non-residents who may have knowledge about the identity and/or cultural affiliation of the remains. When the remains are clearly Anaasází, such consultation is not necessary. Chapter officials must be notified prior to initiating local consultation. All identification efforts must respect the culturally sensitive nature of discussions regarding human remains.

D. In cases where no lineal descendants have been identified, the sponsor (in the case of an undertaking) must use all information available, including physical evidence as well as word of mouth, to determine the probable age at death and of interment and the sex of the individual buried at this location. Specialists such as physical anthropologists may be required to collect and analyze this information. One should err in the direction of greater age estimates for the date of interment when no firm data are available. Following the provisions of ARPA and the Resolution of the Parks Commission, Navajo Tribal Council (April 8, 1980), remains shall be considered "archaeological resources" only if they are, or are suspected to be, 100 years of age or older.

VII. PROCEDURES FOR TREATMENT OF HUMAN REMAINS AND FUNERARY ITEMS

The policy of the Navajo Nation is that gravesites, human remains, and funerary items should not be disturbed. In cases where disturbance is unavoidable, treatment procedures will vary depending on the results of consultation with lineal descendants, culturally affiliated tribes, or appropriate

entities. In the case of an undertaking, all costs related to treatment shall be borne by the sponsor.

In all cases, only non-destructive, in-field visual analysis to determine age and sex of individuals shall be allowed. At no time shall the remains or funerary items leave the project area. All analysis shall take place on site. No soil samples of any kind shall be taken from within one foot (0.3 m) of human remains. Human remains shall not be brushed unless absolutely necessary to make age and sex determinations. Depictions (sketches, drawings, etc.) of gravesites, human remains, and funerary items shall not appear in the body of any report; however, a map showing the orientation of the remains and associated funerary items shall be provided in a confidential appendix. Site maps in the body of the report should identify all features, including burials, but detailed illustrations are not allowed.

Photographs of gravesites and human remains are prohibited. In cases where funerary items are to be reinterred and may be susceptible to theft, photographs of the funerary items may be permitted in consultation with HPD. All photographs and negatives shall become the property of HPD, to be kept on file should ARPA investigations be necessary.

If circumstances require that human remains be disinterred, an ARPA permit is required if the burial is at least 100 years old. ARPA permits are issued through the Bureau of Indian Affairs with the consent of the Navajo Nation. A Class "C" Navajo Nation Cultural Resources Investigation Permit also is required. It may take up to 30 days to obtain ARPA and/or Class "C" permits. Navajo Nation employees engaged in Navajo Nation business and Navajo traditional healers are exempt from permit requirements.

A. Burials with Lineal Descendants

If the deceased has known lineal descendants, regardless of cultural affiliation, consultation shall be conducted directly with the lineal descendants. Cultural resource professionals should take traditional Diné kinship into account when they determine lineal descendants. If the deceased was a member of another tribe, consultation with lineal descendants shall proceed only after contacting HPD and only after HPD has initiated government-to-government relations with such other tribes.

In consultation with HPD, the sponsor or its agent shall document the concerns of lineal descendants regarding the burial and shall record their wishes regarding treatment of the human remains and/or funerary items on a Statement of Wishes form (see Attachments). This form *must* be used to record the wishes of lineal descendants regarding treatment of the burial.

Results of consultation with lineal descendants shall be held in confidence among the sponsor, cultural resource professional, HPD, and the lineal descendants. Sponsors and their agents shall not provide any information collected during consultation with lineal descendants to anyone other than HPD (and the lineal descendants, as requested). Upon completion of the project, sponsors and their agents shall turn over all records to HPD.

Documentation shall be provided to HPD that the decision made by the closest lineal descendant was made without any improper influence or pressure and was based upon full knowledge of all options available to them. This documentation must be initiated and performed by the sponsor or its agent, in the presence of or with the participation of a trained cultural resource professional approved by HPD. The cultural resource professional should work closely with any and all appropriate local residents, officials, elders, and traditional healers; should be familiar with policies related to the protection of human remains; should be knowledgeable regarding local history and customs; and must abide by professional standards and ethics. The cultural resource professional shall act as a witness to the documentation. Statement of Wishes forms are available from CRCS.

B. Diné Burials without Lineal Descendants

In cases where Diné burials are identified but where it is not possible to locate lineal descendants, the local chapter may serve as proxy for lineal descendants. In order to determine whether the Chapter wishes to serve as proxy, the sponsor or its agent, in consultation with HPD, shall consult with Chapter officials to determine procedures to be followed regarding presenting information to the Chapter as a whole. Normally, this determination should be made within five (5) working days. If the Chapter determines that it wishes to serve as proxy, the sponsor shall follow the procedures delineated in Section VII.A. If the Chapter determines that it does not wish to serve as proxy, the sponsor or its agent shall consult with HPD, and HPD shall make decisions regarding treatment in accordance with procedures established in Section VII.C. All costs related to treatment shall be borne by the sponsor. Upon completion of the project, the sponsor and its agent shall turn over all records to HPD.

C. Other Native American Burials without Lineal Descendants

In the absence of lineal descendants, all Native American human remains identified on Diné lands are the responsibility of the Navajo Nation [NAGPRA, 1990: Sec. 3(a)(2)(A)]. Such human remains may include Anaasází burials, non-Diné burials without lineal descendants but for whom cultural affiliation is known, and unidentified Native American burials. In cases where consultation with other tribes is required, consultation shall occur in coordination with HPD and treatment shall remain consistent with this policy. ARPA and Class "C" permits must be in hand before initiating excavation. Navajo Nation employees engaged in Navajo Nation business and Navajo traditional healers are exempt from permit requirements.

Treatment Plan

Human remains and funerary items, once interred, should not be disinterred. If the burial is in no danger of impact, its location shall be documented and remains shall be protected as necessary. Documentation shall be provided to HPD. If the burial is in danger of impact, sponsors must exhaust all reasonable alternatives before disinterring. The following treatment plan shall be used in all cases where disinterrment is necessary. The treatment plan shall insure the rapid reburial of human remains.

1. Notification, Consultation, and Excavation:

    a. Upon discovery of human remains or funerary items, the cultural resource professional shall immediately determine the nature and extent of the burial and/or funerary items, while leaving the remains in place and protected. All other activities must immediately cease within a 10-foot (3-meter) radius unless a previously approved data recovery plan is in place. When human remains or funerary items are encountered in the context of an approved data recovery plan, the cultural resource professional may continue investigations outside the immediate burial area.
    b. HPD must be notified immediately that human remains have been encountered.
    c. Remains must be kept in place on site until a determination is made by HPD regarding appropriate treatment. When security is a problem, the sponsor or its agent must consult with HPD regarding protective measures.
    d. Analysis shall proceed according to Section VI.B, above.
    e. The location of the remains shall be thoroughly documented. The location shall be described and recorded on the appropriate 7.5-minute USGS topographic map. Locational information shall be provided to HPD in a confidential appendix. It shall not be retained by the sponsor, its agent, the cultural resource professional, or anyone else.

2. Human Remains Identified in the Laboratory. If human remains are discovered

along with faunal remains or other samples during laboratory analysis, the sponsor or its agent must contact HPD and then shall rebury the remains consistent with the plan noted in Section 3, below.

3. Reburial

   a. Reinterrment should take place immediately following removal of remains, unless there are extenuating circumstances.
   b. The reburial location shall be situated as close to the site of origin as possible, but far enough away from earth-disturbing and erosional activities so as to eliminate the likelihood of future impact. Selection of a reburial site will depend upon construction design plans, depth of soil, the security of the location, approval of land users (if needed), and other pertinent factors.
   c. An identification number shall be assigned to the gravesite. To obtain a grave identification number, contact CRCS.
   d. The new location shall be described and recorded on the appropriate 7.5-minute USGS topographic map. Recordation shall include a 50-foot (15.2-meter) radius buffer zone for the gravesite. Locational information shall be provided to HPD in a confidential appendix. HPD may provide to others on a need-to-know basis. It shall not be retained by the sponsor, its agent, the cultural resource professional, or anyone else.
   e. The remains and funerary items shall be reburied in the same orientation and position as originally found. For relocation purposes, the location of the reburial and a sketch map depicting the position of the remains shall be prepared. Upon request, a skeletal illustration form is available from HPD to inventory the completeness of the human remains. This information shall immediately be turned over to, and shall become the property of, HPD.
   f. The sponsor or its agent shall ensure that the reburial location is reclaimed to conform to the natural landscape and that protective measures are implemented, as necessary, to avoid future impacts to the reburial site (protective fencing, stabilization, reseeding, etc.).

4. Reporting. The results of investigations at a burial site shall be incorporated into a report as a detachable, confidential appendix. This report shall be submitted to the CRCS. None of the information regarding the location of burials shall be retained by the sponsor or its agent. Confidential appendices shall only be distributed to appropriate parties, as determined by HPD.

D. Non-Native American Burials without Lineal Descendants

In the rare instance that non-native human remains without lineal descendants are encountered on Diné lands, HPD shall initiate consultation with the appropriate entities.

VIII. Dispute Resolution

HPD shall consider disputes within or between families, within a community, between tribes, or with federal agencies related to the treatment of gravesites, human remains, and funerary items on a case-by-case basis. Disputes among lineal descendants may be referred to the Navajo Peacemaker Courts (*Hózhǫǫjí Naa'táanii*), as appropriate.

IX. ATTACHMENTS/FORMS

A. Identification of Gravesites, Human Remains, and Funerary Items *and* Statement of Wishes: Burials *with* Lineal Descendants

B. Identification of Gravesites, Human Remains, and Funerary Items: Burials *without* Lineal Descendants

Identification of Gravesites, Human Remains, and Funerary Items

Burials *without* Lineal Descendants

****CONFIDENTIAL****

NOTE: Complete one (1) form per site.

Date _____

Report No. _____ Site No. (if applicable) _____

Report Author(s): _____

Report Title: _____

_____

Location of Burial:

Chapter _____
Agency _____
County _____
State _____

UTM Zone ____, _____ N, _____ E
Land Status _____
T__ N/S, R __ E/W, Sec.__ , __ ¼, __ ¼, __ ¼
USGS 7.5-Minute Map _____

Date of Discovery _____

Name/Address (or Location of Residence) of Person(s) Who Located the Burial _____

_____

Name/Organization/Address of Field Recorder(s) _____

_____

Description of undertaking in relation to burial _____

_____

_____

Sponsor of Project _____

Description of burial (i.e., markers, headstone, funerary items, single or multiple burial, flexed positioning, orientation, other)

_____

_____

Environmental setting _____

_____

Approximate date of interrment (AD/BC) _____

Identification of Gravesites, Human Remains, and Funerary Items *and* Statement of Wishes

Burials *with* Lineal Descendants

****CONFIDENTIAL****

NOTE: Complete one form for *each* individual encountered.

Date _____

Name of Deceased _____

Description of Deceased
Clan (maternal) _____
Clan (paternal) _____
Sex _____
Age of Deceased at Death _____
Date of Death, if known _____

Report No. _____ Site No. (if applicable) _____

Report Author(s): _____

Report Title: _____

_____

Location of Burial:

Chapter _____
Agency _____
County _____
State _____

UTM Zone ____, _____ N, _____ E
Land Status _____
T__ N/S, R __ E/W, Sec.__ , __ ¼, __ ¼, __ ¼
USGS 7.5-Minute Map _____

Reinterrment Location (if applicable):

Chapter _____
Agency _____
County _____
State _____

UTM Zone ____, _____ N, _____ E
Land Status _____
T__ N/S, R __ E/W, Sec.__ , __ ¼, __ ¼, __ ¼
USGS 7.5-Minute Map _____

Description of undertaking in relation to burial _____

_____

_____

Name of Lineal Descendant/Responsible Party _____

_____

_____

Relationship of Lineal Descendant/Responsible Party to Deceased _____

_____

Clan(s) of Lineal Descendant/Reponsible Party:

Maternal clan _____ Paternal Clan _____

Address/Location of Residence for Lineal Descendant/Responsible Party _____

_____

Name/Organization/Address of Field Recorder _____

Language in which interview was conducted _____

Name/Organization/Address of Interpreter (if any) _____

Names of others present during interview _____

Description of burial (i.e., markers, headstone, funerary items, other) _____

Environmental setting _____

Field methods _____

Supplemental sheets may be added if necessary.

****

STATEMENT OF LINEAL DESCENDANT/RESPONSIBLE PARTY:

On _____ , 19 ___ (date), I _____
(name of lineal descendant/responsible party) was told by _____

_____

(name, address, and address of field recorder) that the burial was in danger of being disturbed by the following undertaking (title of report/description of the undertaking): _____

_____

_____

I understand that the following treatment alternatives are available to me, according to the Navajo Nation Policy for the Protection of Jishchaa': Gravesites, Human Remains, and Funerary Items:

1. The human remains and funerary items may be left in place and shall be avoided forever, without stigma or other sanctions placed against the relatives. To this end, a 50-foot (15.2-meter) radius buffer zone measured horizontally shall be maintained, and the local environment shall be reclaimed and/or stabilized at the end of the disturbance activities. A larger or smaller buffer zone may be delineated with approval of the lineal descendants.
2. The human remains and funerary items may be relocated to a location of the lineal descendant's choice (and with the consent of the land-user at the location of reburial). The integrity of the human remains and funerary items shall be maintained, and they shall be treated with all due respect. Witnesses from the Navajo Nation Historic Preservation Office and/or others may be present, especially if desired by the lineal descendant(s), to ensure that the rights of the lineal descendant(s) are protected. The lineal descendant(s) also has the right to request who should participate in the process of disinterrment and reburial. In the case of an undertaking, all costs related to treatment shall be borne by the sponsor.
3. The lineal descendant(s) may request that the grave not be protected from any disturbance. However, if the grave is more than 100 years old or is located within an archaeological site, the Navajo Nation has the responsibility to protect the grave from disturbance. Determination of eligibility for protection shall be made with reference to the Archaeological Resource Protection Act (ARPA), the National Historic Preservation Act (NHPA, as amended), the Native American Grave Protection and Repatriation Act (NAGPRA), the American Indian Religious Freedom Act (AIRFA), the Navajo Nation Cultural Resource Protection Act (CRPA; CMY-19-88), and other relevant tribal and federal policies.
4. The lineal descendant(s) may decline to specify wishes regarding treatment of the grave.

Recordation of Wishes:

(Note to field recorder: Record the concerns and wishes of the lineal descendants/responsible party fully. If reburial is chosen, the lineal descendants may specify location of the new burial site and any witnesses desired. They may also specify concerns regarding fencing, stabilization, and maintenance of the new burial site. Supplemental sheets may be added if necessary.)

I understand that information on this form shall be held in confidence among the sponsor or its agent (in the case of an undertaking), HPD, and the lineal descendants. Neither the sponsor or its agent shall provide any information collected during consultation with lineal descendants to anyone other than HPD. Upon completion of the project, sponsors shall turn over all records to HPD and to the lineal descendants, as requested.

Signature/Thumbprint _____

Date _____

Witness(es): _____

_____

_____ _____

Signature of Field Recorder Signature of Interpreter

Date _____ Date _____

Age and sex of individual(s):

Individual:	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Age of individual:								
Sex of Individual:								
Skeleton: Complete (C) or Partial (P) [chose one]								

If partial skeletons are encountered, describe below. Include identifying number for skeletons described. Use supplementary sheets if necessary.

_____

_____

_____

Type of Burial (e.g. cist, crevice, midden) _____

Funerary items associated with burial _____

_____

_____

Photographs of funerary items are permitted only in situations where there is a risk of ARPA violations. Photographs require prior permission from NNHPD. All sketches, photographs, negatives, and photologs *must* be attached to this form.

Were photographs taken of funerary items? Yes _____ No _____

Name/title of individual at NNHPD who provided permission to take photographs:

_____

_____

Describe field methods _____

_____

_____

_____

Date of disinterrment (if applicable): _____

Date of reinterrment (if applicable): _____

Location of reinterrment (if applicable):

Chapter _____
Agency _____
County _____
State _____

UTM Zone ____, _____ N, _____ E
Land Status _____
T__ N/S, R __ E/W, Sec.__ , __ ¼, __ ¼, __ ¼
USGS 7.5-Minute Map _____

NOTE: Reburial location must be mapped on a USGS 7.5-minute topographic map (attached).

Name/Organization/Address of Individual(s) who conducted the disinterrment:

_____

Name(s)/Organization/Address of individual(s) who conducted the reinterrment:

Name/Organization/Address of Recorder(s) of reinterrment:

Witness(es) to reinterrment:

Reason for relocation of burial:

Supplemental sheets may be added if necessary.

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