

## Laura Dean

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**From:** Archaeology Report  
**Sent:** Wednesday, July 05, 2006 4:06 PM  
**To:** Laura Dean  
**Subject:** FW: Draft Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects.

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**From:** Todd Jaffke [mailto:todd\_jaffke@dot.ca.gov]  
**Sent:** Wed 6/21/2006 12:12 PM  
**To:** Archaeology Report  
**Subject:** Draft Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects.

Comments on the Draft Policy are attached.

Thank you,

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(See attached file: ACHP Burial Policy comments.pdf)

**Comments on the  
Draft Policy Statement Regarding Treatment of Burial Sites, Human Remains and  
Funerary Objects (FR Vol. 71, No. 49, March 14, 2006)**

**The Draft Policy fails to meet its stated goal of acknowledging the public interest in the past.**

Nowhere in the explanatory notes, discussion, or principals is this acknowledged. Not taking a position against scientific study is hardly acknowledgement of the scientific value, and the public interest in that value, of ancient human remains in archaeological contexts. Burial sites contain a wealth of information about the past. A past that is shared by all of us as human beings. The ACHP Policy should not diminish the importance of the archaeological information contained in most burial sites by not acknowledging it, any more than it should further support the generalized concerns of Native Americans already provided for in other legislation. The Policy should be revised to present a more balanced perspective of the public interest in the science of the past and Native American concerns.

**The Draft Policy is inconsistent with 36 CFR 800**

The definition of *Disturbance* states that, “Disturbance of burial sites will constitute an adverse effect under Section 106.” 36 CFR 800.5(a) charges the Agency Official with the responsibility of applying the criteria of adverse effect. ACHP Policy should not predetermine the Agency Officials outcome in applying the criteria of adverse effect on any undertaking. Consideration should be given to distinguishing between disturbance to human remains and disturbance to burial sites.

**Principle 5** should indicate that people responsible for disinterring human remains meet the Secretary’s professional qualification standards as indicated in 36 CFR 800.2(a)(1) referencing Section 112(a)(1)(A) of the National Historic Preservation Act.