

F. P. McManamon 11012 Devenish Drive Oakton, VA 22124

1 December 2005

Archaeology Task Force

Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW Suite 809
Washington, DC 20004

Dear Task Force Members:

Thank you for the opportunity to offer comments on the draft working principles for revising the ACHP "Policy Statement Regarding Treatment of Human Remains and Grave Goods."

The draft principles focus on avoidance of human graves and their long term protection from disturbance as the preferred treatment and the importance of consultation if disturbance of graves is necessary for some larger social goal.

Only in the section "Background Information: Nature of the current debate" is the potential importance of scientific, historical, and cultural information that can be obtained from careful excavation, recording, and analysis of human graves and their contents mentioned. Even then, the statement is offered only as an example of what "some believe."

I ask that the Task Force include in its policy a clear endorsement of the need for the careful archeological excavation, recording, and analysis of human graves when they must be disturbed as part of public projects subject to Section 106 of the National Historic Preservation Act. Such a policy is consistent with existing federal law and many state laws. For example, under the Archaeological Resources Protection Act (ARPA), human graves that are considered "archaeological resources," which generally means any that are over 100 years of age and capable of being "of archaeological interest" if studied scientifically, would automatically be carefully excavated, recorded, analyzed, and reported on if they had to be removed from their location for some pressing reason, or if they were eroding out of their archeological context.

Similarly, Section 3(c) of the Native American Graves Protection and Repatriation Act (NAGPRA) requires that

The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if-

- (1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act...

The ARPA permit requirement means that any removal of a Native American grave under

NAGPRA, whether for study or because it is eroding naturally, must be done using archeological methods and techniques, including careful recording, analysis, and reporting.

It seems important that the ACHP policy reflect these requirements of Federal laws and use them in developing a more general national policy.

Thank you for the opportunity to comment. I wish you good luck in development of the Task Force products.

Sincerely,

s/s

Francis P. McManamon