



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

October 25, 2005

Dr. Tom McCulloch  
Archaeology Task Force  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue, NW., Ste. 809  
Washington, D.C. 20004

RE: Comments on "Working Principles for Revising the ACHP's 'Policy Statement Regarding Treatment of Human Remains and Grave Goods.'"

Dear Dr. McCulloch:

Thank you for the opportunity to comment on the working principles for an ACHP policy statement regarding the treatment of human remains and grave goods. We have solicited comments from the Florida Archaeological Council and received a response from one member.

In general these principles closely reflect the application of the State of Florida's statute that protects unmarked human burials. A few important notes are included here.

Principle 2 is significant. We have several cases where federal agencies conducting projects in our state refused to decide if NAGPRA or state statutes were applicable when unmarked human burials were discovered during an archaeological excavation. While some of the other principles address broad issues that may be best decided on a case by case basis it would be helpful to have very specific guidelines to refer to for making this determination.

Principle 3 emphasizes the preferred alternative of preservation of remains in place; this is important, welcomed and consistent with our state statute and practice. However, little discussion is given to the alternative—excavation when a proposed project will clearly destroy the remains unless some action is taken. The 1988 ACHP policy statement largely addresses this alternative, and while not preferred, it needs to be addressed. Excavation of remains in the face of pending construction is the most complicated and potentially contentious alternative, however, it is the case in which agencies, consultants, and developers need the most guidance.

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Working Principles for Revising the ACHP's 'Policy Statement Regarding Treatment of Human Remains and Grave Goods

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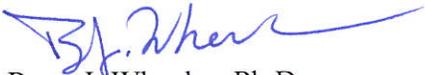
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Principle 6 needs to address the logistical constraints that often must be dealt with when human remains are found inadvertently. Cases of discovery during construction are fairly routine and easy to address, especially if only a single burial is involved. However, inadvertent discovery also involves exposure due to natural conditions like erosion. These cases are much more difficult to address, short of spending a great deal of money on shoreline stabilization, dune restoration or similar erosion control projects. Alternatively, excavation of burials may be made necessary by erosion, but who should bear the cost in these cases? In many cases common sense solutions are necessary and it should be made clear that reburial of remains in a secure or nearby area might be a better alternative than a stabilization or major excavation project.

We hope that these comments are of some use in formulating a new ACHP policy. Clearly this is a very important and sensitive issue and we look forward to the revised ACHP policy.

Please feel free to contact us with any questions or if we can be of further assistance.

Sincerely,



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