



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

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November 14, 2005

Ms. Julia King
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 809
Washington, DC 20004

Dear Ms. King;

We are contacting you regarding the proposed ACHP revisit of the 1988 *ACHP Policy Statement regarding Treatment of Human Remains and Grave Goods*. We believe it is critical for the ACHP to undertake a robust review and reworking of the Policy Statement.

In our state the failure of the federal government and federal agencies to develop a specific, workable, understandable, and balanced approach to the treatment of human remains has resulted in a devastated landscape of emotional turmoil in tribal communities, hundreds of lost jobs, bitter divisions in local communities along religious and racial lines, multimillion dollar lawsuits, an heightened fundamentalist versus science/education divide, and a tragic and avoidable loss to all involved.

We believe it is important for the ACHP to recognize that regardless of specific cultural, religious, or scientific interests, the consulting parties need the ability to be able to document to a legal and forensic standard the number, completeness, and specific details of any human remains discovery and to accomplish that quickly.

The conflation of academic/scientific research or cultural/religious needs falsely simplifies the problem and needlessly creates an either/or problem that makes further discussion problematic. We believe the failure of federal agencies to robustly address the minimum documentation standards has created an environment where we have serious problems with even identifying how many individuals are involved in a discovery situation.

The failure of agencies to establish meaningful protocols has resulted in a patchwork of conflicting and confusing approaches that results in delay and protracted discussions that most often fail to achieve an outcome that is desired by any of the parties.

The principles as articulated in the 1988 document and the recent publication in the Federal Register do not establish the clarity needed in an emotionally and culturally complex environment where we expect the federal agency to have a clear and workable plan for addressing the treatment of human remains in a professional and sensitive manner.

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Protect the Past, Shape the Future

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We believe it is important to clearly establish that federal agencies have a responsibility to establish a legally sound program for assuring that any human remains discovered during any project undertaking will be;

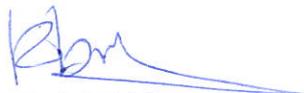
- Secured and protected for further damage, loss or un-permitted disturbance;
- Documented so the consulting parties will have a full understanding of the nature of the discovery and its completeness and potential alternatives for treatment;
- Given specific timelines and clear lines of authority on decisions regarding the treatment of the individual;
- Provided an opportunity to review any proposed treatment plan; and
- Address tribal governmental consultation requirement along with tribal religious and cultural needs;
- Address legal and law enforcement requirements;
- Balance the need for scientific research on significant national and community cultural, educational and interpretive interests.

We look forward to further discussions and please feel free to contact us.

Sincerely,



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