



**THE CONFEDERATED TRIBES
OF
THE COLVILLE RESERVATION
Colville Business Council**

November 4, 2005

Julia King, Chair
Archaeology Task Force
Advisory Council on Historic Preservation
1100 Pennsylvania Ave, N.W., Suite 809
Washington, D.C. 20004

Re: "Policy Statement Regarding Treatment of Human Remains and Grave Goods"

Dear Ms. King:

Thank you for consulting with the Colville Confederated Tribes (CCT) regarding the Advisory Council's (ACHP) plans to revise the existing "Policy Statement." Although we see certain positive aspects of the proposed Working Principles (particularly the provisions that highlight avoidance of burials), we see Principles 4, 5, and 6 as being contrary to our interests. We urge the ACHP to consider dropping these Principles from their new policy or to revise them substantially to better protect the interests of tribes.

First, implementation of the Working Principles would serve to federalize the treatment of human remains that are currently handled under state law, resulting in a loss of tribal control over our ancestors' remains. Within our traditional territories in Washington, Oregon, and Idaho, state laws currently govern the treatment of human remains found on private or non-federal public lands. In Oregon and Idaho, the state laws require that excavation of prehistoric human remains be done only with the permission of the appropriate tribe. In Washington State, excavation of prehistoric human remains requires a permit, and the State is obligated to consult with tribes prior to issuance of a permit. These provisions of state law provide the CCT with a substantial role in the treatment of our ancestors' remains.

As we understand it, NAGPRA was intended to provide tribes with a similar ability to protect our ancestors' remains on federal and tribal lands, but the practice has been entirely different. In particular, the "meaningful consultation with all interested parties" provisions of Principle 4 would obligate federal agencies involved in the Section 106 process to honor not only the applicable state laws, but also to address the wishes of groups that often have interests directly opposed to tribes.

We recognize that the ACHP may be under pressure from some groups to provide for greater opportunities to analyze prehistoric human remains. We wonder, though, why the desires for scientific analysis are given such precedence over the spiritual and emotional health of tribal communities. We cannot emphasize enough the visceral impact that the disturbance of burials has on our elders. Although our elders may not personally know each ancestor that was buried in

Colville Business Council, P.O. Box 150, Nespelem, Washington 99155
(509) 634-2212 fax (509) 634-4116 harvey.moses@colvilletribes.com

the past, they do know that they are relatives – grandmothers and grandfathers, uncles and aunts, cousins and siblings. Each time that our ancestors are disturbed, it comes with an emotional weight that is like the loss of a living relative. We might bear such a weight if it was for the good of humanity, but we have not seen that any of the recent scientific analyses of human remains in our traditional territories have produced information that is beneficial to humanity. Therefore it is clear that the desire for such invasive, destructive studies cannot outweigh the significant cultural interests of tribal governments and communities that have already been recognized by Congress.

Second, implementation of Principles 4, 5, and 6 would likely delay the reburial process, which runs directly in the face of CCT's culturally mandated practice of quick reburial. Our elders understand that burials are sometimes found inadvertently despite our best efforts to identify them before construction. At the same time, they also expect that we return them to the ground as quickly as possible. It is helpful to undertake a cursory analysis of remains to understand the sex and age of recovered individuals, as it helps us to tailor appropriate reburial ceremonies. Knowledgeable personnel can do these analyses in the field as quickly as remains are removed from the ground, allowing for a timely reburial.

These principles, though, would burden us (and the involved agencies) with a substantial and unnecessary consultation requirement. In contrast, the current system of state laws allows us to move forward quickly to rebury people from private or non-federal public lands. For example, we have worked successfully with the State of Washington on the recovery and prompt reburial of human remains from non-federal public lands. In the case of human remains that were found on Bureau of Reclamation (BOR) lands just to the south of the Colville Reservation in 2003, the BOR still has not returned the individual's remains to the CCT or any other involved tribe despite the willingness of the involved tribes to move forward jointly. We find these delays in reburying our ancestors greatly dismaying, and we fear that these Working Principles might result in similar delays that are contrary to the spirit of NAGPRA, if not the letter of the law.

With these thoughts in mind, we recommend that the ACHP refrain from revising its Policy if that guidance is going to interfere with on-going programs that have successfully dealt with prehistoric human remains. We ask that you allow us to work out the treatment of human remains on private and non-federal public lands with the individual states.

Should you have any questions about this letter, we ask that you contact Ms. Camille Pleasants, the Tribal Historic Preservation Officer (THPO), at (509) 634-2654. She is the point of contact at the CCT for issues related to treatment of our ancestors' remains.

Thank you.

Sincerely,



Harvey Moses, Jr.
Chair, Colville Business Council

cc: File (SH)
Chron.
Dr. Tom McCulloch, ACHP
Valerie Hauser, ACHP
Dr. Allyson Brooks, Washington SHPO
James Hamrick, Deputy Oregon SHPO
Ken Reid, Idaho SHPO
Deb Louie, Chair, Chair, Culture Committee, CCT
John Sirois, Cultural Preservation Administrator, CCT
Camille Pleasants, THPO, CCT
Bambi Kraus, NATHPO