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

RE: ACHP Policy Statement Regarding Treatment of Human Remains and Grave Goods

The Standing Rock Sioux Tribe recommends the following:

1. Section 106 guidelines need to be modified so as to fully integrate the principals developed in NAGPA.
2. There should be a policy statement that all human remains found in prehistoric archaeological contexts are presumed to be Native American unless there is compelling evidence to the contrary. The compelling evidence must be presented to, reviewed by, and approved by the Federal Agency prior to any scientific analysis.
3. The Standing Rock Sioux Tribe honors the remains of our ancestors and demands that they be given respectful treatment where ever they are found. For most of our people scientific analysis is offensive and violates these principals. "Scientific analysis" includes but is not limited to photography of remains, measurement of remains, and collection of samples from remains, and analysis of samples from human remains. There should be a policy statement that no scientific study will be conducted on human remains unless explicit consent is given by the Tribes consulted under NAGPRA.
4. Above and beyond NAGPRA, the treatment of Native American human remains is covered by the umbrella of the unique legal relationship that exists between the Federal Government and Indian tribes.
5. The scientific community needs to understand that Native American human remains are not neutral, natural phenomena available to all for research purposes. The research objectives may be interesting to the dominant society but Native American human remains are first and foremost the ancestors of contemporary Native American people. Many of these people sense/have an intimate spiritual connection with their ancestors.

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6. Scientific study of human remains cannot be justified by the argument that the "remains are removed from the ground at public expense." The need to remove remains is an unfortunate consequence of a federally funded/regulated project. The project justifies the respectful removal of the remains but does not justify their study.
7. When there is an inadvertent discovery of human remains in any project covered by Section 106:
  - Work must immediately stop.
  - Work cannot resume until there is a thorough investigation to determine whether any other human remains/burials are present. NAGPRA specifies a minimum 30 day time period.
  - The appropriate Tribes must be immediately notified of the discovery
  - The recovered remains must be kept in a repository approved by the appropriate Tribes
  - The discovered remains and all funerary objects are repatriated per NAGPRA
8. We agree with Principle 3 as stated in the September 1, 2005 Federal Register notice.
9. In the case of human remains in a Federally-funded project, Federal law should supercede State law. States do not have to accept Federal money, but when they do so they agree to abide by Federal conditions, including Federal laws.
10. We fully support the long-term protection of important archaeological properties, including burials. Burials should be eligible for listing on the National Register of Historic Places.

Before the ACHP finalizes the new policy statement regarding treatment of human remains and grave goods there must be extensive government-to-government consultation between the ACHP and the Tribes.

Sincerely,

STANDING ROCK SIOUX TRIBE



Byron Olson  
Tribal Archaeologist