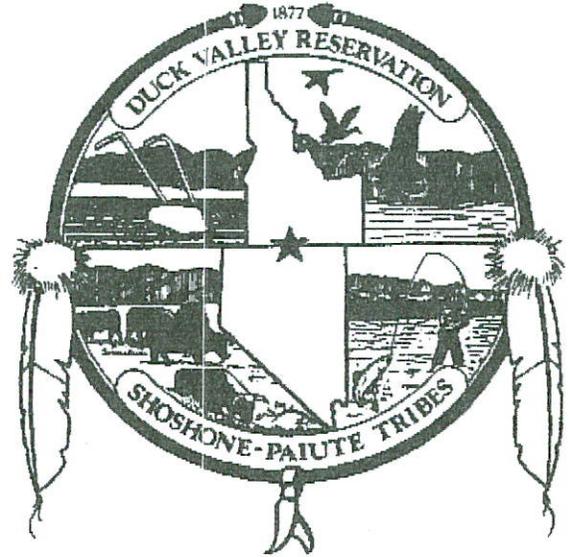


P.O. Box 219 Owyhee, Nevada 89832-0219 (775) 757-3161



Date: November 4, 2005

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

Re: Proposed Advisory Council Changes:
Notices Federal Register 52066 Vol. 70 No. 169
Policy Statement Regarding Treatment of Human Remains and Grave Goods

1. The proposed policy does not contain any reference to the 1st Amendment issues that are so often violated when tribes see their ancestors' skeletons and grave goods being studied by archaeologists and others. The very sacred nature of these matters for many tribal people must be addressed in any policy statement.
2. The proposed new policy appears to continue the practice of giving tribes a consultative role but denying a decision-making role when it comes to reburial/scientific study.
3. Whenever possible, the ACHP should be recognized as subordinate to tribal governments and not in a position to dictate them as if they were federally empowered to do so.
4. Any policy developed for the handling of burials, skeletal remains, and grave goods needs to allow more room for tribal diversity and especially for research into exactly how each tribe handles their deceased ancestors.
5. In some respects we see this policy may well leave each tribe in a position where they must fend for themselves as they deal with one agency after another. It must be understood, in any policy of this type, that agencies must be proactive and go directly to the tribes in their areas in which they have jurisdiction over aboriginal tribal lands and resources and strive to reach agreement in the details of reburial/scientific study, etc.
6. Many definitions are left unclear, including such matters as what constitutes "sacred," "burial," "grave goods," etc. Ethnographic research should be required as part of any development of agreements between tribes and agencies concerning burials, skeletal remains, and grave goods. There are major differences between

concerning burials, skeletal remains, and grave goods. For example, some think that the skeletal materials and grave goods are all that matter, when the burial site itself is sacred, even after the skeletal material and grave goods are removed by archaeologists and others. Overall, the general understanding of tribal beliefs and practices concerning burials, skeletal remains, and grave goods is abysmally inadequate.

7. "The Task Force recognizes the unique legal relationship that exists between the Federal Government and Federally- recognized Indian tribes."
The new policy must stress the importance of treating the tribes as separate sovereigns, and acknowledge that tribes are of a different culture/traditions. And that tribes do have a special standing with the US Government.

8. "Any new ACHP human remains policy statement would not be bound by geography, ethnicity, or nationality."
This statement itself is in violation of Federal laws. NAGPRA clearly specifies that Native American Human Remains and associated funerary objects will be handled differently than others.

9. "Address treatment of all human remains and funerary objects in the context of compliance with Section 106 of the National Historic Preservation Act."
The new policy must reflect the stipulations of NAGPRA.

In conclusion:

Thank you for giving the Shoshone-Paiute Tribes an opportunity to comment, we believe that much more needs to be discussed before this new policy is finalized/implemented. This is an opportunity for the tribes to speak and to possibly have an opportunity to improve the protective measures they seek for their ancestors.

Sincerely,



Ted Howard
Cultural Resources Director
Shoshone-Paiute Tribes of Idaho and Nevada
PO Box 219
Owyhee NV 89832

Cc. Great Basin Intertribal NAGPRA Coalition