



ARLEN P. QUETAWKI, SR.  
Governor

CARMELITA SANCHEZ  
Lt. Governor

CARLETON P. ALBERT, SR.  
Head Councilman

ARDEN KUCATE  
Councilman

## ZUNI TRIBE

P.O. Box 339  
1203-B State Highway 53  
Zuni, New Mexico 87327-0339  
<http://www.ashiwi.org>

505-782-7000 (☎)

505-782-7202 (☎)

CHARLOTTE T. BRADLEY  
Councilwoman

EDWARD W. WEMYTEWA  
Councilman

JOSEPH C. PEYNETSA  
Councilman

WILLIAM TSIKEWA, SR.  
Councilman

November 2, 2005

Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue, N.W., Suite 809  
Washington, DC 20004

RE: Consultation with the Advisory Council on Historic Preservation on the consideration of a new ACHP policy on the treatment of human remains.

Dear Dr. McCulloch:

Pursuant to your request dated September 9, 2005, the Zuni Heritage and Historic Preservation Office (ZHHPO) would like to provide comments regarding the proposed revisions to ACHP policy. The Pueblo of Zuni is very interested in participating in the consultation process to aid in providing tribal perspectives on these issues. We have enclosed Tribal Resolution M70-92-L164 as well as the policy statement of the Zuni Tribe regarding the protection and treatment of human remains and associated funerary objects.

The Pueblo of Zuni understands the problems associated with consultations on the discovery of remains subsequent to their excavation and removal. We advocate the initiation of early consultation with tribal organizations to ensure the proper treatment of remains is agreed upon prior to their disturbance. The Pueblo of Zuni supports the need for a generalized reburial policy concerning the disposition of remains that meets the overall needs of tribal organizations affected by NAGPRA. We also support the need for a greater effort to avoid disturbance and ensure preservation of burial sites.

On behalf of the Zuni Tribe and the Pueblo of Zuni, we thank you for providing an opportunity to comment on the proposed changes to ACHP policy. We look forward to providing further Government-to-Government consultation to the Advisory Council concerning this matter. Should you require additional information, please call 505-782-4814.

Sincerely,

A handwritten signature in blue ink, appearing to read "Monica L. Enke".

Monica L. Enke  
Cultural Resources Specialist, ZHHPO

A handwritten signature in blue ink, appearing to read "Arlen Quetawki, Sr." with "for" written below it.

for Arlen Quetawki, Sr.  
Governor, Pueblo of Zuni

**RESOLUTION M70-92-L164**  
**17 November 1992**

ZUNI TRIBAL COUNCIL  
ZUNI, NEW MEXICO

*November 17*, 1992

RESOLUTION NO. M70-92-L164

WHEREAS, the Zuni Tribal Council, consisting of the Governor, Lieutenant Governor, and Six Tenienties, is declared to be the legislative authority of the Pueblo of Zuni by Article V, Section 1, of the Constitution of the Zuni Tribe; and

WHEREAS, the Zuni Tribal Council has the authority in accordance with Article VI, Section 1, d, of the Constitution to represent the Tribe, and to act in all matters that concern the welfare of the Tribe; and

WHEREAS, the Zuni Tribal Council has, on many occasions and through a number of Tribal Resolutions, declared its intent to preserve and protect the cultural and historic resources of the Zuni Tribe; and

WHEREAS, the Zuni Tribe has, over a number of years, developed a policy for the protection and treatment of culturally affiliated human remains and associated funerary objects; and

WHEREAS, the Zuni Tribal Council is aware that the Zuni Cultural Resources Advisory Team, as constituted under Zuni Tribal Council Resolution M70-91-L164, has reviewed and concurred with the policy entitled Pueblo of Zuni, New Mexico, Policy Statement Regarding the Protection and Treatment of Human Remains and Associated Funerary Objects, November 1992; and

WHEREAS, the Zuni Tribal Council has determined that, in order to ensure effective protection of culturally affiliated human remains and associated funerary objects it is necessary to have official Tribal Policy regarding such matters;

NOW, THEREFORE, BE IT RESOLVED, that the Zuni Tribal Council officially approves the document entitled Pueblo of Zuni, New Mexico, Policy Statement Regarding the Protection and Treatment of Human Remains and Associated Funerary Objects, November 1992 as the policy of the Zuni Tribe, and directs the Zuni Archaeology Program to administer and distribute this document as appropriate.

ZUNI TRIBAL COUNCIL:

Pesancio Lasiloo  
Pesancio Lasiloo, Lt. Governor

Joseph Dishta  
Joseph Dishta, Hd. Councilman

Val R. Panteah (Excused)  
Val R. Panteah, Sr., Councilman

Edison R. Wato Sr.  
Edison R. Wato Sr., Councilman

Augustine A. Panteah  
Augustine A. Panteah, Councilman

Charlotte T. Bradley  
Charlotte T. Bradley, Councilwoman

Owen R. Bobelu  
Owen R. Bobelu, Councilman

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Zuni Tribal Council at a duly called meeting at Zuni New Mexico, at which a quorum was present and that the same was approved by a vote of 7 in favor and 0 opposed on November 17, 1991.

Robert E. Lewis  
Robert E. Lewis, Governor  
Pueblo of Zuni

APPROVED VETOED BY:

Robert E. Lewis 11-17-92  
Robert E. Lewis, Governor. Date

# PUEBLO OF ZUNI

P. O. BOX 309  
ZUNI, NEW MEXICO 87327

ROBERT E. LEWIS  
Governor  
PESANCIO LASILOO  
Lt. Governor  
JOSEPH DISHTA  
Hd. Councilman  
WAL R. PANTEAH, SR.  
Councilman

EDISON P. WATO, SR.  
Councilman  
AUGUSTINE A. PANTEAH  
Councilman  
CHARLOTTE T. BRADLEY  
Councilwoman  
OWEN R. BOBELU  
Councilman



505-782-4481

## PUEBLO OF ZUNI, NEW MEXICO

### POLICY STATEMENT REGARDING THE PROTECTION AND TREATMENT OF HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS

November 1992

In reply refer to:

#### 1. PREAMBLE

The Zuni Tribe declares that the following statement is in no way to be construed as condoning nor endorsing any specific project or undertaking.

Any proposed project or undertaking that will entail the disturbance of human remains and associated funerary objects is a disturbance the Zuni Tribe opposes. Traditional Zuni lifeways have no provisions for the premeditated disturbance of human remains and associated funerary objects (burials). Even being asked to consider such disturbance requires the Zuni Tribe to think about burials in ways that have no place in traditional beliefs.

#### 2. TRADITIONAL VIEW CONCERNING BURIALS

The traditional Zuni belief about life is that each person's life has four stages through which they must pass. The first stage is life as we know it here and now. Following this first stage are three others of which very little is known. It is essential for each person to pass through each of the four stages of their life cycle before it is complete. All burials to which the Zuni Tribe may have cultural affinity are at some point in their journey through the three latter stages of the life cycle.

To disturb burials while on their life cycle journey is not the traditional Zuni way. The ramifications of disturbing burials cannot be determined. How disturbance affects the life cycle journey, a journey that must be completed, is unknown, but it may well have detrimental ramifications which cannot as yet be foreseen.

### 3. GEOGRAPHIC AND TEMPORAL RANGE OF BURIALS CULTURALLY AFFILIATED WITH ZUNI

All burials within the the lands for which the Zuni Tribe has held aboriginal title from time immemorial and continuing through and including at least A.D. 1846 are potentially culturally affiliated with the Zuni Tribe. The Zuni Tribe claims cultural affiliation with all pre-Puebloan, prehistoric Puebloan and ancestral historic Puebloan burials within the area of Zuni aboriginal land title as determined by the United States Claims Court, whether in marked or unmarked locations. The only exceptions would be identifiable historic Athabascan, Hispanic, Anglo, or other burials not culturally affiliated with Zuni. The area of aboriginal title (see attached map) was exclusively used and occupied by the Zuni Tribe, for purposes such as habitation, life sustaining activities, and religious worship. (Opinion and Findings of Judge Judith Ann Yasello, United States Claims Court, May 27, 1987, Docket No. 161-79L, The Zuni Tribe of New Mexico v. the United States).

The Zuni Tribe also claims cultural affiliation with all pre-Puebloan, and Puebloan, and historic Zuni burials beyond the area of Zuni aboriginal title, within the entirety of the maximum geographic extent of the prehistoric Anasazi and Mogollon culture areas, and parts of the Hohokam culture area. Throughout the prehistoric period the Zuni Tribe was on its migrations from the place of emergence to find the middle place, present day Zuni, and prehistoric sites of these ancient cultures are regarded by the Tribe as ancestral Zuni.

### 4. PROCEDURES FOR PROTECTING BURIALS

Traditional Zuni belief is that the only appropriate procedure for protecting burials is to avoid disturbing them. The Zuni Tribe prefers that no ancestral culturally affiliated burials be disturbed.

### 5. EXCAVATION OF BURIALS

The Zuni Tribe understands that developments, projects and undertakings may not be able to avoid disturbance to all burials. Because avoidance of all burials may not always be possible it may be necessary for some burials to be disturbed.

The Zuni Tribe also understands that archaeological excavations of areas to be disturbed by some projects and undertakings may involve only a sample of the total number of archaeological sites located within the area of potential effect, and that even then only a portion of each site will be selected for archaeological excavation. This may leave many sites, and portions of sites, without archaeological investigation. Consequently many areas that potentially contain burials will remain unexcavated at the conclusion of archaeological sampling. To find burials that may not have been excavated during archaeological sampling, the Zuni Tribe wants to ensure that each and every site with the potential to contain burials (i.e., the areas and sites not sampled by archaeologists) be carefully and completely stripped so that these sites may be exposed in order for all burials to be identified and subjected to controlled archaeological excavation prior to disturbance.

The Zuni Tribe also recognizes that there is the potential for burials to be discovered in areas initially thought unlikely to contain burials. These discoveries must be accorded the same respect and dignity accorded all other

burials. Project activities in the area of the burial must cease immediately upon discovery of a burial to provide for controlled archaeological excavation.

If it is impossible for a burials to be avoided by project activities then each burial must be accorded as much respect and dignity as possible. Excavation of all such burials must be performed only by fully permitted professional archaeologists or physical anthropologists. In all instances burial excavations must be under conditions of a fully archaeologically controlled and approved provenience system. No preservatives or markings may be applied directly to the skeletal remains. The Tribe prefers that no pollen, flotation, or other soil samples be taken within a distance of less than one foot from the skeletal remains. Samples for pollen, flotation, or other purposes may, however, be taken from within any associated funerary objects.

## 6. DOCUMENTATION OF BURIALS

The Zuni Tribe is concerned with the identification and distinction of culturally affiliated burials from non-culturally affiliated burials (i.e., Athabascan, Hispanic, and Anglo burials, etc.), and the age and sex of each individual.

As stated above the Tribe believes that the most appropriate treatment for burials is to avoid them and not disturb them at all. If avoidance cannot be achieved then the Tribe will permit non-destructive analysis of the human remains and their associated funerary objects. Analysis must take place within the project area, which may include a field laboratory set up in the project area.

Detailed sketches, plan views, and profiles may be made of each in situ burial. Photographs of skeletal remains may only be made for required official scientific documentary purposes. Photography of the associated funerary objects for official scientific documentary purposes is acceptable.

For any burials covered under this policy no curation of any human remains will be permitted, nor will any associated funerary objects be permitted to be curated.

Under no circumstances at any time can any human remains and/or associated funerary objects be transported across or through any portion of the Zuni Indian Reservation (including trust lands around Zuni Salt Lake, New Mexico, and trust lands in Arizona).

## 7. DEFINITIONS

Burials are defined as being human remains and associated funerary objects.

Human remains are defined as the skeletal remains and other organic remains of a human being.

Associated funerary objects are defined as objects that, as part of the interment rite ceremony, are reasonably believed to have been placed with the human remains at the time of interment. These associated funerary objects include, but are not limited to, complete and broken and almost complete, ceramic vessels, projectile points, ground stone items, crystals, shaped or

unshaped minerals, animal bone artifacts, basketry, textiles, and mats, etc.

Non-destructive analysis is defined as that which keeps all human remains and associated funerary objects intact.

## 8. REBURIAL

The Zuni Tribe expects all culturally affiliated human remains and their associated funerary objects to be reburied. All reburied human remains and associated funerary objects must be reburied as close as possible to their original resting place but out of harm's way. Any reburial location must be protected in perpetuity.

It is preferred that the reburial area(s) are selected, identified, and secured prior to the initiation of archaeological excavation.

Human remains and associated funerary objects not culturally affiliated with Zuni must be separately reburied from any culturally affiliated burials.

Culturally affiliated burials must be reburied with the human remains being in the same position as when excavated and with the associated funerary object(s) in the same relative position(s) to the human remains as when excavated. The skull of each reburied individual must be oriented to the east. Reburial is to be conducted by fully permitted professional archaeologists.

Reburial must be at a minimum depth of six feet below modern ground surface. No vertical layering of reburials within the reburial area(s) will be permitted. Reburials shall not be in containers or wrappings of any kind.

The Zuni Tribe has no objection to reburial ceremonies that may be conducted by other tribes with demonstrable cultural affiliation to the burials.

The reburial area(s) must be accurately located by legal description. Each reburial must be accurately mapped within the reburial area(s) and minimally have the reburial's original site number, archaeological excavation provenience, and date of excavation, marked on the reburial area(s) map(s). An aluminum tag noting the original site number, archaeological excavation provenience, and date of excavation, shall be placed near, but not touching, the feet or legs of each reburial.

The reburial area(s) must be accurately mapped and located so that the reburial area(s) can be protected from any future disturbance. No location maps or descriptions may note the actual purpose of the protected area to further protect the reburials from future disturbance.

## 9. COSTS

The Zuni Tribe expects that all costs associated with the identification, excavation, documentation, and reburial of all human remains and associated funerary objects will be borne by the development, project, or undertaking sponsor.

