Comments on Human Remains Principles

Principle (Bullet)	Commenting Party	Comment
Eligibility	ACRA	Principle 3. Is it the implication of this principle that human remains are de facto eligible for the National Register? The question of the eligibility of human remains is likely to come up in a Section 106 context. In view of the current moves in Congress to limit the applicability of 1 06, this may be a matter that the Task force should consider
Eligibility	Alan C Tonetti	This principle [Principle 5] seems to indicate that all sites containing human remains and funerary objects are "historic properties." Please clarify.
Eligibility	Caddo	All Caddo graves and cemeteries are sacred sites and traditional cultural properties of the Caddo Nation.
Eligibility	Dave Snyder	The revised and updated policy will address treatment of human remains and associated funerary objects in the context of compliance with Section 106. Section 106 directs federal agencies to take into account the effects of undertakings on historic properties. Are you making the presumption that all contexts thought to contain human remains and / or associated funerary objects meet eligibility criteria for the National Register? If not, then how is the federal agency supposed to make an informed determination of eligibility without first gathering a good deal of verifiable information on the historic property? And how is the federal agency to gather this information and at the same time follow the principles calling for immediate reburial, restraint on analysis, and maximum efforts to avoid? And, if not all cemeteries are considered eligible and not all areas thought to contain human remains are considered eligible, then we face the conundrum that those cemeteries and areas thought to contain human remains that aren't considered eligible don't require preservation under statute law and regulations but do require preservation under this policy.
Eligibility	Ohio Arch Council	This Principle seems to indicate that all site containing human remains and funerary objects are "historic properties." Please clarify.
Eligibility	SAA	* Do human remains (including cemeteries) have to be found eligible to the National Register to warrant excavation? * Are there circumstances in which remains can be excavated by archaeologists in the absence of eligibility?
Eligibility	Standing Rock Sioux	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.
General Legal	Dave Snyder	What are the legal authorities establishing a duty to care for human remains and associated funerary objects when there is an applicant requiring a federal agency permit and the work and funding is private and the project will be located on private land?

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General Legal	NARF	There Is Little or No Need For An ACHP Policy. As a preliminary matter, it is clear that the 1988 policy, which was aimed primarily if not exclusively at Native American dead, is outmoded by the passage of federal and state legislation and should be rescinded. In particular, the portion of the policy that places the interests in scientific research over the rights of next-of-kin flies in the face of the Native American Graves Protection and Repatriation Act of 1990,25 U.S.C. 3001 et seq. (NAGPRA) and statutes in all fifty States. However, we respectfully question the need to promulgate an ACHP policy for Native American dead. Existing Federal and State laws that specifically pertain to, or otherwise protect, Native American dead are comprehensive in most jurisdictions. Consequently, situations needing ACHP policy guidance may be rare because Federal and State laws already prescribe certain outcomes. For example, all federal agencies and museums, except the Smithsonian Institution, are now subject to the policies, procedures and requirements of the Native American Graves Protection of 1990, 25 U.S.C. 3001 et seq. (NAGPRA). The Smithsonian Institution is subject to the repatriation provisions of the National Museum of the American Indian Act of 1989, 20 U.S.C. §§ 80q et seq. These federal laws set minimum human rights standards governing the classification, treatment and disposition of Native American dead who are in the possession of federal agencies and museums and those Native American dead who will be found on federal or tribal land in the future. No ACHP policy can, or should, supplant or water down those minimum standards and requirements, nor create inconsistent federal standards regarding Native American dead. Additional Working Principles Are Needed To Address Native American Concerns. In those narrow situations where no law governs the classification, treatment and disposition of Native American graves and burials, three additional Working Principles should guide the development of any ACHP policy to assist federal agencies in the classification, treatment and disposition of Native American dead. 2. All Native American dead are entitled to a decent burial. The mainstream social principle that every person is entitled to a decent burial is taken for granted by most Americans. That belief is shared by Native Americans as well. Their sensibilities are expressed in the attached Resolution No.ABQ-03-068 (Nov. 21, 2003) of the National Congress of American Indians (NCAI) which is composed of over 250 tribal governments. According to the Resolution, disposition of Native American human remains, including culturally unidentifiable Native American dead, "must be made by the appropriate Tribes and Native Hawaiian organizations in concert with the group's customary traditional practices, wishes and beliefs" and those dead should be "speedily repatriated to Native peoples in accordance with procedures to be determined by contemporary Native American groups" for disposition without further scientific study and at government expense. The NCAI statement should be incorporated into the ACHP policy and Working Principles, because the time is now long-overdue for our Nation to take into account the needs and values of its indigenous peoples in developing American law and social policy, especially when their fundamental rights and sensibilities are affected. Furthermore, the principle that all persons are entitled to a decent burial is embedded in the laws and policies of all 50 States and the District of Columbia that guarantee a decent burial for every person, including paupers, strangers, prisoners, unclaimed dead, and persons who die without any next-of-kin. The fundamental social values which underlie those laws should be applied to Native American dead as a simple matter of equal protection of the laws and inform, if not control, ACHP policy on this sensitive subject. Thus, where no other law is directly applicable, ACHP should look to the general statutes that guarantee a burial to inform ACHP's proposed policy with respect to Native American dead and respect the mainstream values and sensitivities of America's Native peoples. Those laws, which are summarized below, provide the appropriate policy backdrop because they firmly establish that a proper burial for the dead is a deeply engrained social norm that is widely held in mainstream American society. Federal policy should reflect widespread social norms, including Native American norms, in this sensitive area and not serve to exclude Native Americans from widely held values and protections enjoyed by Americans of other races. Otherwise, the policy would be seen as racially discriminatory and not in keeping with trust responsibility owed to Native Americans by the Federal Government. Section 106 of the National Historic Preservation Act was not intended to, nor can be relied upon to, deny Native American communities the same legal and social protections afforded to other Americans in matters respecting the dead. For the above reasons, when no other federal or state law controls the disposition of disinterred Native American

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		dead, ACHP policy should guarantee a decent burial for Native American dead. The principle that every person is entitled to a decent burial originated in American common law. See, Percival E. Jackson, The Law of Cadavers and of Burial and Burial Places (New York: Prentice-Hall, 1950) at 30-40. Statutes in every state codify that principle. ACHP policy can be derived from the following state laws that guarantee a decent burial for all persons [state laws listed and described in original] The above laws illustrate that the principle that all persons are entitled to a decent burial is widely held and provide ample support for an ACHP policy that effectuates that social norm for Native American dead. We request that this principle be included as a Working Principle for revising ACHP policy. Since this principle embodies widespread norms deeply held by the public at large and by the Native American community, it would be intolerable for ACHP to sanction any policy that eschews this principle and fails to accord a decent burial for Native American dead.
	Bambi	3. The ACHP Will Consult With Indian Tribes and Native American Leaders In Developing Any Policy That Affects the Classification, Treatment and Disposition of Native American Dead. This principle should be added to the Working Principles for several reasons. First, we strongly object to any policy affecting the classification, treatment and disposition of Native American dead that is written exclusively by and for non-Indian archaeologists. Plainly, archaeologists may have a conflict of interest if their goal is to retain and study Native American dead and prevent reinterment for professional and personal financial gain. This conflict of interest precludes them from embracing the social norms expressed by the above laws, which are in effect in all jurisdictions, and from respecting mainstream Native American norms and values that are opposed to their own professional and personal financial goals. Second, the Federal Government, including the ACHP, has a trust responsibility to Indian tribes and Native Americans to act in good faith as a fiduciary in their best interests. The federal trust obligation is implemented at minimum through meaningful consultation in any significant matter that affects Native American interests. Consequently, we request that ACHP work directly in consultation with Native American representatives in developing any policy respecting Native American dead. We must insist in our own voice to speak for ourselves through our leaders, and not be represented by archaeologists on the Archaeology Task Force in this important matter.
General Legal	NPS	The original ACHP policy statement was written in 1988, at the same time that Congress was considering legislation regarding the disposition of Native American human remains and funerary objects. The Native American Graves Protection and Repatriation Act (NAGPRA) was subsequently enacted in 1990 with responsibility for implementation delegated to the Secretary of the Interior. NAGPRA includes separate provisions for. 1) the disposition of Native American human remains and funerary objects excavated or removed from Federal or tribal lands after the enactment of the Act; and 2) the repatriation of Native American human remains and associated funerary objects in the possession or control of Federal agencies and institutions that receive Federal funds. It is important that these provisions are considered in considering any revision of the ACHP policy statement.
General Legal	Shoshone-Paiute of ID & NV	"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.
General Negative	Bureau of Reclamation-Keys	Reclamation believes that an ACHP policy statement on the treatment of human remains is no longer necessary because of regulations that have been promulgated since 1988. We note that many references in the proposed Working Principles restate existing clauses from either the ACHP's regulation 36 CFR Part 800, or the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulation 43 CFR Part 10. We believe existing regulatory language is adequate to allow Federal agencies to address appropriately the treatment of human remains and associated items. Furthermore, we believe it is confusing for the ACHP to issue a policy that does not address all situations where Federal agencies must consider the treatment of human remains and funerary objects. In Reclamation's opinion, however, such a policy statement would be beyond the scope of the ACHP's authority.

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General Negative	Caddo	However, the Task Force composed of ACHP members that drafted this set of working principles were formed based on archeology, which we find completely biased. The ACHP Task Forced is biased because its an archeology task forced and should have been comprised of SHPO's, THPO's, federal agencies, and representatives of tribal governments so that there would be a balance in dealing with the revisions in this policy.
General Negative	Colville Reservation	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 (BO R) 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.
General Negative	Colville Reservation	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
General Negative	Dave Snyder	I am skeptical that a policy on the treatment of human remains can cause agencies to comply with existing regulations. I find it hard to believe that this one policy can work in concert with other Federal, State, tribal, and local laws. This seems beyond the concept of policy and makes it very difficult to formulate constructive comments.
General Negative	Forest Service-Schneider	What need is this new policy addressing? Has there been rampant digging of graves, stock-piling of human remains and/or funerary objects, since 1988 by federal agencies? It states that the policy covers "undertakings" outside of the Section 106 process. What role outside of NHPA does the federal agency have? If NHPA does not apply, it's not an "undertaking" (federally funded or on federal or Tribal lands). What does this "policy" win anybody? People go to court for breaking laws, not policies. Agencies typically do not accomplish work associated with unfunded mandates. They certainly won't crank out plans and policies or do any other type work with unfunded "policies" not based in federal law. On the flip side of that same argument, no one needs to hit the panic button if they don't particularly like the new policy because there are no repercussions for not complying with it. It has no teeth. The implication, on the whole, is that federal agencies haven't been sensitive enough and have room for improvement thanks to the "collective thinking" of the ACHP. Appears ACHP is seeking to diminish the value of research vs reburial and strengthen early planning and consultation which isn't emphasized as much in the 1988 version.
General Negative	Seneca Nation	While the revisit/expansion of the 1988 principals is an admirable effort, the principals in of themselves, at best, remain as mere extensions of the original (1988) general themes. One of the fundamental issues which probably provided the foremost impetus to the revisit appears to have been a recognized need to bridge the obvious gap between the 1988 principals and their actual application by the various federal agencies.
General Negative	Umatilla	On the issue of the "Policy Statement Regarding Treatment of Human Remains and Grave Goods," we recommend that it be rescinded. Due to the fact that NAGPRA is now law, the policy statement has lost its significance.
General Negative	Washington SHPO	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.

– Bambi

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General Negative	White Mountain Apache	I believe the proposed changes to the ACHP policy regarding the "Treatment of Human Remains and Grave Goods" is another effort to avoid dealing with NAGPRA issues, something that was finalized in 1990 by the passage of NAGPRA. .
General Positive	Robert Kelly	It is clear that the ACHP task force is giving careful and thoughtful consideration to this difficult problem.
General Positive	ACRA	Overall, the Working Principles as outlined in the Federal Register make an effective basis for the policy revision, and we believe that the future development of these principals will clarify the repatriation and consultation process to be conducted under Section 106
General Positive	Ak-Chin Indian Community	The Ak-Chin Indian Community agrees that the current policy must be revised to ensure the dignified and respectful treatment of human remains and funerary objects. The Ak-Chin Indian Community understands that it is the ACHP's intention to create a new policy to replace the existing "Policy Statement Regarding Treatment of Human Remains and Grave Goods."
General Positive	Bois Forte Band	In addition, the Band supports an updated policy which is consistent, and works in concert with, tribal laws.
General Positive	Caddo	However, we do agree that revisions should be made to the policy in absence of federal and state laws which could guide decision-making under Section 106 as to the treatment of human remains and funerary objects determined to be culturally affiliated to living descendants where no federal or state law protects their civil rights as next of kin.
General Positive	Catrina Whitley	I agree with each of the principles, but would like the new policy to ensure it does not discriminate on how it treats each burial, whether based on the age of the graves or race of the individuals in the graves, and that the deceased relatives are consulted prior to excavation or relocation.
General Positive	Coeur d'Alene Tribe	Specifically, the Tribe would generally support inclusion of the six principles in any discussion of how human remains and funerary objects are treated in the Section 106 review process.
General Positive	Craig Kip Van Blarcom	I strongly support the ACT in revising the 1988 policy on Human Remains and Grave Goods.
General Positive	Dave Snyder	The circulation of working principles early in the development stage offers an opportunity for constructive criticism. There are many positive points in the draft document and I wholeheartedly endorse and support some of what I see developing in these draft principles. It is my observation that these sorts of policy statements provide a foundation offering critically important legitimacy to case-by-case efforts at all levels to successfully bring about positive preservation efforts.
General Positive	Dave Snyder	Let me emphasize that I support the idea of leaving human remains alone. I believe that this is a laudable goal and that efforts made in working towards this goal are efforts that are needed, helpful, and well spent. Although I believe that much progress has been made, it is my personal observation that there is still much work to be done to improve our efforts to respectfully treat human remains and associated funerary objects. I wholeheartedly support the many ongoing efforts and initiatives by many folks to improve our treatment of human remains, and, to the extent that a revised policy statement from the ACHP can assist in energizing these ongoing efforts I fully support this initiative by the ACHP to revise this policy.
General Positive	Florida SHPO	In general these principles closely reflect the application of the State of Florida's statute that protects unmarked human burials. A few important notes are included here.
General Positive	Forest Service-Kaczor	We have had a select review of the proposed ACHP Burial Policy revision and commend the Council for proposed revisions that will provide for greater sensitivity to indigenous cultural groups. Our own Heritage workforce is already working in this venue and supports many of the approaches outlined in the proposed policy parameters.

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General Positive	Gila River	The Gila River Indian 'Community (GRIC) agrees that the current policy must be revised to ensure the dignified and respectful treatment of human remains and funerary objects. It is the understanding of the GRIC that the comments would be related to the principles in order to produce an entirely new policy to replace_ the current ""Policy Statement Regarding Treatment of Human Remains, and Grave Goods."
General Positive	GSA	GSA supports the new guidance, which could help to avert difficulties like those GSA faced with the African Burial Ground discovery. The Working Principals are sensible and provide a sound procedural framework for developing an appropriate sequence of actions to deal with human remains appropriately. We look forward to working with the Council as we move forward, along with other agencies, to establish procedures for these sensitive discoveries.
General Positive	Karl Schettler	I think this guideline for making a policy statement covers all areas. I would hope that a draft of the new policy statement be made available to the public with a chance to respond. The public needs policy statements that are not subjective but very specific in all areas. A specific policy statement (draft) will get more feed back and thus a final version will be more meaningful.
General Positive	Lac du Flambeau	Although ACHP's intent to reconsider its policy is supported, it is concerning that the purpose of the reconsideration is to balance interest between scientific analysis and repatriation and reburial.
General Positive	Laguna Band	While we generally agree with the direction of the working principles, as presently stated, Ms. Lucas wanted to go on record that the following three points should be incorporated into and emphasized in the revised principles [her points are included under principles 3, 4 & 6]
General Positive	NARF	Many of the Working Principles are very positive.
General Positive	NRCS-Maine	Maine NRCS believes that the Advisory Council has an opportunity with this Principle [Priniciple 4] to provide welcome guidance for federal agencies to follow when dealing with undertakings that affect abandoned and forgotten (and often unmarked) human remains and funerary objects.
General Positive	PA DOT	We agree that the policy is dated and in need of revision.
General Positive	RPA	The six principles presented by the Advisory Council on Historic Preservation (ACHP) regarding the treatment of human remains and grave goods are consistent with the Register's code of conduct and standards of research performance (The Register's code of conduct and standards of research performance are attached to this letter).
General Positive	SAA	In my testimony for SAA at the May meeting of the Advisory Council, I stated that SAA strongly supports the importance of the task force's efforts and of the task force itself. Writing this letter provides an, opportune moment to reiterate that support.
General Positive	Salt River Pima-Maricopa	The Salt River Pima-Maricopa Indian Community (SRP-MIC) agrees that the current policy must be revised to ensure the dignified and respectful treatment of human remains and funerary objects. It is the understanding of the (SRP-MIC) that the comments would be related to the principles in order to produce an entirely new policy to replace the current "Policy Statement Regarding Treatment of Human Remains and Grave Goods."
General Positive	San Ildefonso Tewa	We are supportive of revising the current policy and support the preliminary set of principles which will guide the development of a new policy.
General Positive	Scotts Valley Band	The Tribal Chairman and Council Members agree that your organization is extremely important to all Native American's and their efforts to preserve their historical resources.
General Positive	Seneca Nation	Despite that unquestionable fact however, SNI THPO feels this jumble of thoughts and points is a good practical start.

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General Positive	Seneca Nation	There is a history of serious abuse behind this subject matter. A history that has been dominated by accredited science (at the time) such as phrenology, eugenics, physical & social Darwinism, anthropology and archeology with the associated practices thereof including looting, body snatching, negative stereotyping, assimilation, categorization, labeling, and a persistent drive to prove the ultimate superiority of all things Western (placing things perceived Indigenous as secondary or inferior concerns). It seems surprising that as time and experience has altered (even "enlightened") some scholarly perceptions; there is still persistence in academic fields to gain or maintain "professional" credentials by demeaning and belittling viewpoints of the very people being studied (whether they are deceased or in living communities). Perhaps some Indigenous professionals should propose to study the "remains" of past scholarly professionals in order to obtain concrete evidence about an individual's obnoxious tendency to disregard the enormous conglomeration of Indigenous peoples' worldviews. Certainly, the descendants of these professionals would have no viable objections, or could make contradictory claims that their interests should outweigh the important search for Indigenous truth(s). So while comments on the principals follow below, the comments provided may lack agreement with the explicit reasoning behind this change. Who knows, maybe the current policy is something that most people would agree needs to be rectified. Concomitantly, it would be far too obvious if standards were set concerning non-Indigenous "pioneer" sites that conflict with Indigenous sites. Even as this response is being written, SNI THPO knows of no instance where a "pioneers" remains are placed on display or locked in a vault for future study---if there is one such a case, then this represents an exception that proves the rule. Regardless of the rationale, the proposed principals are a step in the right direction. The overarching working principals, while predominately driven by Federal law when concerning Indigenous peoples, are obtainable & basic.
General Positive	So CA Metro Water District	It is Metropolitan's belief that the current principles are adequate and that they achieve a reasonable balance among the needs of science, society, and the individual communities who may be related to or affiliated with the subject human remains and artifacts.
General Positive	Thomas King	In a nutshell, I think we'd have a wiser legal standard if Congress had adopted it [1988 ACHP policy] in lieu of NAGPRA. But it didn't, so the policy statement is obviously way overdue for revision. All I have to suggest is that you try to retain the philosophy of respectful balance that the original statement was based upon, at least for human remains that are NOT of Native American origin and therefore are not subject to NAGPRA.
General Positive	TVA	TVA agrees with the "Working Principles" that ACHP has established for revision.
General Positive	Washington SHPO	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.
General Positive	West Virginia SHPO	In general, we find the working principles to be satisfactory and are pleased that they will attempt to address such issues as the intersection between Section 106 and other state and federal laws and will provide guidance for Federal agencies in their decision making processes.

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Issues of Balance	ACRA	As we emphasized in our July 15th letter, no area of the Council's responsibilities is more complex than the issue of human remains and associated grave goods. The subject arouses strong emotions and has the potential to create polarized positions of the type that are only too familiar today in our wider culture. The chief dichotomy is normally seen as that between a secularist "scientific" worldview, and a religious or "spiritual" one. The former view, at its most extreme, sees human remains as essentially another type of archaeological resource to be studied in whatever way seems appropriate in order to extract from them information about the human past. The latter view, at its most extreme, sees human remains as inviolable entities falling completely outside other categories of material from the past, and therefore not to be subjected to any form of human disturbance or invasive investigation. As with all extreme positions, we believe that these ones are held by only a small number of those with an interest in this matter. There is a large and, we believe, a growing middle ground on which discussion and agreement is possible.
Issues of Balance	Ak-Chin Indian Community	Principle 5- Prior to reburial, scientific studies performed for justified research topics must be non-destructive and must be approved by the culturally affiliated tribe(s). If the scientific study is offensive to the descendants of the individual, reburial should occur without prior study. Scientific studies shall only occur according to an agreement developed in thorough consultation with the culturally affiliated tribe(s).
Issues of Balance	Colville Reservation	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 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.
Issues of Balance	CR Wking Group-Narcia	Principle 5- Prior to reburial, scientific studies performed for justified research topics must be non-destructive and must be approved by the culturally affiliated tribe. If the scientific study is offensive to the descendants of the dead, reburial should occur without prior study. Scientific studies and reburial should occur according to a definite, agreed-upon schedule.
Issues of Balance	Dave Snyder	My greatest concern with the draft policy is in its insidious reduction of archaeological science to just another value system. Science isn't just another alternative way of looking at the world. Science isn't a case of going along with popular sentiments, and I would argue that an important policy statement concerning sensitive issues such as disposition of human remains and associated funerary objects shouldn't pander to popular sentiments and political correctness. This doesn't get good policy and it certainly doesn't support good science. There are good and important reasons for conducting scientifically oriented archaeological research. These reasons are important regardless of values that we may hold. There are times when archaeologists must be allowed to conduct scientific research. There needs to be principles within the policy that allow the Federal agency official to make this decision based on a solid foundation regardless of the popularity of the decision. I realize that not everyone agrees with my statement that science isn't just another value system, but, as presented, the draft policy excludes and trivializes scientific research as a fundamental basis for archaeology.
Issues of Balance	Forest Service-Kaczor	It has been noted that the discussion of scientific values in dealing with human remains has been greatly lessened from the 1988 ACHP Policy. We would encourage the Council to consider basically that all human remains have research value regardless of ethnic affinity, but EMPHASIZE that we need to be highly selective in how this translates to working with indigenous cultural groups. It should be an important basic step to fully assess and weigh any proposed research with the cultural significance and spiritual values attached to the discovery of human remains, and allow for legally appropriate options and treatment formulated WITH current, affiliated, living communities.

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Issues of Balance	Forest Service-Schneider	Much of the internal dialogue seems to center on scientific study and perpetual curation of human remains. The 1988 policy appeared more specific, and to some a bit skewed, partially because scientific values could be perceived as outweighing tribal concerns and curation in perpetuity was a viable option. The time of permanent curation has changed. Scientific study as a whole, beyond that needed to comply with state laws to determine whether remains are subject to criminal investigation, is a holdover facet of the past; wherein the scientific community often spent less effort in dialogue with the living descendants of the people they studied than was healthy. The policy needs the flexibility to consider the wisdom of thoroughly justified, case-by-case, consideration of "extraordinary" circumstances warranting scientific study, and that local decision makers retain the authority to make those decisions after meaningful, soul-searching, consultations with their Tribal partners - and the scientific community.
Issues of Balance	Forest Service-Schneider	The two sections in the old policy that are left entirely OUT of the new policy are" - Prior to reburial, scientific studies should be performed as necessary to address justified research topics." And "Conversely, where the scientific research value of human remains or grave goods outweighs any objections that descendents may have to their study, they should not be reburied, but should be retained in perpetuity for study." Those are the sections that guaranteed support from the scientific community in the 1980s.
Issues of Balance	Frank McManamon	Only in the section "Background Information: Nature of the current debate" is the potential importance of scientific, historical, and cultural information that can be obtained from careful excavation, recording, and analysis of human graves and their contents mentioned. Even then, the statement is offered only as an example of what "some believe."
Issues of Balance	Ft McDowell Yavapai	With respect to human remains and funerary objects uncovered, they should be immediately and respectfully repatriated for burial without study.
Issues of Balance	Gila River	Principle 5- Prior to reburial, scientific studies performed for justified research topics must be non-destructive and must be approved by the culturally affiliated tribes. If the scientific study is offensive to the descendants of the dead, reburial should occur without prior study. Scientific studies and reburial should occur according to a definite, agreed-upon schedule.
Issues of Balance	Greenville Rancheria	When it does occur that disturbance of human remains is absolutely unavoidable, we believe that those human remains and their associated funerary objects, due to their cultural significance and spiritual value to living communities, should be immediately and respectfully reburied or repatriated for reburial without study.

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Issues of Balance	Greenville Rancheria	With that in mind, we believe that your Summary of Working Principles is a step towards a more appropriate policy than that adopted by the Council in 1988, which (paraphrased) calls for "scientific studies" on human remains before repatriation, even if the lineal descendents did not agree, if the "scientific research value outweighed the concerns of the descendents". The working principles you set forth should work to correct such an indignity: 1. That human remains be treated with respect and dignity; 2. That there should be a clarification regarding any conflicts between Section 106 (National Historic Preservation Act) and other laws (NAGPRA, State statutes, etc.) 3. That the preferred alternative is avoidance of any human remains, and allowing them to stay where they were buried; 4. That federal agencies are responsible for consulting with all interested parties (including tribes) in order to comply with Section 106; 5. That federal agency officials should have standard guidelines in making decisions under Section 106; 6. That federal agencies should develop procedures for the preservation and treatment of human remains discovered inadvertently, or when there is a possibility of such a discovery in the course of a project.
Issues of Balance	Greenville Rancheria	We strongly disagree with those who believe that the cultural significance and spiritual value to living communities of exhumed human remains is outweighed by the scientific value of the information these remains and funerary objects can provide about the past when studied by archaeologists and other specialists. This last alternative is, in our view, not appropriate, even when the human remains and funerary objects are removed from the ground at public expense. Human remains, of any ethnicity, should not be subject to scientific analysis, especially over the objection of lineal descendants.
Issues of Balance	Iowa Tribe of KS & NE	As to the contention about remains "which are removed from the ground at public expense" they are nearly always disturbed for a public project which is at public expense. That should have no bearing as to the treatment of remains. These are our ancestors, they should not be disturbed unless necessary and they should not be molested before re-interment.
Issues of Balance	Iowa Tribe of KS & NE	It is the position of the Iowa Tribe of Kansas and Nebraska that all American Indian human remains and funerary objects be re-interred as soon as possible after disinterment, in place if possible or near if that is not possible. There should be minimal study and no destructive analysis of either remains or funerary objects. The appropriate Tribes should be consulted as soon as remains are discovered and be part of the reburial process.
Issues of Balance	Lac du Flambeau	ACHP's policy gives scientific opinion equal standing to that of ownership and rights of the dead and this is not the intent of NHPA and is inconsistent with NAGPRA.
Issues of Balance	Lac du Flambeau	The justification for the debate implies that since "public" money is used to unearth human remains, somehow that provides the interested public with a right to desecrate and destroy ancestral remains.
Issues of Balance	Lower Brule Sioux	We feel that the Working Principles, as drafted, are an attempt to restage the public debate concerning scientific study of Native dead that was resolved by the passage of NAGPRA. Although NAGPRA provides for study of Native dead if the culturally affiliated Tribe(s) gives their permission for the study, the vast majority of Native Nations do not want the remains of their ancestors excavated, collected, curated or studied. Language proposed in the Working Principles that suggests creating a balance of interests in Native human remains refutes both language in federal law and the repeated and consistent positions of the vast majority of Native peoples in America

Principle (Bullet)	*Commenting Party*	*Comment*
Issues of Balance	Lower Brule Sioux	If the language in the Working Principles is adopted as policy, Native Nations would have to fend off, again and again, attempts to subject their dead to expensive and destructive studies - and this struggle would become very intense if a particularly ancient burial is inadvertently discovered during a project. Beleaguered tribal governments would be forced to use scant resources to defend in court a self-evident, human right that everyone else in our country takes for granted: the right to rest in peace. Given that the Kennewick Man litigation dragged out for years and cost millions of dollars, this is not something your Agency should be encouraging, but I am afraid that is what the Working Principles would do if they were drafted into a policy.
Issues of Balance	Mandan, Hidatsa, Arikara	We feel that the Working Principles, as drafted, are an attempt to restage the public debate concerning scientific study Native dead that was resolved by the passage of NAGPRA. Although NAGPRA provides for study of Native dead if the culturally affiliated Tribe(s) gives their permission for the study, the vast majority of Native Nations do not want the remains of their ancestors excavated, collected, curated or studied. Language proposed in the Working Principles that suggests creating a balance of interests in Native human remains refutes both language in federal law and the repeated and consistent positions of the vast majority of Native peoples in America. If the language in the Working Principles is adopted as policy, Native Nations would have to fend off, again and again, attempts to subject their dead to expensive and destructive studies - and this struggle would become very intense if a particularly ancient burial is inadvertently discovered during a project. Many tribal governments with limited financial resources would be forced to defend in court a self-evident, human right that everyone else in our country takes for granted: the right to rest in peace. Given that the Kennewick Man litigation dragged out for years and cost millions of dollars, this is not something your Agency should be encouraging, but I am afraid that is what the Working Principles would do if they were drafted into a policy.
Issues of Balance	NARF	Additional Working Principles Are Needed To Address Native American Concerns. In those narrow situations where no law governs the classification, treatment and disposition of Native American graves and burials, three additional Working Principles should guide the development of any ACHP policy to assist federal agencies in the classification, treatment and disposition of Native American dead. 1. Any Policy Concerning the Classification, Treatment and Disposition of Native American Dead Should be governed by Native American human rights; and those Human Rights take Precedence over Interests in Scientific Research. This principle was adopted in the Report of the Panel for a National Dialogue on Museum/Native American Relations (Feb. 28, 1990) (Principles 2-3); and the Panel Report provided the framework for the NAGPRA legislation. See, Trope and Echo-Hawk, "The Native American Graves Protection and Repatriation Act: Background and Legislative History," 24 Ariz. St. L. J. No.1 (Spring 1992) at 57-58, 487-500. The need to recognize and protect Native American human rights with respect to the classification, treatment and disposition of Native American dead is of the utmost importance given the history of mistreatment of Native American dead in the United States. There is no question that scientific research done at the expense of human rights is inherently immoral. See, e.g., Robert J. Lifton, The Nazi Doctors: Medical Killing and the Psychology of Genocide (New York: Basic Books, Inc., 1986). That mainstream society cannot abide such conduct is well illustrated by laws in nearly every state that carefully regulate the medical or scientific use of dead bodies and permit such research only under carefully prescribed conditions involving informed consent by the deceased or next-of-kin, such as those conditions, for example, that are prescribed in the Uniform Anatomical Gift Act (UAGA). All too often in American history the human rights of Native Americans were subservient to non-Indian scientific interests, giving rise to serious Equal Protection problems of disparate racial treatment that have been particularly acute in matters respecting the treatment of the dead. See, Trope and Echo-Hawk, supra, 24 Ariz. St. L. J. at 38-43 (and citations therein).
Issues of Balance	NARF	Second, we are concerned about any "balancing" of interests in this sensitive area when Native American dead are concerned unless Native Americans are involved on a decision-making level during the "balancing." In the past, such "balancing" was done exclusively by non-Indian archaeologists and authorities. This resulted in the violation of Native American human rights in every tribal and Native American community in the United States and led to the passage of remedial laws such as NAGPRA and the new state laws to rectify abuses.

Principle (Bullet)	*Commenting Party*	*Comment*
Issues of Balance	NARF	We recommend that Principle 1 include reference to the human and statutory rights of next of kin, kinship communities, Indian tribes and Native Americans which enjoy precedence over interests in scientific study, as mentioned above in this letter.
Issues of Balance	NATHPO	NATHPO remains deeply concerned and objects to any effort to "balance" the rights of Native Americans, with interests of the scientific community, and that this issue was settled in 1990 with the passage of the Native American Graves Protection and Repatriation Act.
Issues of Balance	Pawnee Nation of OK	We also strongly feel, that if Human Remains are retained for study; they should never be held in perpetuity. A time limit for professional study should be part into all the laws.
Issues of Balance	Pueblo de Cochiti	As stated in the register background information, two broad camps with respective views exist. The Pueblo de Cochiti view is that human remains and their associated funerary objects, due to their cultural significance, and spiritual value to living communities, should be immediately and respectfully reburied or repatriated for reburial without study.
Issues of Balance	RPA	The Register's primary concern with the ACHP policy on the treatment of human remains and grave goods is the effect the policy might have on professional archaeologists. We strongly urge the ACHP not to create a policy which in order to meet, requires archaeologists to violate the Register's code of ethics and standards of research performance. Currently, some state burial laws are implemented in ways that provide Native Americans the ability to dictate archaeological practice. There have been cases in which archaeologists have been asked to remove human remains without recording field information or documenting finds in reports. In some instances, Native Americans have requested archaeologists excavate burials according to professional standards, but then have requested that notes, drawings, and analysis forms be re-interred with the remains, and that the findings not be reported. To comply with either practice is a violation of the Register's standards, which require archaeologists to fully and accurately record all cultural features in the field and to disseminate those results to their peers and the public.
Issues of Balance	SAA	Neither this Principle [Principle 3], nor any of the Principles for that matter, affirms the value of the scientific study of human remains or the public interest in such studies and their significant contribution to the national heritage. This is discussed as part of the Background Information under the heading "Nature of the Debate" as a point of view. This value should be affirmed and explained as part of these Principles, particularly since one of the primary purposes of the NHPA is to preserve information when there is an unavoidable loss of physical sites and structures. Such studies contribute not only to our knowledge of the biological history of the United States but also can contribute to medicine, historical demography, etc. SAA strongly supports the language and balance in this matter explicit in the 1988 burial policy. It is important to stress here that the scientific study of human remains is not inherently disrespectful of either the dead or of the living, nor is it a rejection of the spiritual, religious, cultural, or emotional values and the importance that remains have for the living cultural and biological descendants of the dead and for the broader community that takes an interest in them. The language of some of the bullet points under this Principle could be construed in ways that could be used to prohibit investigator-initiated research excavations on Federal land or that use Federal funds (e.g., NSF grants). While it is clear these are "undertakings" within the scope of 106, scientific excavations are legitimate and important uses of the archaeological record. The pursuit of knowledge about the past is socially a strongly valued activity. However, pragmatically, the success of the 106 process itself depends heavily on the knowledge gained by research projects, often accomplished over many years. As in any undertaking, prior consultation and planning for the potential of human remains is both ethically and legally required. This is often part of the permit process.
Issues of Balance	Salt River Pima-Maricopa	Prior to reburial, scientific studies performed for justified research topics must be non-destructive and must be approved by the culturally affiliated tribe. If the scientific study is offensive to the descendants of the dead, reburial should occur without prior study. Scientific studies and reburial should occur according to a definite, agreed-upon schedule.

Principle (Bullet)	*Commenting Party*	*Comment*
Issues of Balance	Standing Rock Sioux	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. 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.
Issues of Balance	Standing Rock Sioux	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.
Issues of Balance	Umatilla	All scientific studies should be carried out in consultation with those most likely descended from the dead, including consultation on the collection protocols, handling and, if necessary, curation. Proper reinterment following study should apply in all instances, consistent with mainstream social values and laws in all fifty states and with the cultural, social and religious values held by Indian tribes and Native Americans throughout the United States.
Issues of Balance	Umatilla	The proposition under which these Principles are promulgated is deeply flawed. The statement that this policy is intended to "balance the public interest in the desire to treat human remains in a respectful and sensitive manner, while recognizing the public interest in knowing its collective past" glosses over the fact that this "balancing" was the practice that the Native American Graves Protection and Repatriation Act (NAGPRA) was enacted to end. Expansively broadening the policy so that it addresses all human remains does not offer any additional justification for the policy. In sum, the CTUIR reiterates our December 22nd, 2004 letter to the ACHP on the policy:
Issues of Balance	Umatilla	Further, we feel that the statement "where the scientific research value of human remains or grave goods outweighs any objections that descendants may have to their study, they should not be reburied but should be retained in perpetuity for study" is contrary to NAGPRA and reiterates the notion that tribal descendants should only have a "voice" in their treatment. NAGPRA is human rights legislation which acknowledges that tribes have a fundamental right to control the graves of their ancestors. Any policy that calls for the perpetual curation of Indian remains just because of their status as Indian remains reinforces the perception that tribal peoples, living or dead, are merely objects of curiosity and scientific study, ignoring the contemporary presence of tribes. The premise that this policy could apply across all jurisdictional boundaries irrespective of "geography, ethnicity or nationality" is invalid. One only need look to Section 3 of NAGPRA which states that ownership or control of Native American human remains found on federal or tribal lands shall be in the lineal descendants. In this provision there is no room for balancing scientific or religious interests. Congress has determined that the right of lineal descendants shall have precedence. Given this fact, the logic of trying to apply the ACHP policy in all instances becomes both impossible and likely illegal. Put simply, the location where remains are found determines which laws apply.
Issues of Balance	White Mountain Apache	Human remains should be respected and not disturbed in anyway, nor should it be studied by institutions or put on public display. These are "our" lineal descendants, not some object of interest to/for the scientific and archaeological communities. As according to Apache philosophy; "All human remains should be left alone and not disturbed for any reason". This I believe holds true for all indigenous people

Principle (Bullet)	*Commenting Party*	*Comment*
Issues of Balance	Zuni Tribe	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 carefu1ly 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. 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). 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

Principle (Bullet)	Commenting Party	Comment
		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.
Miscellaneous	Agua Caliente Band	At this point, the Agua Caliente Tribal Historic Preservation Office has no comments on current documentation. We would, however, appreciate being included on the mailing list for future versions of the documentation.
Miscellaneous	Alan C Tonetti	Although the term funerary objects is defined, the term human remains is not. The term human remains should be defined for use in the working principles.
Miscellaneous	Alan C Tonetti	The definition of funerary objects should be rewritten as follows: Based on archaeological and/or ethnographic evidence, objects that have been intentionally placed with human remains as part of a death rite or ceremony.The definition of funerary objects refers to these objects being "placed intentionally...with" human remains. The first sentence characterizing the nature of the current debate states, in part, that "human remains and the items buried with them..." This statement should be revised to be consistent with the definition of funerary objects, reflecting the intentional placement of these objects with human remains regardless of whether the objects or the human remains were buried because human remains and funerary objects are sometimes found where one or neither is buried, e.g., in rockshelters, caves, caverns, and sinkholes.
Miscellaneous	Alan C Tonetti	Because the working principles deal with both human remains and grave goods, which, for the sake of consistency, should always be referred to as funerary objects, all statements should refer to both of these items. There are places in the background infonnation section and the working principles where only human remains are referred to. These should be revised to include both human remains and funerary objects.
Miscellaneous	Alan C Tonetti	In discussing the nature of the current debate, the statement that "most people would agree that human remains and the items buried with them should not be disturbed" is not supported by empirical data. Delete this clause or cite empirical evidence that most people feel this way.
Miscellaneous	Armand Minthorn	How will the tribes be consulted on this revision? And how will the tribes be a part of the revisions? And how will the tribes give final approval?

Principle (Bullet)	Commenting Party	Comment
Miscellaneous	Caddo	If the ACHP wishes to assert its leadership in historic preservation for the federal government and for parties affected by the Section 106 process then the ACHP should offer some sort of workshop for all federal, state, and tribal authorities to learn what rules and responsibilities ACHP work under and what should be expected of federal, state and tribal authorities in dealing with ACHP under Section 106. This could be a jumping off point for the ACHP Task Force to explain the revisions to the "1988 Human Remains Policy".However, if the ACHP finds that it is necessary to revise the policy we offer the following comments. A consulting workshop offered to tribes, federal, state, and local authorities as an opportunity to suggest revisions to the policy collectively. The task force should then prepare a draft revision of the policy that would be subject to further review and comment. The policy should also take into account that tribes consider graves and cemeteries sacred and also traditional cultural properties as part of the National Register eligibility investigations.
Miscellaneous	Catrina Whitley	The Nations' historic graves and cemeteries are being moved for development purposes, such as lakes. All too often, individuals placed in the ground in wood coffins are being moved via backhoe, without proper documentation or archaeological methods. As for my understanding, Section 106 was developed to ensure the protection of our history. By moving graves in this manner, without proper archaeological methods, documentation and analysis, our future generations are losing a very important aspect of the archaeological context of this Nations' history. Burial provide a large amount of information about a culture and the only direct evidence about the individuals living in that culture, and I ask that our historic graves and cemeteries be part of your consideration when drafting the new policy. I ask that the new policy requires that all graves being disinterred due to disturbance be properly excavated using archaeological methods, documented, and (if descendants allow) scientifically studied by trained osteologists/bioarchaeologists
Miscellaneous	Dave Snyder	Is this Policy? That is, does this represent policy for all people in the United States? Or, does this represent policy for the staff of the ACHP and anyone else who agrees to sign on (at least until they decide to opt out)? My observation in dealing with some 70-odd federal agencies (agencies/applicants/programs) is that we see interest in furthering preservation interests running the gamut from enthusiastic cooperation to out-and-out defiance. If the ACHP isn't willing to enforce this policy and if this policy is really only for federal agencies with very large landholdings who enthusiastically support these ideas, then I think that the policy should be honest enough to so state. Otherwise, it makes a mockery of the policy and the participants when we have situations such as a developer destroying a large prehistoric cemetery while the federal agency sits by and waits until the destruction is complete to grant a permit and the ACHP does absolutely nothing. My observation is that this really isn't policy but rather a list of suggestions for federal agency folks to follow provided that it isn't inconvenient for them to follow them.It is a joy to work with federal agencies, and state and local agencies and professional organizations and Tribes and others, who enthusiastically embrace the principles described in the draft policy. Are there plans to reinforce this support? Will there be prominent recognition and grants and monetary awards to folks that go the extra kilometer in preserving human remains and associated funerary objects? How does the ACHP propose to win support for this policy? How does the ACHP propose to enforce this policy? Will there be sanctions? We are all painfully aware that it is easy to support policies when they don't apply but it is very, very difficult to deal respectfully with human remains and other sensitive issues when the project is important and has a great deal of political support. Over and over the draft refers to encouragement. What does this mean?
Miscellaneous	Dave Snyder	It isn't clear to me if this is to be Policy or a statement of principles or a guide to help interested federal agencies better form and articulate individual and independent policies.

Principle (Bullet)	*Commenting Party*	*Comment*
Miscellaneous	Dave Snyder	I think that a restatement the policy on human remains is valuable and can serve to support and deepen efforts to improve our treatment of human remains. However, I wonder if there is more to be gained from a sustained educational effort than from the development of a revised policy statement. I don't believe that a policy statement by itself will bridge gaps between different groups involved with these issues. I am concerned that the direction this current draft policy statement is heading will increase animosities and polarize positions. I would like for the ACHP to make a long term commitment to broadening the dialogue with many discussions (not just one and done) and with the long term goal of building understanding. It is my opinion that there is much for all of us to learn in our ongoing efforts to improve in the treatment of human remains. I believe that a sustained educational effort is needed to ensure that we continue to make progress.
Miscellaneous	Delaware Nation	The Delaware Nation is committed to protecting archaeological sites that are important to tribal heritage, culture, and religion. Furthermore, the tribe is particularly concerned with archaeological sites that may contain human burial remains and associated funerary objects. . On September 19,2005 the Delaware Nation NAGPRA Department received a correspondence from the Advisory Council on Historic Preservation. Yes the Delaware Nation, is interested in being consulting party for the referenced project. Please keep us updated as to your progress and send further information about the project as it becomes available.
Miscellaneous	Forest Service-Butterfield	The absence of national resolution, aside from NAGPRA with its balanced approach which influenced this draft policy, puts decision makers in a very difficult position. That hasn't changed from NAGPRA, but at least under those implementing regs there is a time and place for dispute resolution.
Miscellaneous	Forest Service-Schneider	Funerary objects; "As NAGPRA defines them they are "items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual remains". If this new policy is for ALL human remains sites, historic and prehistoric, we may end up having to curate plastic flowers and weird things like they collect from the Viet Nam Veterans Memorial in DC. The "policy" should advise us on exactly what a "funerary item" is.
Miscellaneous	Gila River	The GRIC agrees that the term "grave goods" should be replaced with the term "funerary objects."
Miscellaneous	Ho-Chunk Nation	. The enforcement instrument needs more severe penalties so State and Federal agencies adhere to this policy and then... . Presently, the Advisory Council can only make recommendations to the existing laws for the National Historical Preservation Act, Section 106 and Section 110. The Advisory Council needs to have some teeth incorporated into the enforcement aspect. Lastly, the tentative wording that is being used to suggest change, for example, under the principles the term "should", could be replaced with more assertive wording (such as "will" or "must") that will add to the need for such change. I wouldn't really know how to comment on this though, since this is only a draft, and the principles are only for the determination process.
Miscellaneous	Ho-Chunk Nation	Under the subheading Working Principles, the second bullet uses the term "Encourage". The sentence, as a whole, would hold more weight if the term "Requires" is substituted for it.

Principle (Bullet)	*Commenting Party*	*Comment*
Miscellaneous	Lower Brule Sioux	1.The Working Principles, as drafted, can apply to all other human remains, i.e., African American, Asian American, European American, that are inadvertently discovered during the course of a project. Public comment can be solicited from members of those communities. If the Advisory Council still feels it requires a policy for Native remains (for use in those states that have no Native human remains law) a separate Native human remains policy, based upon the legislative history and language of NAGPRA, could be written and submitted to Tribes and Native Hawaiians whose aboriginal homelands are encompassed in those states for review and comment. An action such as this would return decisions about treatment of Native dead to Native Peoples and would therefore be consistent with existing federal, state and tribal laws. This action would also satisfy your Agency's trust responsibility to conduct government-to-government consultation on matters that impact Tribal Peoples, tribal ancestors or tribal resources.
Miscellaneous	Lower Brule Sioux	Indigenous Nations on the Missouri River have struggled for decades to preserve and protect our ancestors' burials and our irreplaceable sacred and cultural places. Our sacred places are needed for the continuation of our ceremonies and spiritual lifeways, as they are spiritual and cultural classrooms for our People.
Miscellaneous	Mandan, Hidatsa, Arikara	Given that the vast majority of human remains subjected to study in this country are Native American, and given that your Agency received 15 responses from Tribes or Native Hawaiian organizations in its solicitation for comments, I have two requests that I think will assist in resolving these serious concerns: 1. The Working Principles, as drafted, can apply to all other human remains, i,e., African American, Asian American, European American., that are inadvertently discovered during the course of a project. Public comment can be solicited from members of those communities. If the Advisory Council still feels it requires a po1icy for Native remains (for use in those states that have no Native human remains law) a separate Native human remains policy, based upon the legislative history and language of NAGPRA, could be written and submitted to Tribes and Native Hawaiians whose aboriginal homelands are encompassed in those states for review and comment. An action such as this would return decisions about treatment of Native dead to Native Peoples and would therefore be consistent with existing federal, state and tribal laws. This action would also satisfy your Agency's trust responsibility to conduct government-to-government consultation on matters that impact Tribal governments, Tribal Peoples, tribal ancestors or tribal resources.
Miscellaneous	NARF	Before we address the Working Principles, we offer two preliminary observations. First, we are confused about the statement in the Notice that the proposed policy "would not be bound by geography, ethnicity or nationality; it would apply to the treatment of all human remains encountered in Section 106 review." Federal Register at 52067. One policy for all races and cultures may not necessarily be workable when groups like Native Americans have specific and widespread beliefs and practices about the classification, treatment and disposition of Native dead which should be taken into account and addressed. Those indigenous beliefs and practices may not necessarily be shared by other groups with different cultural outlooks pertaining to their dead. Any policy that affects Native American dead should take into account the matters discussed in this letter and be developed in consultation with Indian tribes and Native American leaders under the federal Indian trust responsibility.
Miscellaneous	NRCS-Maine	As you know, federal agencies need to make a "reasonable and good faith effort" to identify Native Americans and to seek other members of the public for consultation during Section 106 reviews (36 CFR 800.2[c][2][ii][A] and 800.2[d][1]). The long duration of archaeological time, the effects of migration, the interactions of different cultural groups in the same regions, and the presence of alternative value systems can all confound attempts to determine what is a reasonable and good faith effort to locate Native Americans who may believe identified human remains and funerary objects are significant. (The enclosed article, "Nanticoke Indian Burial Practices: Challenges for Archaeological Interpretation," provides examples of some of these difficulties.) Likewise, family movements, dying out of family lines, and incomplete historical records can make the identification of living relatives of those buried in non-Native American graves problematic.

Principle (Bullet)	*Commenting Party*	*Comment*
Miscellaneous	Ola Oka Honua Incorporation	The policy statement: Foster pride in our irreplaceable heritage of our Native Community, its vital legacy of cultural. educational. aesthetic. inspirational. and economic and energy benefits to be maintained for our present and future generations.
Miscellaneous	Ola Oka Honua Incorporation	The policy statement: Stimulate Diversity of our Native Americans and its unique MultiCultural counterparts dedicated to helping preserve. conserve and protect with integrity and pride.
Miscellaneous	Ola Oka Honua Incorporation	The policy statement: Establish. preserve and educate our modern society and our prehistoric and historic resources in productive harmony and fulfill the social, economic requirements of present and future generations, within the context of the Laws.
Miscellaneous	Pawnee Nation of OK	I have been the Repatriation Coordinator since 1998 and speaking for the Pawnee Nation, there have been times when we have felt that our hands are tied. Some of the correspondence we are asked to answer seem to pertain too much to recreation. States building boat ramps, widening rivers, or creek banks, dredging, for the purpose of recreational boating fishing. Building hiking trails, etc. We as Native American are very aware of the ecology and natural resources of our country. When we get a request for approval of construction of a facility to improve the drinking water, and water used for agriculture we are glad to approve those projects, so long as they don't bother historic sites or sites that are sacred to us.
Miscellaneous	Richard Matsushita	I have just returned from Kaho'olawe. As a member of PKO I witnessed several site where remains of the kupunas were buried. These sites need to be preserved especially where erosion is exposing the iwi. All burial items should be returned to the aina as they were intended and allowed to have nature take its natural course. This is better then putting them in some box in some basement.

Principle (Bullet)	*Commenting Party*	*Comment*
Miscellaneous	Seneca Nation	This last recognition should be mandated, and it is unfortunate that it is not. It does not undermine the government to government relationship, nor diminish the role of ACHP or other non-Indigenous organization. It does take into account several key facts. 1.) The amount of archeological collections within various institutions is massive and it is understudied, underreported, misrepresented, misappropriated, misfiled and misused. 2.) The amount of Indigenous objects and remains within private collections is even greater, yet it is looked at as a hobby to be capitalized on by unregulated individuals with disposable income or time. Getting to the who, what, when, why, how, and, if, that, can, will, ad nauseam of these cultural objects is something that many Indigenous communities are waiting for, so why is this not being done by the so-called "pure knowledge" seeking archeologist? The challenge should not be placed at the foot of Indigenous Nations to perform "good" archeology or even approve of it when an exposed find is made. 3.) There was ample opportunity to gain vast levels of knowledge through the sharing of information during the initial years of contact; however, colonialism, nationalistic sentiment, racism, greed, malice, and ignorance took precedent. As a result, this opportunity was lost. Attempts to regain this knowledge through more of the same perpetuate the oppression of Indigenous peoples and Indigenous knowledge. 4.) Following from #3, the knowledge that is left concerning the disposition of Indigenous objects within Indigenous Nations is ignored while a search for non-Indigenous explanations on Indigenous objects and remains persists virtually unabated. 5.) The US along with almost all International Nations desires every other world Nation to respect their dead and return them to their possession in a timely manner without desecration or deprivation due to scientific study. This is universal for everyone, yet apparently Indigenous peoples on this continent are not of this world so long as capital is spent from a public fund. This is untenable. For example, if the remains of POW's from Vietnam were placed on display in Ho Chi Min city based on the qualification that the Vietnamese government (the public) paid for the remains to be exhumed. Then it was proclaimed that these remains were subject to the whim of Russian scientists who developed negative conclusions about the society in which the remains belong. This would be an ignominious outrage; the US would be appalled and rightfully so. In contrast, no Indigenous Nation that SNI THPO is familiar with has ever exposed a non-Indigenous site for the sake of knowledge, nor have they every placed such burdens on the descendants of any remains for the sheer pleasure of glory mongering, myth propagation, academic back riding, or claims of monetary expenditures. There is an opportunity here to not be judged harshly by the "lens of history" and refuse the cope out of being labeled "people of your time." Take it.
Miscellaneous	Seneca Nation	Getting back to the initial statement that was made, it must also be remembered that Indigenous Nations are different. Just as our toes are stepped on by such Federal policies as such (unknowingly), we must make sure that our policies do not prohibit other Nations from the opportunity to act as they feel necessary regarding these issues. The SNI THPO has a good understanding of Northeastern methodology, but it is a hard to speak considerately for all Indigenous Nations as each one has their own individual history and traditional mindset.
Miscellaneous	Seneca Nation	It is with this in mind, that the emphasis of the stated principals should at all times focus upon the utmost necessity for federal agencies to develop appropriate policies and procedures that are contingent upon approval by individual Native American tribes/groups. In addition, all federal agencies should be made lawfully accountable for not only the timely development of these policies and procedures, but also for their timely and rigorous application. Barring this, the Seneca Nation recognizes that the ACHP is not a mandating organization; however, we also recognize that the authority of the ACHP can go beyond a legal mandate.