

Burial Sites Policy Statements - Edits and Additions

There were 8 original policy principles; currently, there are 12 proposed policy principles. All 8 of the original policy principles have either been edited, deleted, or replaced.

Original policy principle language is listed in **BLACK**, proposed language is in **BLUE**, relocated language is in **GREEN**, and language that was deleted is visible with **STRIKETHROUGH**.

Principle #1 -

Participants in the Section 106 process should treat all burial sites, human remains and funerary objects with dignity and respect, **physically and verbally, including during consultation, field surveys, handling, and other treatment actions, when documenting and/or reporting, and all other forms of interaction.**

Principle #2 - Only through consultation, which **includes a concerted effort to reach a consensus through** the early and meaningful exchange of information, can a federal agency make an informed ~~and defensible~~ decision about the treatment of burial sites, human remains, and funerary objects. **Through consultation, federal agencies should develop and implement plans for the treatment of identify mechanisms, including consultation and treatment plans, agreement document stipulations, and other methods of documentation that will proactively identify how burial sites, human remains, and funerary objects will be identified, documented, evaluated, and considered in decision making that may be inadvertently discovered.**

Principle #3 -

~~Native Americans are descendants of original occupants of this country. Accordingly, in making decisions, federal agencies should be informed by and utilize the special expertise of Indian tribes and Native Hawaiian organizations in the documentation and treatment of their ancestors.~~ **The identification, evaluation, assessment, and resolution of potential adverse effects to burial sites, funerary objects, and/or human remains is best informed by the Indigenous Knowledge and expertise of those Indian Tribes or NHOs that identify as associated. The Indigenous Knowledge held by an Indian Tribe, NHO, and other Indigenous Peoples is valid and self-supporting and does not require verification through western forms of knowledge.**

Principle #4 - ~~Disturbing or disintering burial sites, human remains and funerary objects, when not requested by descendants or affiliated Indian Tribes or NHOs, should not be pursued unless there are no other alternatives knowingly disturbed unless absolutely necessary,~~ and only after the federal agency has consulted and fully considered avoidance of impact and whether it is feasible to preserve them in place.

Principle #5 - ~~When human remains or funerary objects must be disinterred, they should be removed carefully, respectfully, and in a manner developed in consultation.~~ **Consultation should be conducted in a manner that provides deference to the to requests of descendants, affiliated Indian Tribes or NHOs, or other legally associated individuals or groups. Where known, the cultural practices of the affiliated group or family should be followed if human remains, burial sites, or funerary objects may be encountered, are inadvertently identified or impacted, or must be disinterred.**

Principle #6 - ~~The federal agency is ultimately responsible for making decisions regarding avoidance of impact to or treatment of burial sites, human remains, and funerary objects. In reaching its decisions, the federal agency must comply with applicable federal, tribal, state, or local laws.~~

Principle #7 - ~~Through consultation, federal agencies should develop and implement plans for the treatment of burial sites, human remains, and funerary objects that may be inadvertently discovered.~~

Principle #7 was combined with principle #2

Principle #8 - ~~In cases where the disposition of human remains and funerary objects is not legally prescribed, federal agencies should proceed following a hierarchy that begins with the rights of lineal descendants, and if none, then the descendant community, which may include Indian tribes and Native Hawaiian organizations.~~

Proposed addition - The Federal Indian boarding school system directly targeted American Indian, Alaska Native, and Native Hawaiian children in the pursuit of a policy of cultural assimilation that coincided with territorial dispossession.¹ The historic preservation community should seek to implement the recommendations identified in the Department of Interior's Federal Indian Boarding School report² by supporting community-driven identification, documentation, interpretation, protection, preservation, reclamation, and co-management of burial sites, human remains, and funerary objects across that system, including marked and unmarked burial areas, and supporting repatriation where appropriate.

Proposed addition - Burial sites, human remains, and funerary objects are frequently important in and of their own right and may have several possible areas of significance including religious and cultural significance; the integrity of human remains, funerary objects, and burial sites is best informed by those that ascribe significance to them.

Proposed addition - Histories of colonization and assimilation faced by Indian Tribes and legacies of slavery and oppression faced by African Americans have led to an uneven awareness of where and when practitioners are likely to encounter human remains, burial sites, and funerary objects, and why, and the historic preservation community has a role in expanding public education around this topic in Tribal, Native Hawaiian, federal, state, and local contexts.

Proposed addition - Burial sites and cemeteries directly associated with histories of colonization and assimilation experienced by Indian Tribes, Native Hawaiians, and the African American community have increased potential to be National Register eligible because they are associated with events that made a significant contribution to the broad patterns of local, regional, and national history. The continued presence of human remains should not be essential to the integrity of that site or its relevance to a broad theme in history.

Proposed Addition - Burial sites, funerary objects, and human remains are frequently associated with cultural practices, Indigenous Knowledge, and other forms culturally sensitive actions and/or information unique to a people. Maximum effort should be taken to limit disclosure of confidential or sensitive information through all available mechanisms including but not limited to the proper handling and labeling of records, limiting documentation to necessary information, and through application of existing law.

Proposed Addition - Indian Tribes, Native Hawaiian organizations, and descendant African Americans have the right to pursue the repatriation and reburial of human remains and funerary objects, and federal agencies should seek to enable this process through fair, transparent, and effective mechanisms developed in conjunction with the people concerned.

¹ Office of the Assistant Secretary of Indian Affairs, U.S. Department of the Interior, 2022. *Federal Indian Boarding School Initiative Investigative Report*. Volume 1. [online] p.5. Available at: <https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf>

² Ibid.