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Administrative Record Exh. 348

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August 11, 2000

Linda Kirts  
Office of Counsel  
U.S. Army Corps of Engineers  
Walla Walla District  
201 N. 3<sup>rd</sup> St.  
Walla Walla, WA 99362

RE: Information for the Administrative Record in DOA's NAGPRA  
Ownership Decision

Dear Linda:

The Confederated Tribes and Bands of the Yakama Nation is hereby submitting documents into the administrative record for the Department of the Army's determination of ownership and custody of the human remains excavated at Kennewick on July 28, 1996, under Section 3(a) of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. § 3002(a).

Enclosed is a copy of a report on the cultural affiliation of the remains by Dr. Morris L. Uebelacker, Professor of Geography at Central Washington University in Ellensburg, Washington. This document was submitted to Dr. McManamon for the Department of the Interior's determination of cultural affiliation under NAGPRA. Dr. Uebelacker's thesis supports the Yakama Nation's claim of cultural affiliation and ownership filed with the U.S. Army Corps of Engineers, Walla Walla District, on January 25, 2000. Also enclosed is a copy of his curriculum vitae.

Also enclosed are copies of the following:

1. Yakima Tribe v. United States, ICC Docket No. 161, 12 Ind. Cl. Comm. 301, Additional Findings of Fact and Opinion, 1963.
2. Confederated Tribes of the Umatilla Indian Reservation v. United States, ICC Docket No. 264, 14 Ind. Cl. Comm. 14, Findings of Fact and Opinion, 1964.

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3. Expert testimony for the defense in CTUIR v. U.S., ICC Docket No. 264, by Robert Suphan.

Both of the enclosed ICC dockets contain findings supporting aboriginal occupation of the Kennewick excavation area by Yakama bands. Suphan's testimony specifically reflects that a band called "Chim-na-pum" had villages at the mouth of the Yakima River, and was affiliated with the Yakama people further upriver. We expect that this information will be helpful in determining ownership under Section 3(a)(2)(C)(1) if the Corps and the Department of the Army determine that the cultural affiliation of the remains "cannot be reasonably ascertained."

If you have any questions regarding the enclosed documents, please contact either myself at (509) 575-1500 or Tom Zeilman at (509) 865-7268.

Sincerely,

COCKRILL & WEAVER, P.S.



Tim Weaver

Enclosures

cc: Tom Zeilman  
William Yallup, Sr.  
Johnson Meninick  
Joanna Meninick

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