



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

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Lt. Colonel Donald R. Curtis
District Engineer
Walla Walla District
U.S. Army Corps of Engineers
201 N. 3rd
Walla Walla, Washington 99362-1876

October 7, 1997

RE: Human Remains Excavated under ARPA
Permit #DACW68-4-96-40

Dear Colonel Curtis:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) have received a copy of the Archaeological Resources Protection Act (ARPA) permit application submitted to your command by Gary Huckleberry of Washington State University. As the application states, the purpose of the application is to conduct a limited testing program at the site of the "Kennewick Man" skeleton discovery. The CTUIR wish to point out that we have not been apprised of the disposition of the previous ARPA permit issued to James Chatters and the previous work and data are extremely important in determining the appropriateness of issuing a permit to Mr. Huckleberry.

Whether or not testing will be required will depend in large part upon the examination of the remains by a physical anthropologist and the validation/verification of the radio carbon 14 tests. If the remains are indeed Native American, then both ARPA and NAGPRA would be the controlling law, both as to requisite criteria authorizing the scope and conditions of the ARPA field work and the requirement for Tribal consultation. In order for the CTUIR to make an informed decision, we would need an opportunity to review the reports, field notes and other relevant data compiled as a consequence of the first ARPA permit. As submitted, the pending application identifies certain participants who are currently suing the Corps over the "Kennewick Man" remains. Aside from simply "bulldozing" the site, the applicants have not demonstrated a need, scientific or otherwise, to obtain this information.

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We oppose the application as submitted. Aside from the issues raised above, the Huckleberry permit application is completely inappropriate. Please review the attached CTUIR document which outlines a scope of work for the Kennewick Man burial site. Although we do not agree that further excavation work is necessary at this time, we do have specific recommendations for how the work should be allowed to proceed under an ARPA permit should the need be demonstrated. As you can see, we do not advocate the use of a "trench" or "backhoes", we prefer instead that a scientific-based methodology be used instead, a methodology which is designed to retrieve information from a burial ground. Mr. Huckleberry proposes to simply get in there quickly, use a backhoe to rip the site and then proceed to gather artifacts. We do not appreciate this kind of work, as archaeology or any other discipline. Simply put, this site may contain many other people who are buried there.

Please review the attached documents (Exhibits A, B and C) and consider the methodology we propose and if you determine appropriate, authorize the CTUIR to perform the work as outlined in the attached exhibits. Please consider this letter as the CTUIR's ARPA permit application to conduct the work. Please send copies of any forms that must be filled out for processing in addition to this letter.

If there are any questions or concerns, please feel free to contact me.

Sincerely,


Donald G. Sampson,
Chairman, Board of Trustees

DGS:plm

attachment - Exhibits A, B and C

cc: Ross Sockzehigh, YIN
Samuel Penny, NPTEC
Joe Pakootas, CCT
CTUIR, Board of Trustees
CTUIR, Cultural Resources Commission
Michael J. Farrow, Director DNR
Jeff Van Pelt, Program Manager, DNR CRPP
Debbie Crosswell, Public Relations

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