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Declaration of Dr. Trimble at ¶ 15, Exhibit 1.

(5) Whether Remains Thought To Be A Part of The Same Individual Were Kept In A Box With Unrelated Animal And Human Bones

On December 16, 1997, Dr. Trimble conducted a follow-up inspection of the remains. During the course of this inspection, Dr. Trimble created an entirely separate storage box for the temporary containment of additional bone fragments subsequently collected from the site. See Declaration of Dr. Michael Trimble at ¶ 16, Exhibit 1. In March of 1998, Dr. Trimble conducted a follow-up inspection of the remains to ensure their continued integrity. Id. During that inspection, Dr. Trimble examined the temporary holding box and found: (1) a whole, intact femur found by a local fisherman on an island in the vicinity of Chiawana Park and determined by Dr Trimble not to be related to the Kennewick remains; and (2) a rib fragment found by Dr. James Chatters in December of 1997 at the site where the Kennewick remains were discovered. Id. Subsequent to Dr. Trimble's examination of the temporary holding box, various animal bones were placed in the box along with a vertebra fragment thought possibly to be of human origin and a second small rib fragment thought possibly to be of human origin. Federal Defendant's Supplement to Third Quarterly Status Report at ¶2.

(6) Whether Some Of The Remains Are Unaccounted For Or Were Buried

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With respect to remains that are unaccounted for, the Corps discovered a discrepancy between the inventories it had conducted and that of Dr. Chatters that indicates that certain femur fragments originally in Dr. Chatters' possession are not part of the remains under lock at the Battelle facility. See Supplement to Second Quarterly Status Report. The Corps inventories consistently show this discrepancy, including the informal inventory made a few days after the remains were transferred to the Corps. The Corps is continuing its investigation into this matter and has submitted a request to the United States Attorney's Office of the Eastern District of Washington to conduct an investigation into the missing femur fragments. See Declaration of Lt. Col. Curtis at ¶ 8, Exhibit 4 .

With respect to reburied remains, on April 27, 1998, the remains of at least four Native Americans, found on federal land within the Columbia Park, Washington ("Columbia Park remains"), were transferred to the Tribes for disposition in accordance with the provisions of the Native American Graves Repatriation Act. See Federal Defendants' Supplement to Third Quarterly Status Report at ¶¶ 1, citing Affidavit of John Leier. The transfer occurred at Battelle Laboratory where the Kennewick remains are currently being housed. During the course of this transfer, the temporary holding box described in paragraph (5) above was unintentionally turned over to the Tribes and ultimately disposed

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of by them along with the Columbia Park remains. *Id.* at ¶ 2-3; see also Declaration of Lt. Col. Curtis at ¶ 5, Exhibit 4. These bone fragments had been recovered from the Kennewick site after the remains had been rehoused by Dr. Trimble. Declaration of Dr. Trimble at ¶ 16.

(7) **Whether Third Parties Have Been Permitted Access To The Storage Facility and Have Been Allowed To Remove Boxes Of Human Remains**

As noted in paragraph 5 above, during the transfer of the Columbia Park remains, unassociated bone fragments which had been discovered from the Kennewick site were also unintentionally transferred to the Tribes and disposed of by them. See Declaration of Lt. Col. Curtis at ¶ 5, Exhibit 4. The Kennewick remains, however, were not disturbed in any manner during this transfer. Federal Defendants' Supplement To Third Quaterly Status Report at ¶ 4. The Corps believes that the Kennewick remains were never at risk during the disposition of the Columbia Park remains. *Id.* Nonetheless, the Corps has reviewed its custodial procedures and has committed to the implementation of certain changes in order to further ensure the scientific integrity and protection of the Kennewick remains. Declaration of Lt. Col. Curtis at ¶ 6.