



REPLY TO
ATTENTION OF

Office of Counsel

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND OR 97208-2870

APR 29 2005

Mr. Tim Simmons
Assistant U.S. Attorney
1000 SW Third Ave., Suite 600
Portland, Oregon 97204

Ms. Sydney Cook
U.S. Department of Justice (ENRD- General Litigation Section)
P.O. Box 663
Ben Franklin Station
Washington, DC 20044-0663

Dear Mr. Simmons and Ms. Cook:

This letter serves as a response to Dr. Thomas Stafford's proposed study of the archived test remnants of the Kennewick remains, dated April 4, 2005, and originally proposed by the plaintiffs in *Bonnichsen v. United States* in October 2002. The study is approved in the enclosed document. Based on the information provided by Dr. Stafford and the plaintiffs to the U.S. Army Corps of Engineers through correspondence, conference calls, in person meetings, and other discussion, and based on the technical advice of my staff, I believe that the proposed study is consistent with the Corps' responsibility to "protect and preserve the condition, research potential, . . . and uniqueness of the collection." 36 C.F.R. § 79.10. Therefore, I grant access to Dr. Stafford to conduct the study described in his proposal, subject to the terms and conditions outlined in the enclosed document.

It is my understanding that Dr. Stafford will coordinate the transfer of the archived test remnants with the St. Louis Mandatory Center of Expertise.

Please forward this response to the plaintiffs. Questions about the Kennewick Man studies can be directed to Ms. Jennifer Richman of my staff at (503) 808-3763.

Sincerely,

SIGNED

WILLIAM T. GRISOLI
Brigadier General, U.S. Army
Division Engineer

Enclosure



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

CEMVS-ED-Z

28 April 2005

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, Northwestern Division,
ATTN: CECC-NWD (Richman), P.O. Box 2870, Portland, OR 97208-2870

SUBJECT: Geochemical Studies on Archived Samples from the Kennewick Skeleton: Research
Plan for 2005 Laboratory Analyses, by Thomas W. Stafford, Jr.

1. My staff and the government's contracted conservators (Dr. Nancy Odegaard and Dr. Vicki Cassman) have reviewed and discussed Dr. Stafford's April 4, 2005, proposal (as supplemented by the proposed study entitled *Stafford Archived Remnants in the Plaintiffs Study Plan at 19-20*, correspondence between the United States and the plaintiffs, and information provided during the pre-study inspection at the Burke Museum on 14-15 December 2004) for analyzing some of the archived test remnants in the Kennewick collection. As a result, I find the proposal consistent with the Corps' obligations under the curation regulations (36 CFR Part 79), and I recommend that you inform Dr. Stafford that he can make arrangements with us for the transfer of these samples to him.
2. In addition, I respectfully request that Dr. Stafford adhere to the following conditions, which I feel are consistent with requests for the study of archaeological collections (including human remains) that the St. Louis District recently has reviewed.
 - Only the materials listed in Dr. Stafford's April 4, 2005, proposal are to be included in this study.
 - Any material that remains after testing is the property of the government and will be returned in the original containers once testing is complete.
 - We will provide transfer forms that will be signed by Dr. Stafford and a government representative. Copies of the fully executed forms will be provided to Dr. Stafford.
 - All testing will be completed, and remaining material returned to the government, within six months of receipt of the material by Dr. Stafford or his agent.
 - Copies of all raw data and photographs will be provided to the government for inclusion with the Kennewick associated records.
3. If you have any questions about this issue, please do not hesitate to contact Mr. Chris Pulliam at (314) 331-8481.

FOR THE COMMANDER:

SIGNED

MICHAEL K. TRIMBLE, Ph.D.
Director, Mandatory Center of Expertise
for the Curation and Management
of Archaeological Collections