

housing the Kennewick remains was neither opened nor disturbed in any manner. However, during the transfer process one box of bone fragments not associated with the Columbia Park remains was unintentionally turned over to the Tribes and disposed of along with the Columbia Park remains. The contents of this box consisted entirely of animal bones with the following exceptions: 1) a femur found by a local fisherman on an island in the vicinity of Chiawana Park and determined by Dr. Michael Trimble not to be related to the Kennewick remains; 2) a vertebra fragment thought possibly to be of human origin; 3) a small rib fragment possibly of human origin; and 4) a rib fragment found by Dr. James Charters on December 14, 1997, at the site where the Kennewick remains were discovered.

3. As noted above, during the transfer of the Columbia Park remains, the container housing the Kennewick remains was neither opened nor disturbed in any manner. The Kennewick remains continue to be locked in a large metal, Delta Storage Cabinet, with a museum approved filter and venting system ("Cabinet"). Inside the Cabinet, the remains are further housed in a locked Action-Packer storage container. Inside the Action-Packer the remains are contained in archival polyethylene bags which have been tagged with an identifying code and then packed in padded plastic containers for further protection. Padding also lines the inside of the Action-Packer to ensure against any movement by the individual plastic containers. There are only two sets of keys by which access to both the Cabinet and the Action-Packer can be obtained: one set of keys is in the possession of Dr. Michael Trimble, Chief Curation & Archive Section, Army Corps of Engineers ("Corps"), and the second set of keys is in the possession of Linda Kirts, Counsel for the Corps' Walla Walla District.

4. The container housing the Kennewick remains is safeguarded. The Corps believes that the Kennewick remains were never at risk during the disposition of the Columbia Park remains. The Corps nevertheless will conduct a review of the custodial procedures to ensure that