Dr. Huckleberry has yet to receive approval from the Army Corps for the project requested in his permit application. Although Lt. Col. Curtis sent him a letter on October 31 1997, purporting to grant his permit, in fact Dr. Huckleberry was not authorized to carry out his requested project. As we have noted in prior correspondence, we do not view the Corps' recent limited study project as an adequate substitute for Dr. Huckleberry's project. If the Corps does proceed with its Construction Project, we will treat it as de facto denial of Dr. Huckleberry's permit application to the extent it prevents completion of all aspects of his proposed site investigation.

4. We also object to completion of the Construction Project before the beach and slope sediments in the area of the skeleton's discovery have been thoroughly searched for skeletal and archaeological materials. As the Corps is aware from Dr. Chatters' investigation notes, not all of the Kennewick Man skeleton has been recovered. The recent discovery of another bone fragment at the site demonstrates that it may still contain some or all of the missing pieces of the skeleton. Given the scientific and cultural importance of the skeleton, every reasonable effort should be made to retrieve as much of it as possible. In addition, it is important to determine whether the site contains the remains of one or more other individuals. Otherwise, questions may always linger as to the source and significance of the nonmatching pubis bone that was added to the collection after it was placed in its present repository.

5. We also object to the Corps' failure to provide us with timely information concerning the Construction Project. The Contract Documents indicate that they were issued on December 10, 1997, and that bids for the Project were to be submitted by December 17, 1997. They also indicate that work on the Project is to begin within five days of contract award, and completed within 14 days (and in no event later January 31, 1998). Mr. Baker's letter acknowledges that on November 10, 1997, I requested information concerning any Corps plans for the discovery site. His letter failed to acknowledge, however, that I made similar requests on November 6, 1996, December 16, 1996, and July 29, 1997. Despite these repeated requests, we were excluded from information about the Construction Project until last Friday, December 26, 1997. This is in marked contrast to the treatment awarded to tribal claimants who were given information concerning the Corps' plans as early as October 1996. Given these circumstances, we can only interpret the Corps' actions in this matter as reflecting a deliberate attempt to deprive plaintiffs of a meaningful opportunity to participate in or affect the Corps' plans for the site.

6. We would also like to note that the documents sent by Mr. Baker do not provide all relevant information needed to adequately assess and comment on the Corps' Construction Project. Among other things, we have questions concerning the following matters:

(a) Has an award been issued for the Project contract?