



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

01 APR 1998

Administrative Rc'd Exh 24

REPLY TO
ATTENTION OF:

Honorable Slade Gorton
United States Senate
Washington, D.C. 20510

Dear Senator Gorton:

I am writing in regard to protective measures proposed by the U.S. Army Corps of Engineers for the area of discovery of human remains near Kennewick, Washington. These human remains have been referred to in media accounts and other reports as "Kennewick Man" and are the subject of Bonnichsen et al. v. United States, CV No. 96-1418 JE (D. Oregon filed 15 Oct 1996). These proposed protective measures are the subject of a provision you have offered for inclusion in an Emergency Supplemental Appropriations Bill.

The human remains were discovered in a section of beach and surf transition zone along the Columbia River. The area of discovery is bordered on the south by an eroding bluff line and behind that, a high bluff or terrace. Investigations conducted by the Corps' Waterways Experiment Station and independent authorities have shown that the discovery site is experiencing rapid rates of erosion. It appears that as much as 15 meters of terrace have been lost during the last 40 years. It has been theorized that the block of soil containing the Kennewick Man remains may have sheared away from the bluff during a flood event in 1996.

In December 1997, Corps geologists and archeologists teamed with specialists from Washington State University and the Confederated Tribes of the Umatilla Indian Reservation in a study of the bluff line and beach. The study results show that only highly disturbed and eroded cultural materials are now located along the bluff line and beach areas. It is our position that, besides the human remains and associated objects already recovered from the discovery zone, the greatest potential for discovering additional significant cultural resources lies in the portions of the bluff that have not yet been subjected to erosional forces.

The Corps proposed protective measures would include the placement of rockfill material at the base of the eroding bankline, sloping outward onto the beach area. Atop the rockfill, would be placed a covering of topsoil and vegetation to anchor the soil and offer a natural site appearance. This plan was coordinated with the U.S. District Court for the District of Oregon; and, in compliance with Section 106 of the National Historic Preservation Act of 1966, with the Washington State Historic Preservation Office and the President's Advisory Council on Historic Preservation. Through the section 106 process, the Corps has confirmed that the proposed protective measures will have no adverse affect on any significant cultural resources.

In response to your concerns, I have stopped the site protection work from going forward in order to further review this matter. As a result of that review, I have determined that the site protection work is necessary in order to insure the preservation of the site and to protect it from subsequent damage by

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additional high water events. Preservation of the site will allow for any necessary future scientific investigation. Most of the site protection work must, however, be completed by April 15, 1998, to avoid harm to endangered and threatened salmon and steelhead species which will be migrating through this stretch of the Columbia River, on, and after, this date. In order to complete this work by April 15, it is necessary that the Corps begin implementation of its proposed plan by April 6, 1998.

The Department of Justice will provide notice to the U.S. District Court, the plaintiffs and other parties interested in the Bonnichsen et al. litigation, of my decision to delay the site protection work until April 6, 1998, to allow the opportunity for the plaintiffs or any other appropriate interested party, to seek judicial relief from my determination. This procedure would permit the Court to make the determination called for in your legislative proposal.

I believe this course of action is consistent with your interests and concerns as expressed in the above mentioned proposed legislative provision. I appreciate your level of commitment in this matter and your sincere interest to serve as a steward of our Nation's cultural heritage. I am sending a similar letter to Congressman Richard "Doc" Hastings.

Sincerely,



Joe N. Ballard
Lieutenant General, U.S. Army
Commanding

FOR

April 1, 1998

Operation Division

Mr. Robert Tomanawash
P.O. Box 1382
Mattawa, Washington 99349

Dear Mr. Tomanwash:

I recently advised you that the contract for the ancient remains site preservation was awarded March 24, 1998. This letter serves to notify you that the preservation work has been stopped due to legislation introduced by Congressmen Gorton and Hastings. A copy of Congressman Hasting's amendment is enclosed for your reference.

At this time, the contractor has been advised to standby while we attempt to meet the requirements to the legislation.

I appreciate your patience with this matter. If you wish to discuss this further please feel free to contact me at 509-527-7135

Sincerely,

Lynda G. Nutt
Project Manager

Enclosure

SAME LETTER SENT TO:

Mr. Samuel Penney, Chairman
Nez Perce Tribal Executive Committee
PO Box 305
Lapwai ID 83540-0305

Mr. Joseph Pakootas, Chairman
Confederated Tribes of the Colville Reservation
Colville Business Council
PO Box 150
Nexpelem WA 99155-0150

Mr. William Yallup, Sr.
Chairman, Confederated Tribes and Bands of the Yakama Nation
Yakama Tribal Council
PO Box 151
Toppenish Wa 98948-0151

Mr. Antone Minthorn
Chairman, Board of Trustees
Confederated Tribes of the Umatilla Reservation
PO Box 638
Pendleton OR 97801-0638

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