Confederated Tribes and Bands
of the Yakama Indian Nation

Established by the
Treaty of June 9, 1855

Administrative Rc'd Exh 127

Yakama Nation
Office of Legal Counsel

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FAX TRANSMISSION COVER SHEET

Date: 12/13/96

To: Ray Tracy

Fax: (509) 527-7832

Re: Status of proposed site stabilization plans for Columbia Park sites.

Sender: Rory SnowArrow Flint Knife

Comments:

YOU SHOULD RECEIVE 6 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (509)865-7268

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FAX PXWÍ

(Opinion and Commentary)

DATE: 13 December 1996

TO: Ray Tracy, CENPW-PL-ER
FX 509 527-7832

FROM: Xapílmi (Flint Knife), CYN-OLC
FAX 509 865-4713

SUBJECT: Status of proposed site stabilization plans for Columbia Park sites

Again, I greet you in friendship.

I am writing to seek an update of where we are with the potential stabilization of Site 2.

In response to my 11/12/96 facsimile memo, requesting copies of any Tribal comments to the proposed site stabilization plans, you forwarded to me a copy of the 10/4/96 Colville comments. In the absence of my receipt of any additional materials, I trust that these and mine continue to be the only written comments by Tribes/the Nation to the Corps' proposed site stabilization plans.

Has the COE-WW come to any conclusion regarding the CCT comments, or responded in writing to the same? It appears to me, from reading their comments, that the CCT are advocating that both Sites 1 and 2 be "armored" and/or "fabric-ed" - I presume with geotex.

Because the Tribes/Nation are anxious to have finalized a custody determination for the five míimama, timely resolution of their eventual place of repose is essential. The following are the various Tribal/Nation positions that I currently have noted in my records:

- The CTUIR, from the outset, in conformity with their written 1993 Repatriation Policy, have advocated for re-placement of all of the Columbia Park remains at the 2d Site. I have little doubt that that continues to be their position.

- My notes of two meetings show that the NPT advanced the idea of possible burial of all Columbia Park remains at/on Gable Mountain. This NPT position last was proffered at the 9/16/96 telecon; I do not believe that Gable is an option further under consideration by anyone. I can find no documentation in my files regarding a written NPT statement concretizing their thoughts on a preferred burial site.

- Yakama Nation representatives, at both the Richland and Spokane meetings, have proposed the West Richland Cemetery as the Nation's preferred burial site. I have nothing in writing in my files hardening that proposal into a formal request/demand.

Acting on the possibility that a decision could be taken by the claimant Tribes/Nation to re-place the remains at the 2d Site, I provided written comments to you about my concerns with the proposed site

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stabilization plans, and have taken a view of the site. My visitation to the 2d Site has allayed most of my previous concerns regarding the site plans.

If the 2d Site eventually is selected, I still would like to see some form of "hardening" - wire protection panels or grid - placed over/around the remains as an additional security measure. We faced a similar situation with the Memaloose remains repatriated in 1994 from the Smithsonian. In the course of grappling with security for those remains and burial items, we required the COE-P to "armor" the burial site. I attach a 10/14/94 memo from a COE-P engineer who detailed the plan that we eventually adopted. Perhaps he can assist the COE-WW with further info.

- It appears to me that the CCT are pressing to have the Xwésáat reburied at Site 1, and the five míimama at Site 2 - these would be the original locations of the inadvertent discoveries. I derive my conclusions from the CCT contextualized references, in their 10/4/96 comments, to "burials at Kennewick," "adequate armoring at those locations," "[t]here is not need to change the locations [of the "graves"]," and "reinterment at the original locations." (emphasis mine) Perhaps most telling is their statement that "There is no need the change the locations ... or combin[e] the remains at one location." (emphasis in original). Given the emphasis provided to their statement, the CCT appear firmly against any suggestion to relocate any of the remains to the Richland Cemetery.

- The Wanapum appear to be willing to consider burial at either the 2d Site or at the West Richland cemetery.

Save for the CCT 10/4/96 comments, I am unaware of any recent discussions regarding a proposed final resting place for the Xwésáat, since the final custodial determination is unquestionably sometime off.

While I share the Corps' wishes and concerns to get both these sites stabilized as quickly as possible to avoid both further erosion and potential exposure of additional remains, and to secure the estimated 100+ *pípš* that remain exposed at Site 2, I am in a quandary as to what to do. If you have resolved to the CCT's satisfaction the concerns raised in their 10/4/96 comments, and are willing to consider the possibility of wire-frame armoring, perhaps any remaining objections to the Site 2 recommendation for the five míimama will fall.

On another quaere related to the site stabilization plans, has the Corps completed the WA Archaeological Site Forms for the two sites? I note, in a 10/9/96 letter to Ross Sockzehigh, Lt.C. Curtis' statement that "Site records must be completed before the site protection project can begin." To save me legal research time, can you provide me with a legal authority for the statement? If true, the recordation process should be completed expeditiously while we attempt to clarify the siting issue, so that the physical work of stabilization/security can begin promptly upon a possible final decision taken to use the 2d site.

K'atánut imyúuk Šíx nam pinánaknúwita De oppresso liber.

cc: Rex Buck, FX 509 754-5074
Marla Big Boy, FX 509 634-8538
Dave Cummings, FX 208 843-7377
Dan Hester, FX 303 440-7535
JoAnna Meninick, CYN-DNR-CRP
Jeff Van Pelt, FX 541 276-0540
Greg Cleveland, CYN Archaeologist
Linda Kirts, COE-WW, FAX 509 527-7819

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16 OCT 94

REPATRIATION AND PROTECTION ACTIONS
BONNEVILLE PROJECT

BACKGROUND. During the past months while working with the upcoming NAGPRA actions, a number of issues have come to me concerning the logistics of the reburials that will take place in the coming months. First, the learning curve for me is very steep, although I have been involved in the civil engineering aspects of undertaking operations at Willamette National Cemetery. There are many similarities between the two undertaking processes from the standpoint of performing the interment actions without infringing on the protocols and sensibilities of those involved with the funereal processes. The main issue is to keep these two processes closely connected temporally while keeping them separate physically. The concern is that there are several logistical problems with having the remains arrive at the prepared burial site all at the same time and within about a six-hour time frame have the burial completed.

PROCEDURE. The general procedure will be to prepare the remains for transport from the Smithsonian to Portland, obtain transportation for the remains and undertakers, prepare the gravesite, obtain the protective panels, perform the burial rites, install protective panels and complete the burial.

ISSUES OF CONTINUITY. Several procedural issues need to be resolved in order to preserve continuity of the repatriation process.

Excavating Machinery -

Because the burial protection which will be installed is fairly rigid and measures 10 ft by 2 or 4 ft, it will require the excavation be shaped to accommodate the panel installation without having to perform any substantial amount of hand work or panel alinements. Suggested shape of excavation:

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Who is making arrangements for the excavation machinery and will the Corps be needed for technical assistance during the excavation work?

Wire Protection Panels -

Panels to be installed on either side and on top immediately around the remains are 10 ft by 2 ft, and weigh about 38 lbs each. We are still looking into the method of joining these three-panel sets. Be aware that the joining process would take a lot of time, since it involves a large number of separate connections. What tools are available for making connections?

Panels to be installed above the three-panel sets are 4 ft by 10 ft and weigh about 76 lbs each. They will be placed 3 ft above the remains, and 3 ft below the ground surface in a wider excavation. Four by ten panels are to be joined end-to end.

Panels are being made to spec's at the mill. As of 16 OCT 94, they are low on the wire stock and are expecting an order to be filled in about 4 weeks. This means that with a 3 week manufacturing time, the panels will not be ready until about 1 DEC. Based on this time frame I am concerned that 3 DEC for the interment leaves no room for shipping and delivery problems to be resolved.

With the Corps supplying the panels, there will be a need to arrange for their transport from the storage yard at Bonneville Dam to the cemetery. Considering the value of these stainless steel panels on the salvage market, they must be installed immediately or kept under locked storage. This aspect needs further discussion.

Jay Sturgill
CoE Portland District
(503) 326 - 6458

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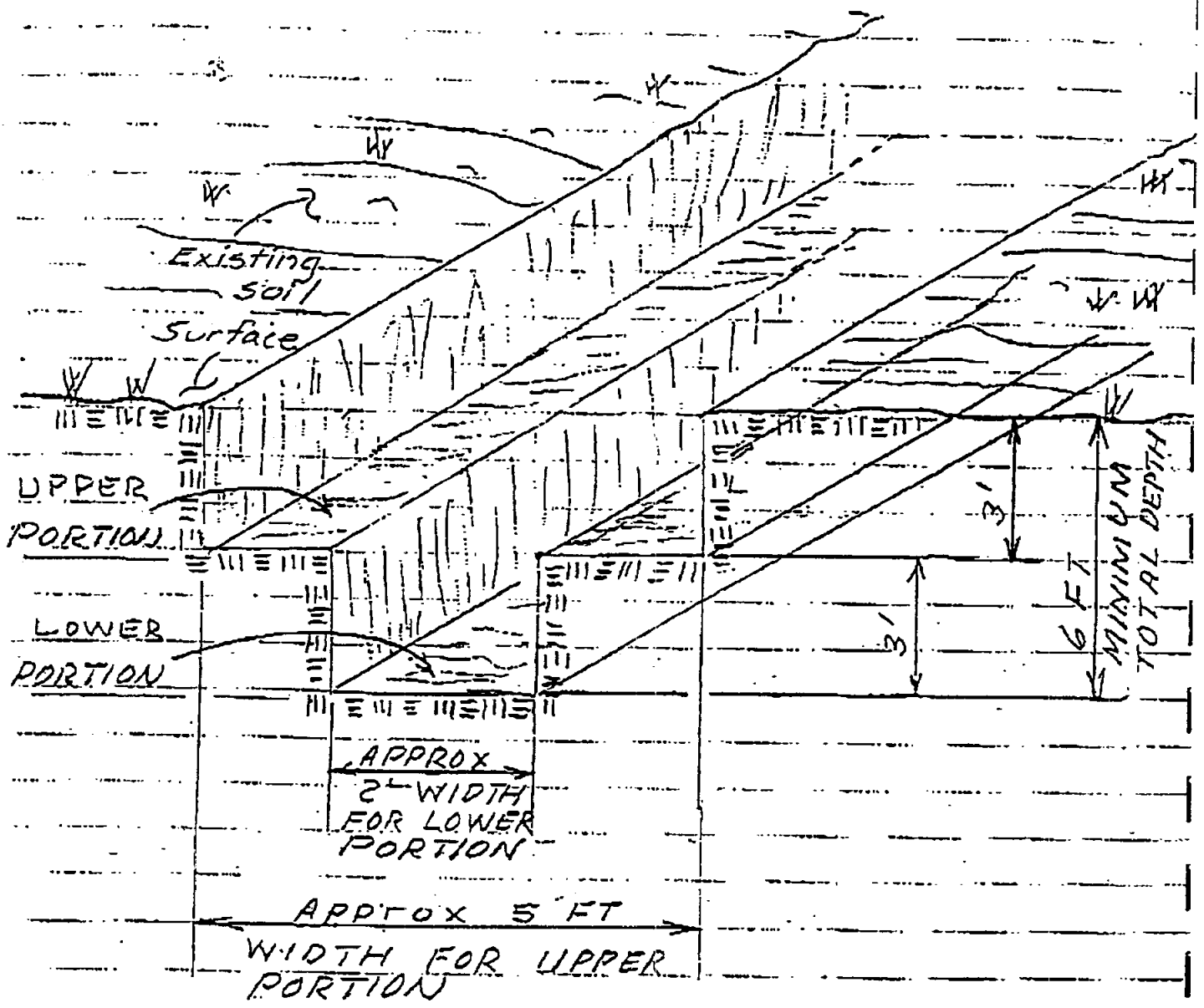

Excavation Detail

= Wire Panels Placed In Lower Trench One Each Side And One Over Top.

= Wire Panels Placed In Upper Trench One Panel Laid Flat.

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