



November 12, 2013

The Honorable Sally Jewell
Secretary of the Interior
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Jewell,

I am contacting you on behalf of the Society for American Archaeology (SAA) to express our concerns about the failure of the Department of the Interior (DOI) to meet its statutory obligations under Section 106 of the National Historic Preservation Act at Amity Pueblo in Arizona. I also am respectfully informing DOI that SAA has an interest in the adverse effects of construction activities for the Eager Fish Pond, sponsored by the U.S. Fish and Wildlife Service (USFWS) at Amity Pueblo, and that we are requesting consulting party status in on-going consultations to reach a Memorandum of Agreement (MOA) for the project.

The Society for American Archaeology (SAA) is an international organization, founded in 1934, dedicated to research, interpretation, and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges, universities, museums, governmental agencies, Native American tribes and communities, and the private sector. SAA has members in every state within the United States, as well as in many other countries around the world.

Based on information the SAA recently received from the Pueblo of Zuni, which included communications from the Arizona State Historic Preservation Office (AZ SHPO) and Arizona State Museum (ASM), there appears to be a continued, yet inexplicable, lack of action by the USFWS and the Arizona Game and Fish Department (AGFD) to rectify the desecration of human remains and funerary objects and the disturbance to a National Register-eligible historic property (the Amity Pueblo) during the construction of the Eager Fish Pond. The SAA previously wrote to the three agencies responsible for the unpermitted and illegal actions on December 5, 2012. In that letter, the SAA requested that the Natural Resources Conservation Service (NRCS), AGFD, and USFWS immediately resolve the serious charges of non-compliance with both Federal and State law. The SAA also strongly encouraged these agencies to take steps to treat the 10 burials that were disturbed in 2011 with appropriate dignity and respect, and with all due consideration for the specific tribal cultural and religious traditions applicable to the individuals who had been violated.

Now, nearly one year later, the SAA has been apprised by the Tribal Historic Preservation Officer of the Pueblo of Zuni, a member of the SAA, that the human remains disturbed by this action are still scattered across the surface of the site and have not been dealt with in an appropriate manner. Furthermore, in reviewing communications from the Pueblo of Zuni, the AZ SHPO, and ASM

disseminated to the Southwestern Region of USFWS in August and September 2013, it has come to the attention of SAA that an MOA to resolve the adverse effects to historic properties caused by the Eager Fish Pond undertaking is still not finalized. Moreover, it is apparent from these communications that there are substantial concerns and disagreements about the language used in the most recent draft MOA crafted by USFWS and AGFD.

SAA is troubled by the lack of timely action in implementing measures to appropriately and respectfully collect and reinter the disturbed human remains and mitigate the adverse effects to a National Register-eligible historic property. Moreover, we are extremely frustrated that our repeated attempts to gain information from USFWS about the situation and on-going consultations have been continually and consistently rebuffed. It appears that the USFWS believes that archaeologists have no standing in issues related to archaeological heritage determined by that agency to be eligible for listing in the National Register of Historic Places. We find this position untenable, as Federal and State laws appear to have been violated in disturbing Amity Pueblo. Of course, we are not alone. Apparently, the positions of the affected Tribal communities, as well as the recommendations of the AZ SHPO, ASM, and ACHP have been, and continue to be, ignored as well.

We need to fix this situation. SAA can be useful in healing the rift that now exists. We are not interested in laying blame or pointing fingers; we simply want a just solution for the ancestors that have been disturbed, their descendants, and the American public. We hope that you, as Secretary of Interior, will intervene in this matter to (1) ensure that all applicable federal laws are enforced; (2) require the USFWS to immediately finalize an MOA that meets the needs of all consulting parties and; (3) expeditiously implement the actions outlined within that agreement to rectify this travesty. To this end, and to protect the interests of the archaeological resources, as well as the deceased individuals and their descendants and culturally-affiliated communities, SAA requests that we be granted consulting party status for this undertaking.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey A. Altschul". The signature is fluid and cursive, with the first name being the most prominent.

Jeffrey Altschul, Ph.D., RPA
President

CC:

Daniel M. Ashe, Director U.S. Fish and Wildlife Service
Larry D. Voyles, Director Arizona Game and Fish Department
John Fowler, Executive Director, Advisory Council on Historic Preservation
John Eddins, Advisory Council on Historic Preservation
James Garrison, SHPO, Arizona State Historic Preservation Office
Ann Howard, Deputy SHPO, Arizona State Historic Preservation Office
Patrick Lyons, Arizona State Museum
Theresa Pasqual, THPO, Pueblo of Acoma
Leigh Kuwanwisiwma, Director, Hopi Cultural Preservation Office
Alan Downer, THPO, Navajo Nation
Kurt Dongoske, THPO, Pueblo of Zuni