



Reply To  
Attention Of:

**DEPARTMENT OF THE ARMY**  
**WALLA WALLA DISTRICT, CORPS OF ENGINEERS**  
**201 NORTH THIRD AVENUE**  
**WALLA WALLA, WASHINGTON 99362-1876**

January 24, 1997

Executive Office

Mr. William D. Lipe  
900 Second Street Northeast, #12  
Washington DC 20002-3557

Dear Mr. Lipe:

I am writing in response to your letter concerning the inadvertent discovery of human remains in Benton County, Washington, on July 28, 1996. The purpose of this letter is to provide background information and to inform you of the status of our process for a final decision in this matter.

The ancient remains, referred to in the press as "Kennewick Man" or "Richland Man," were found on government-owned property under our jurisdiction. While they were being assessed by consultants to the local coroner's office, it was determined the remains were over 9,000 years old. Due to their antiquity and location, the remains came under Federal jurisdiction (*e.g.*, Archaeological Resources Protection Act and Native American Graves Protection and Repatriation Act [NAGPRA]). Accordingly, we took custody of the remains and transferred them to a curation facility.

In accordance with NAGPRA, we consulted with a coalition of several Northwest Indian Tribes who claimed the remains. During this consultation, it appeared that the location of the discovery was on lands recognized by a final judgment of the Indian Claims Commission (ICC) as the aboriginal land of one of the Indian Tribes. We then published a notice of intent to transfer the remains to this coalition unless additional or conflicting claims were filed during the 30-day waiting period. Other claims were filed during this waiting period. We conducted additional research and found this land was not the subject of a final judgment of the ICC as originally believed.

During this same time period, we were sued by a group of scientists (Bonnichsen, *etc. v. United States, et al.*) and by an indigenous, pre-Christian, European religion (Asatru Folk Assembly, *etc. v. United States, et al.*) in the United States District Court of Oregon. These pending cases challenge transfer of the ancient remains to the Indian Tribes.

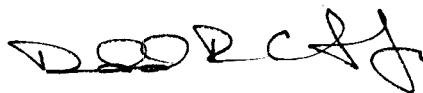
We are now reviewing and evaluating the claims filed by the Indian Tribes and others in accordance with NAGPRA. The information and issues presented in the pending lawsuits, as well as comments and information submitted by interested parties, are being considered in this administrative process.

The issue before us is "cultural affiliation." That is, whether a present-day tribe can provide evidence of a relationship of shared group identity which can reasonably be traced historically or prehistorically to these ancient remains. This evidence may include geographical, kinship, biological, archeological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion.

Because of the controversy surrounding this discovery and the technical review of the information presented, the administrative process will not be completed in the near future. We plan to retain custody of the human remains in an appropriate curation facility until a final administrative determination identifies an appropriate claimant.

Thank you for your comments. I will consider them in making my decision. Should you have further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "DORCJ", with a stylized flourish at the end.

Donald R. Curtis, Jr.  
Lieutenant Colonel, Corps of Engineers  
District Engineer