

DRAFT PLAN OF ACTION

PETROGLYPH POINT, LAVA BEDS NATIONAL MONUMENT

September 14, 2004

This Plan of Action (POA) complies with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 et seq.), its implementing regulations (43 CFR Part 10); and, the Archaeological Resources Protection Act (ARPA) (16 U.S.C. 470 et seq.) with its implementing regulations (43 CFR Part 7). In addition, the plan conforms to the June 2002 recommendations of the National Park System Advisory Board on determinations of cultural affiliation under the NAGPRA.

Probable human remains consisting of a mandible and a fragment of a clavicle were discovered by a park visitor on January 31, 2004. The two pieces of bone were on the surface of the ground and within an archeological site previously documented as CA MOD 0001. When the site was initially recorded by contract archeologists and rock art specialists in October 1988 the presence of one human tooth was noted. Subsequently, an additional feature at this site (a boulder with cupules and incised grooves) was described by two NPS archeologists on June 28, 1989. The park visitor who removed the mandible from the park is a minor child who acted independently of adult supervision. The child's father saw the bones in possession of the child on February 2, 2004 and informed the tour who had taken the family and others to Petroglyph Point two days earlier. Park officials were contacted and then took possession of the human remains. Park staff surveyed the area from which the remains had been removed but did not find additional human skeletal material or artifacts.

A physical anthropologist confirmed the identification of the skeletal material as human on February 5, 2004. The acting Modoc County Coroner was then notified and told about the assessment of the bones by the physical anthropologist in terms of condition, context and age. The Coroner's Office indicated that it had no further interest in the case. On the same day consultation with an official representative of the Klamath Tribes was initiated by telephone and then confirmed with a certified return receipt letter sent by Superintendent Dorman to Gerald Skelton, Director of the Cultural and Heritage Committee, The Klamath Tribes.

Since the time of acquiring the remains, Park law enforcement personnel put them in a secure storage location at Park Headquarters. On February 9, 2004 two representatives of the Klamath Tribes visited the park to inspect the remains. They conducted a private ceremony and the remains were repackaged and put back in storage pending further consultation. Superintendent Dorman made several phone calls to official representatives of the Klamath Tribes and sent a second return receipt registered letter to the Tribes on June 24, 2004. The letter proposed a further consultation meeting on July 20, 2004 that was agreed in subsequent telephone conversations. The meeting with Gerald Skelton and two other tribal representatives took place as scheduled at 10:00 AM on July 20, 2004.

1. This plan focuses on the mandible and a fragment of a clavicle found at CA MOD 0001 near Petroglyph Point. There are no funerary objects associated with the human skeletal material.

The human skeletal material is most likely to be Native American as that term is defined in law because of its antiquity and provenience.

2. The preponderance of geographical, archeological, linguistic, folklore, oral tradition, and historical evidence for the determination of custody for these cultural items identifies the Modoc Indians as traditionally associated with the land on which Lava Beds National Monument is located. This traditional association is supported by the fact that Lava Beds National Monument is surrounded by the judicially established land area of the historic Modoc Tribe according to findings of the US Indian Claims Commission. Today, contemporary descendants of the Modoc are members of both The Klamath Tribes of Chiloquin, Oregon and the Modoc Tribe of Oklahoma. Therefore, members of the Klamath Tribes and the Modoc Tribe are most likely to have a shared group identity, to be culturally affiliated, with an earlier group who occupied and used this unit of the national park system in past centuries. The preponderance of the evidence indicates that the Klamath Tribes and the Modoc Tribe share a relationship of cultural affiliation with the human skeletal remains found near Petroglyph Point. Both The Klamath Tribes and the Modoc Tribe are federally recognized and have standing under NAGPRA. The NPS will advise both the Klamath Tribes and the Modoc Tribe of its intent to transfer ownership of the remains to the Klamath Tribes.
3. The planned treatment for the human remains is to formally transfer them to the Klamath Tribes for their disposition. In the interim the remains will be kept in secure storage at park headquarters.
4. No further archeological documentation of the human remains or study of the site relative to this inadvertent discovery is proposed.
5. No further analysis of human remains is proposed.
6. This plan of action concerns only the human remains found near Petroglyph Point at the end of January 2004. As noted above, the park has consulted with the Klamath Tribes on the disposition of the remains and the Klamath Tribes have made a formal claim for their repatriation. Lava Beds National Monument will continue to consult with both the Klamath Tribes and the Modoc Tribe of Oklahoma to develop a comprehensive NAGPRA agreement for inadvertent discoveries and intentional excavations elsewhere in the park. Specific plans of action will be developed in the future.
7. In the event that representatives of the Klamath or Modoc Tribes wish to engage in further traditional treatments of the human remains discussions will take place to determine and agree upon specific activities that do not threaten the security and preservation of the materials as long as they are in the possession and control of the NPS.
8. Reports on the inadvertent discovery include a Criminal Incidence Report (related to the retrieval of the human remains after they were removed from the park by a minor); a letter report by the physical anthropologist; and, a letter report by the archeologists who surveyed the site of the inadvertent discovery.
9. The NAGPRA material will be repatriated to the Klamath Tribes. The Klamath Tribes will be allowed to inter the remains within Lava Beds National Monument pending discussions on the selection of an appropriate site for reburial that does not compromise other resources or the security of the remains.

Craig W. Dorman, Superintendent