



SOCIETY FOR AMERICAN ARCHAEOLOGY

December 5, 2012

Daniel M. Ashe, Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Jason Weller, Chief
Natural Resources Conservation Service
United States Department of Agriculture
1400 Independence Ave., SW, Room 5105-A
Washington, DC 20250

Mr. Larry D. Voyles, Director
Arizona Game and Fish Department
5000 W Carefree Highway
Phoenix, Arizona 85086-5000

Dear Sirs,

The Zuni Tribal Historic Preservation Officer, a member of the Society for American Archaeology, requested that our organization review an ongoing situation involving the disturbance of human remains during the Lee Valley Pond project sponsored by your three agencies.

The Society for American Archaeology (SAA) is an international organization, founded in 1932, 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, and the private sector. SAA has members in every state within the United States, as well as in many other countries around the world.

The information available about the Lee Valley Pond project indicates your agencies failed to comply with Section 106 of the National Historic Preservation Act and Arizona Revised Statute (A.R.S.) §41-844. It is our understanding that the first archaeological survey of the project area was not done with the permit required from the Arizona State Museum, and the Arizona State Museum may not have been properly notified when human remains were disturbed.

We write to you to request that your agency resolve the serious cultural resource management issues posed by this project and take immediate steps to ensure that the human remains disturbed in 2011 are treated with appropriate dignity and respect, and with consideration for the specific tribal cultural and religious traditions applicable to the remains, as mandated by A.R.S. §41-844.

Our review of a report prepared for the Arizona Game and Fish Department in 2012, after the disturbance of human graves and archaeological deposits at Amity Pueblo in April of 2011, indicates there have been adverse effects from vehicular access, backdirt piles, and excavation of the fishing pond (See Eric S. Cox and John T. Marshall, 2012, *A Cultural Resources Survey and Assessment of the Arizona Game and Fish Department's 26 Bar Property in Eagar, Apache County, Arizona*, Technical Report No. 12-13, Northland Research, Inc., Tempe Arizona). The area impacted by construction activity totals 9.1 acres. The human remains of at least 10 individuals were documented in the disturbed areas at the site, including six *in situ* human burials. It is probable that the project has disturbed more burials that have yet to be documented. The lack of adequate protection of the site has resulted in recent visitation and looting activity in the form of collection piles of artifacts and digging at the site. Furthermore,

the human remains exposed at the site continue to be adversely effected by exposure to environmental factors. We understand that some human remains from Amity Pueblo are stored in a cardboard box at the Eagar Town Hall in a manner that does not afford them the basic respect required by A.R.S. §41-844.

Based on the information available to us, SAA is concerned about the failure of your agencies to mitigate the adverse effects of your actions on the human remains and archaeological features disturbed by the construction activities of the Lee Valley Pond project.

SAA thinks it is important for all federal and state agencies to comply with historic preservation legislation designed to protect the tangible heritage of the United States, and to ensure that human remains are treated with dignity and respect. On future projects, SAA strongly recommends that your agencies employ Registered Professional Archaeologists (RPA) to undertake the research you need to effectively manage archaeological resources. Members of the RPA subscribe to a rigorous Code of Conduct and Standards of Research Performance, and the RPA provides a means for concerned parties to hold RPA members accountable for their actions.

In closing, the Society for American Archaeology requests that you complete consultation with the Zuni, Acoma, Hopi, and Navajo Tribes to seek their advice on how to mitigate the adverse effects on human remains and archaeological features caused by your construction project, and that you take immediate steps to mitigate that damage.

Sincerely,



Fred Limp, President

cc: Benjamin N. Tuggle, Regional Director, U.S. Fish and Wildlife Service
Theresa Pasqual, Acoma Historic Preservation Officer, Pueblo of Acoma
Leigh J. Kuwanwisiwma, Director, Hopi Cultural Preservation Office
Kurt Dongoske, Zuni Tribal Historic Preservation Officer, Pueblo of Zuni
Alan Downer, Navajo Tribal Historic Preservation Officer, Navajo Nation
Ann Howard, Deputy Arizona State Historic Preservation Officer
Todd Pitezel, Assistant Curator of Archaeology, Arizona State Museum
John Eddins, Advisory Council on Historic Preservation