

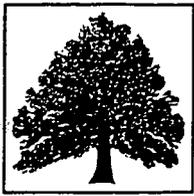
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**STATUS OF NATIVE AMERICAN GRAVES PROTECTION AND
REPATRIATION ACT PROCESS FOR FERNAL NATIVE AMERICAN
REMAINS**

08/05/96

DOE-1132-96
DOE-FN APPLEGATE
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LETTER



Department of Energy

Ohio Field Office
Fernald Area Office

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AUG 05 1996
DOE-1132-96

Mr. John Applegate
Fernald Citizens Task Force
P.O. Box 544
Ross, OH 45061

Dear Mr. Applegate:

STATUS OF NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT PROCESS FOR FERNALD NATIVE AMERICAN REMAINS

This purpose of this letter is to update you on recent developments related the Department of Energy, Fernald Environmental Management Project's (DOE-FEMP's) efforts to determine the final resting place for the Native American remains currently in the DOE-FEMP's possession. You may recall that these remains were removed prior to the installation of a Public Water Supply pipeline. The DOE-FEMP has been in consultation with numerous Native American Tribes and Groups under the Native American Graves Protection and Repatriation Act (NAGPRA). The DOE-FEMP feels that a critical point in time has come with regard to determining the appropriate final resting place for the remains. The DOE-FEMP is concerned that continued storage of the remains is not consistent with the input from the numerous Native American Tribes and Groups, who want to ensure that the remains are handled and reburied in a respectful and safe manner.

The DOE-FEMP would have preferred to work out an agreement to rebury the remains in a manner and location that would be acceptable with all of the Native American Tribes and Groups involved in this process. Any agreement to determine the appropriate final resting place of the remains without the involvement of the NAGPRA Review Committee (within the National Park Service), would require that the current NAGPRA claim that has been filed for the remains be withdrawn. However, the DOE-FEMP has recently learned that the Miami Tribe intends to pursue their claim for the remains. The DOE-FEMP has informed all of the federally-recognized Tribes that all claims will be submitted to the NAGPRA Review Committee on September 4, 1996. The NAGPRA Review Committee is tentatively scheduled to rule on in this case in October 1996. As you may recall, DOE-FEMP made a preliminary determination that the remains are culturally unidentifiable, based on archaeological evidence. The DOE-FEMP understands that further consultation with the Tribes may reveal new information that could show a cultural affiliation to one or more Tribes. Therefore, the DOE-FEMP will seek information prior to the submittal of the claims to the NAGPRA Review Committee from traditional religious leaders and others, to fully explore whether a final determination on cultural affiliation can be made.

The DOE-FEMP will keep you informed of any developments regarding this issue. As stated previously, the DOE-FEMP is awaiting input from the federally-recognized Tribes and will forward all claims to the NAGPRA Review Committee on September 4, 1996. If you have any questions or require additional information on the requirements for who can make a claim and what should be in a claim, please contact Ed Skintik at (513) 648-3151.

Sincerely,



David R. Kozlowski
Associate Director
Office of Safety and Assessment

FN:Skintik