

Jonathan M. Wainwright VA Memorial Medical Center
Specialty Care Clinic and Potable Water System Upgrade
Project

Human Remains Discovery Protocol

The following describes the procedures to be followed in the event of human remains discovery and outlines how this process will be completed in order to meet regulatory compliance requirements. Compliance with several federal laws must be met, notably Native American Protection and repatriation Act (NAGPRA) and other applicable and regulatory requirement of the American Indian Religions Freedom Act, Archaeological Resources Protection Act, National Environmental Policy Act, and National Historic Preservation Act. The VA will treat all encountered remains as though they are Native American, and accordingly consult with affected tribes, unless and until remains are proven to be non-Native American

When addressing the inadvertent discovery of skeletal remains, three fundamental questions will be considered: These include; 1) are the remains human; 2) are the remains part of a crime; and 3) are the remains potentially Native American?

Human remains or suspected human remains will be treated with dignity and respect at all times. All human remains will be assumed to be Native American in ancestry until demonstrated otherwise. The VA and all other parties involved with the project acknowledge the cultural sensitivity of tribes, and pledge to keep confidential all information pertaining to the discovery, consultation, treatment, and temporary and final disposition of the remains. The VA will require all contractors and their subcontractors to enter into confidentiality agreements in this regard. The VA acknowledges the cultural and spiritual importance to tribes and that skeletal remains should not be removed or displaced from their original location. Every effort will be made to leave the remains where they are discovered. Remains only will be relocated when absolutely necessary to protect them from further severe disturbance or probable destruction, and only after consultation with the signatory and consulting parties.

If human skeletal remains are encountered during any excavation associated with this project (archaeological investigations, geotechnical monitoring, construction, or other ground disturbing activities), all activities that could cause further disturbance to the remains must cease, all other work within 60 meters (200 feet) will be suspended, and the remains shall be secured and protected from further disturbance, in accordance with NAGPRA and 43 CFR Part 10. The protective measures will include covering the excavation area with opaque sheeting within which the remains are exposed to prohibit photography opportunities, cordoning off the area around the remains with cones and caution tape, and notifying the VA police department for the purpose of ensuring the protection of the remains. The human skeletal remains will not be photographed, touched, moved, or further disturbed.

All inspection and analysis of remains pertaining to forensics and ancestral origins will be completed on-site, and will be non-destructive and entirely observational (i.e., visual with no

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physical sampling). Associated funerary objects or artifacts will not be handled, removed, collected, or photographed without direct approval and supervision of the VA, DAHP, and the affected Tribes.

The archaeological field supervisor or monitor must immediately report (in less than one hour) the discovery of human skeletal remains to the VA Police Department, the VA Federal Preservation Officer, and VA-Walla Walla Cultural Resource Manager. The VA will contact the affected tribes as soon as possible (within two hours if at all possible, and always within one calendar day of discovery). It is important for the affected tribes to be notified during this time in order to enable early planning for the potential treatment of non-forensic remains.

The VA Police Department will contact the county coroner to make a determination of whether the remains are forensic or non-forensic. Exposed remains will not be moved unless absolutely necessary to ensure their protection from severe damage or imminent destruction. If the coroner needs to remove the remains from their subsurface context in order to make forensic determination, the VA will first notify the affected tribes. If the coroner cannot determine ancestral origin *in situ*, the VA will offer to retain a forensic anthropologist or professional physical anthropologist to assist with such determination prior to moving the remains.

If the county coroner determines the remains are non-forensic, the coroner will transfer legal jurisdiction in accordance with federal laws and regulations to the VA Federal Preservation Officer and VA-Walla Walla Cultural Resource Manager, who will contact the tribes with their findings as soon as possible (preferably within two hours, always within one calendar day of the determination) and who will take steps to ensure the remains are addressed in accordance with NAGPRA. The VA Federal Preservation Officer and VA-Walla Walla Cultural Resource Manager will handle all consultation with the affected parties as to the future preservation, excavation and temporary and final disposition of the remains. If the remains are non-forensic and not Native American in origin, the VA Federal Preservation Officer will arrange for their final disposition.

If planned ground disturbing activities are likely to cause further disturbance to exposed remains, emergency removal and exhumation procedures will be developed and implemented immediately with the participation of the affected Tribes. The VA will work with the affected tribes to arrange safe and secure temporary and final disposition of the remains. The VA acknowledges that the tribes have a strong preference for reburial to occur as closely as possible to the origin context. Any work within 200 feet of the find will not resume until a plan for management or preservation of the human remains and associated burial materials has been developed in consultation with the affected Tribes.

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