SAA
SOCIETY FOR AMERICAN ARCHAEOLOGY

October 21, 2002

Don L. Klima
Director
Office of Federal Agency Programs
1100 Pennsylvania Avenue NW, Suite 803
Washington, D.C. 20004

Re: Proposed Treatment Plan for The Buckeye Knoll Site, 41VT98

Dear Mr. Klima:

As you may know, The Society for American Archaeology is a consulting party for the Galveston District, U.S. Army Corps of Engineer's Channel to Victoria project, a federal undertaking which has affected archaeological site 41VT98. In that capacity, we have received a copy of your letter to Col. Waterworth, commander of the Galveston District, dated September 23, 2002, and we have three concerns about the Council's comments in that letter.

First, it appears to us that the Corps of Engineers may not have given you a clear statement of the nature of the "treatment plan" document that they sent you to review. This document was prepared by the contractor at the instruction of the COE in order to provide Col. Waterworth with a brief, nontechnical statement about what kinds of analyses could be performed on the human remains from this extraordinary site and what could be learned from each kind of analysis. The document was then to be used by the COE in their discussions with tribes and to provide the Colonel with nontechnical information to be used in his decision-making process. The document was never intended, as far as we are aware, to serve as a formal, scientifically based research design, and the lack of complete congruence between this document and the original data recovery plan is a result of the COE's requirement that the document address specific questions put to the contractor by Col. Waterworth.

Our second concern has to do with the way that the Council's policy on the treatment of human remains and grave good is being applied in this case. The second paragraph on the second page of your letter notes, correctly, that the Kiowa Tribe of Oklahoma, the Alabama-Coushatta of Texas, the Comanche Nation, and the Mescalero Apache Tribe have expressed opposition to any analysis of the materials from VT98 or opposition to destructive analysis. The Council's policy is quite clear that within the Section 106 process, decisions about treatment of human remains should be made "in consultation with the descendants of the dead." In the interpretation memorandum for this policy, "descendants" is defined to mean lineal descent or a cultural relationship. As far as we are aware, no evidence has been brought forward to indicate that any of the tribes listed above meet the Council's definition of "descendants."

We would submit that if the Council intends to urge the Corps to limit analyses of the human remains from this extremely significant site and to remove those remains permanently from any possibility of analysis in the future through reburial, the Council's own policy requires that such a decision be made in consultation with tribes or other groups that are demonstrably "descendants" of the deceased.

Our third concern is with ACHP's opposition to destructive analyses. In your letter of September 23, 2002, you cite the ACHP's 1988 Policy Statement Regarding Treatment of Human Remains and Grave Goods, arguing that the case for radiocarbon, DNA and stable isotope analyses had not been made. As I noted above, this is partly due to the non-technical nature of the document under review. Here I wish to reiterate a point that we made in our letter to the Corps of Engineers (October 1, 2002), a copy of which was faxed to your office.

It appears that the ACHP is not convinced that the information to be obtained through the minimally-destructive analyses proposed for the skeletal remains could not be obtained from analyses of the midden, or trash, deposits. A large burial sample permits a level of analysis that can go far beyond standard archaeological midden analysis. Although general diet can be estimated from midden remains, it is always unknown whether the evidence of diet in a midden is linked to the associated human skeletal remains. Stable isotope analyses of the human skeletal remains provide an important check on the information gleaned from the middens. Additionally, and even more importantly, direct analysis of the human skeletal remains permits us to examine specific dietary differences between men and women. In other cases archaeology is discovering that male and female diets were not always the same within the same society and that such differences can affect the overall health of each sex. Additionally, AMS radiocarbon dates on each set of human remains permits us to examine change in diet, and change in male/female diets, over a finer time scale than is permitted by the general midden remains. In addition, at present we do not know the time span over which the cemetery was used; a large sample of radiocarbon dates on the skeletal remains is the most direct and best way to determine the cemetery's time span. Finally, studies of DNA are proving to be increasingly useful in tracking population migrations, and in providing a crucial check on the utility of skeletal morphology (e.g., cranial morphology) as a measure of population affinity. Such measures have become increasingly important, especially for the early, or paleoindian, cultures of the Americas.

In sum, SAA has advocated that the Corps of Engineers plan on increasing the sample size for AMS radiocarbon, stable isotope and DNA analyses. These analyses are minimally destructive and can be conducted on already existing bone fragments.

Thank you for the opportunity to express our opinion on this matter. SAA is prepared to assist with resolving this matter in any way it can.

Sincerely,

/s/

Robert L. Kelly
President

cc: Texas, State Historic Preservation Officer
Council of Texas Archaeologists
Corps of Engineers, Galveston District
Texas Archaeological Society