



## SOCIETY FOR AMERICAN ARCHAEOLOGY

December 1, 1997

Mr. Charles Cartwright, Jr.  
Regional Forester  
Southwest Region  
USDA Forest Service  
517 Gold Avenue  
Albuquerque, NM 87102

Dear Mr. Cartwright:

Thank you for your September 17 response to the letter from the Society for American Archaeology expressing concerns about the Southwest Region's cultural affiliations document. In response, we provide a few additional comments and clarification.

We are not persuaded by your assumption that broader consultation or peer review would not have significantly altered the conclusions, and it is difficult for us to understand how those conclusions could be drawn without such a review. It also seems to us that the additional expense to the Forest Service of such a review would have been insignificant in comparison to the other expenses incurred in the Region's repatriation program and it could have been planned to result in little delay. Whether additional review is required by law depends upon an interpretation of the nature of an agency's obligation to collect readily available information relevant to cultural affiliation. We believe that where the information is readily available but lies outside the agency's in-house expertise, the agency has an obligation to gather and consider it.

You note the Region's lack of success in gathering information from the tribes that is useful for the establishment of cultural affiliation. Certainly consultation with the tribes is a complex and time consuming process. It is our experience that both agencies and tribes can find consultation problematic. We assume that is because agencies and tribes enter consultation with very different expectations about the nature of the process and of its outcomes. We point out that, despite these difficulties, there have been some notable successes which is why we suggested a reconsideration of the manner in which the NAGPRA consultations have been pursued. We urge you to continue earnest and creative efforts at consultation.

We are pleased that the Cultural Affiliations document is subject to revision as new information becomes available. Our concern is the lack of a clear process whereby currently available or new information from scientific studies will come to be taken into consideration as these assessments are revised. NAGPRA's checks, balances, and safeguards that you point out do provide tribes with remedies to contest decisions with which they disagree. However, if the tribes and the agencies agree about repatriation, no such remedies (other than lawsuits) are available to the scientific community when it appears that the scientific evidence has not been adequately assembled or addressed. This, indeed is the very crux of the reason for our original letter to you.

While we continue to believe that the Forest Service has a legal obligation to more actively seek additional scientific information, we very much appreciate your willingness to consider additional information that our

members might bring to bear on questions of cultural affiliation. Of course, such information would also be useful to other agencies and museums. We would welcome your ideas on how (or if) SAA should try to develop a mechanism whereby such comment can be collected and effectively distributed or outside review could be usefully provided.

You express disappointment that the Committee on Repatriation did not consult people knowledgeable about your inventory process prior to writing our letter. In writing our letter, the committee consulted with a number of contractors who have worked with the Southwest Region on projects including repatriation, and with a number of tribal representatives who have been involved in consultations with the Region. One member (Kintigh) of our committee participated in several meetings held by the Southwest Region concerned with repatriation issues (not officially representing SAA), including a Phoenix meeting on December 5, 1994 that was an explicit step in the development of the Cultural Affiliation document, a key meeting in January 1992 at the Central Arizona Project Headquarters and a July 22, 1995 meeting at the Tonto Forest headquarters (followed up by a July 20 letter to Mr. Bazan). In addition, he has had numerous conversations with Frank Wozniak and Judy Propper to express concerns about the Southwest Region's repatriation efforts. We suggest that our differences in perspective on what the Forest Service has accomplished derive not from misrepresentation or lack of information but a very different evaluation of the situation. It was and is our hope that providing such an informed, outside assessment will help improve the process.

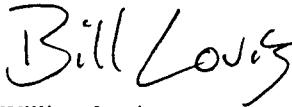
Finally, you also say that "other respondents have addressed a number of factual errors in [our] letter regarding the Tonto Basin assessment." If you are referring to letters we received from Lynne Teague (Arizona State Museum) and Scott Wood (Tonto Forest Archaeologist), nothing in these letters has caused us to change our position. The only error in our original letter was that we inadvertently left out of our "cc" list a number of tribes that actually received copies. While we could respond on a point-by-point basis, we do not think that would be productive. However, we would like to make one thing very clear: our letter to you was not stimulated by Hopi concerns about Roosevelt Project; indeed it was in preparation before we ever received a copy of the Hopi letter and would have been written whether or not Hopi had any objections. Our original letter tried to make clear that we were not concerned with any particular repatriation outcome but with trying to improve the repatriation process.

Please feel free to contact us if you have any questions or would like to discuss this further..

Sincerely,



Vincas P. Steponaitis  
President



William Lovis  
Chair, Committee on Repatriation

cc: Evan DeBloois  
Frank McManamon  
Tessie Naranjo