

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6017 HOUSE RESOURCES

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Problems for suppliers

Although the depressed prices are toughest on the farmers, the suppliers behind the scenes are also hit hard. Scantech Resources of Sechart folded in July after becoming one of B.C.'s major suppliers of fish farm equipment in just four years. President Clark Hamilton says that he lost everything in the failure but is still a strong believer in the future of the industry in British Columbia.

Another supplier which was hard hit was Powell River Net Loft which ceased doing any further work for the fish farming industry in June. The suppliers that are the most exposed are the companies which specialize solely in fish farming equipment and services for the B.C. market. They don't have the flexibility of companies that serve other industries or those that have national distribution.

What went wrong

It's small consolation that salmon farmers around the world are facing the same problems of overproduction and falling prices. Indeed, both the Scots and

a continued shakeout in the Norwegian smolt producing sector.

In British Columbia the problems seem even worse. Excessive debt financing, high jacking rates and high

producers who already arrived late in the world growth curve of farmed salmon production.

Glutted markets

As if this weren't enough, world markets are currently glutted with high inventories of frozen Pacifics, a legacy of an over-supply last year and ample reserves of fresh and frozen farmed Atlantic salmon on world markets this year. Farmed Atlantic salmon now take preference in most European and some North American markets, areas that were once dominated by wild Pacifics. Consequently, the price for both farmed and wild Pacifics has seen a dramatic fall since last December with farm gate prices for farmed chinook (6-9 lb.) dropping more than \$1.50 per pound to \$2.50 and lower for a while early this summer. (New Brunswick Atlantic salmon (6-9 lb.) were wholesaling for about \$1.25 more per

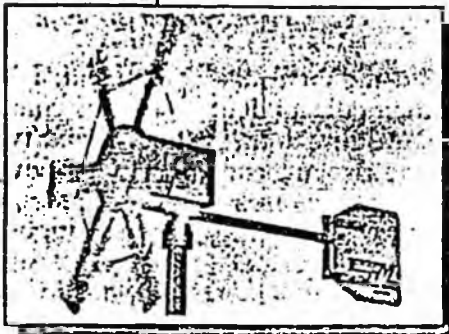
"At the end of the day salmon farming will end up like other producing sectors with only the low-cost producers surviving."

Norwegians are taking a serious beating in Europe where production continues to grow at about 50% per year while demand is at about 25%. In Norway the Fish Farmers Sales Organization (FOS) has recommended holding the number of smolts going into the sea at about 50 million this season. This is to reduce production and maintain prices in the years ahead. One of the consequences, however, will be

mortalities from algal blooms and BKD have continued to chip away at profit margins. B.C. growers have also had to cope with a relatively new and untried culture species, chinook. It doesn't have the 20 year track record of the Atlantic species which the Norwegians and Scots have been able to use to their advantage on both the production and marketing sides. It's taken extra time and money for west coast

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pound than B.C. chincoks of the same size mid-summer, while Norwegian Atlantics were about 50¢/lb less than the New Brunswick product.).

The depressed market conditions came at a particularly awkward time for B.C. growers. The 60 or so companies that started operations within the last four years are at a stage of maximum investment, everything's out on the line, but as yet they haven't had a good chance to make any major earnings and reduce their debt. And now, with salmon prices the way they are, you can be sure that any fish under 4 pounds is being sold below the break-even point.

The worst part is that there aren't any major miracles expected in the near future. Though there should be a modest price rise when the wild-catch season ends this fall, a significant jump in farm gate

World's shrimp producers face same problems

Shrimp producers in southeast Asia are facing the same slide in prices that hit salmon farmers this year. According to a recent article in *Aquaculture Digest* (July 25, 1989) the pond-side price for giant tiger shrimp fell from \$8.50 to \$4.40 per kilo in Taiwan last spring and only recovered slightly during the summer. Taiwanese production costs are about \$5.00 per kilo.

Once again the main culprit is a hyper-active production sector trying to sell product into already-glutted markets. According to *Aquaculture Digest* the winners in the shrimp game are likely to be the low-cost producers in China and Indonesia while the losers are going to be the high-cost, intensive shrimp farmers of Taiwan, the Philippines, Thailand and the rest of the world. Commercial shrimp fishermen will also have problems remaining competitive in the years ahead, the article adds.

prices is not likely since the ever-increasing supply of farmed product from Norway, Scotland, Chile and Ireland is flooding markets in Europe and Japan, and making serious inroads into adjacent turf in the United States. It's a classic case of supply and demand

theory in action and will only be stabilized by market expansion, strong promotional efforts, more efficient production techniques and well organized selling.

Who will survive?

The farms in the best position are those with the

least debt, highest efficiency and deepest pockets, all linked to an efficient means of selling their product. The big integrated national and multinational companies are in a strong position. They can benefit from profits in several segments of the production, processing and distribution chain.

But there is also a future for independent farms if they can maintain a low cost of production. To do so they must run a lean operation, maximizing growth rates, while keeping feed wastage and equipment purchases to the minimum. They will want to have the least expenses possible and get the best prices they can for their product by pursuing niche markets.

Production costs are hard to pin down, but estimates run between \$2.50 and \$3.50 a pound farm gate depending on the site and

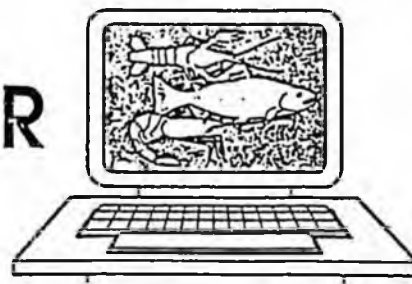
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W. C. SHAKE-OUT

Continued from page 23

what costs are included. This means that in mid August, with farm gate prices hovering at about \$3.00 per pound, B.C. farmers could make a modest profit if they were operating on the lean side or could be losing up to 50¢ a pound if they were on the high side. Unfortunately, for many of them there was no choice but to sell chinook and coho that were starting to mature. A couple of farmers were seriously looking into the possibility of establishing U-catch'em pens catering to wealthy U.S. yachtsmen.

Key to success

One of the most important keys to success in the years ahead will be management. As aquaculture consultant Ted Needham pointed out in a recent issue of UK-based *Fish Farmer* magazine "... every farmer has to find out what his realising costs really are. ... he can only do this if he works to proper budgets with monthly cash flows projected over two years and updated at least quarterly. All forecasts of fish growth should be based on what has been achieved to date

rather than on some hoped-for improvements." Needham's advice is as sound here in Canada as it is in Scotland. The margin for sloppy record keeping slipped away sometime last winter.

What is the outlook?

Is there any light at the end of the tunnel? Depends on who you talk to, but with another 50,000 tonnes projected to come onto world markets next year (275,000 tonnes total) there's not much hope that prices will again reach 1988 levels.

Who are the consumers?

Who's going to eat all this fine, fresh fish? The European market is nearing saturation and what's left will probably go to Scottish and Norwegian producers. The Japanese market is still available but it takes work to penetrate and, once again, the canny Norwegians are already in there, picking up what the Japanese can't produce for themselves (domestic farmed salmon production for Japan is estimated at about 25,000 tonnes of coho this year). The most accessible market left is our big, convenient neighbor to the south and there's still lots of opportunity there

if the Canadians will make a serious effort to go after it. Marketing and distribution are pivotal. It will take a concentrated, cooperative effort on the part of all Canadian producers of both wild and farmed fish.

At the end of the day salmon farming will end up like other producing sectors with only the truly low-cost producers surviving. They will sell their fish in a well disciplined market where demand will determine the production that is planned and financed. But at this point not even a prophet could say how long the restructuring will take and who the survivors will be. Ω

FRANK SIMON

Continued from page 42

The intense competition in the salmon business doesn't worry Simon either. "There is always room for a producer who's doing things right," he says. "We want to differentiate ourselves on the basis of quality. We believe that if we do everything right, we'll have a prominent position in the market." Ω

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MIX AND MIS-MATCH

Genetic pollution is the most invidious consequence of the escape of farmed salmon, argues Richard Douthwaite, who fears that the mating of farmed with wild fish may eventually eliminate our native stocks

On 9 February 1988 a storm of unusual ferocity hit the west coast of Ireland and swept across the country, leaving a trail of destruction in its wake. In Clew Bay on the Atlantic coast winds were so severe that farmers went down to the beaches the next day with their tractors and collected large quantities of dead fish. It was no surprise that two salmon cages moored in the bay broke up, releasing more than 30,000 fish into the open sea.

It is not always the weather which is to blame for fish farm escapes. One moonless night a few months before the storm, two men in a rowing boat cut the nets of 12 salmon cages moored in Mulroy Bay in Donegal. Almost 10,000 fish, worth £100,000, got away and the farm recaptured less than a quarter of them. The raiders' motive was to catch the escapees in their drift nets and then sell them.

Only recently has concern been expressed about the effects that these escapees might have on wild

salmon stocks. Perhaps the matter should have been addressed earlier. The first Scottish attempts to rear salmon in cages were made in the late 1960s and it was as long ago as 1981 that Scotland's output of farmed salmon exceeded its wild catch, with Ireland reaching that position about four years later.

Today the problem is so large it cannot be ignored. Scottish farmed output is expected to be 54,000 tonnes in 1991, about fifty times the size of the wild catch, and Ireland hopes to produce 15,000 tonnes that year. There is so much salmon in cages at sea that if only two or three per cent break free in any year, they will substantially outnumber the native stock.

Escapes would not matter if the freed fish were genetically identical to those born in the rivers up which they swim. However, this is rarely the case. The salmon in each river - even sometimes in the carrier streams - are unique strains which have evolved in the ten thousand

years since the ice sheets retreated. In most cases escapees will not be of that strain. There are 400 distinct stocks of wild salmon in Scotland, according to a report produced last year by the Scottish Wildlife and Country Link. It also states that wild salmon transferred from one river to another perform less well and have harmful effects on the native stock.

Farmed fish are increasingly being bred, like pigs and cattle, for characteristics which suit life in captivity rather than in the wild. Consequently, if escapees enter a river and mate with wild fish, they will pass on genes which tend towards placid behaviour, late sexual development and more rapid growth. Cross-bred young are therefore less likely than pure-bred natives to survive in the sea and return to the river as adults.

Even if farmed fish turn up in a river but mate with each other rather than with the wild fish, the effects are still adverse. They will

Genetic pollution is not the only threat which fish farming poses to the survival of wild salmon. Disease organisms and parasites multiply rapidly in the confined conditions of a salmon cage and from there they can easily migrate to affect other fish. It is for this reason that salmon farmers become wary if another farm establishes cages within a few miles of his own, which is why whole lochs in Scotland are allocated to one farm.

New diseases appear in farmed salmon almost every year. Pancreas disease arrived in Ireland in 1984

after occurring first in Scotland in 1976. Seventeen of the 21 farms in Ireland now have it and output is consequently down by 25 per cent because of deaths or stunted growth.

The most worrying disease appeared only last year, in Norway: Salmon Anaemia Syndrome kills 80-90 per cent of young fish. Again, its cause is completely unknown.

In spite of the threat that diseases present both to their own and to the wild stock, some fish farms are their own worst enemy. In Scotland dead diseased salmon are

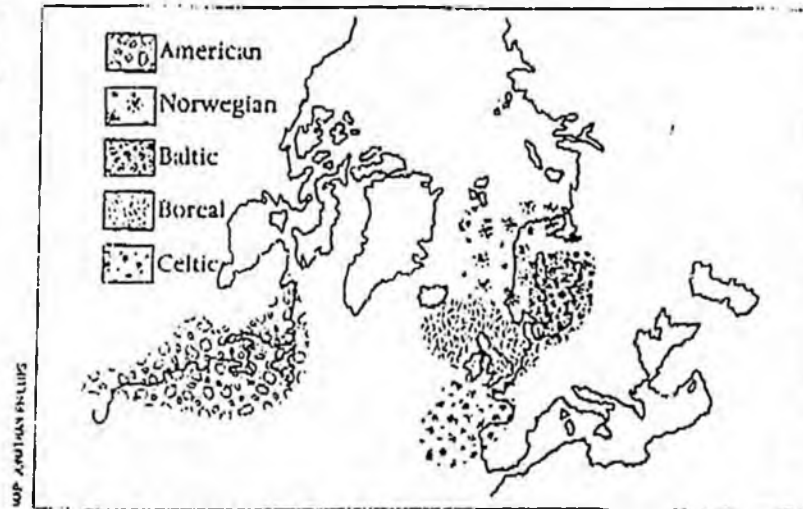
known to have been dumped at sea rather than incinerated on land, spreading pathogens far and wide. There are also two dangerous parasites. One is a tape worm which uses the edible mussel as an intermediate host, then moves on to affect wild fish. The worm weakens wild salmon, rather than killing them directly, lessening their ability to return up turbulent rivers to their spawning grounds and also making them more vulnerable to disease.

The second parasite is a flat-worm, *Gyrodactylus salaris*, which has completely wiped out stocks of

wild salmon in 28 rivers in Norway. It was accidentally introduced when farmed fish were imported from infected hatcheries and put into freshwater cages. The pest attacks parr - young salmon which have not yet developed the physical features that allow them to live in the sea. It is the most serious threat to Atlantic salmon in Norway today, says Rear Admiral D.J. Mackenzie, director of the Atlantic Salmon Trust, Pitlochry. The only cure so far is a drastic one - to poison any remaining salmon in the river and then restock with uninfected fish.



Previous page: grilse from the Spey. Above: fish jostle for food in the confinement of the cages. Right: distribution of the main races of Atlantic salmon



Although fishermen have known for hundreds of years that salmon stocks differ from river to river, scientists have only confirmed this belief within the last 20 years. Using a technique called electrophoresis they can analyse the proteins with which each fish is made up with great precision.

The first finding revealed by this technique was that there are five main races of Atlantic salmon, four of which share a common feeding ground off western Greenland. The Baltic salmon is the exception, feeding as an adult in the sea which gives it its name.

The second finding was that salmon vary genetically to a surprising extent from river to river, even within the same race. Dr Tom Cross, now of

University College, Cork, examined fish from the Bandon and Munster Blackwater rivers in the south of Ireland and found significant differences in their liver enzymes, even though they were both of the Celtic race and the river mouths only 80 miles apart. Dr Cross repeated his tests with Boreal fish from the Moy and Carrowiskey in north-west Ireland and found the Carrowiskey fish very different again.

The situation is so serious that regular escapes from farms could eventually wipe out all native salmon. Research in Norway, where salmon have been farmed for much longer than in Scotland or Ireland, shows that in some rivers up to two-thirds of the fish are already of the farmed variety. 'If genetic pollution continues at its present rate, the hereditary variations of some of the river species will be halved within seven years,' says Professor Harald Skjervoid whose research findings in this field all point to this alarming conclusion.

Any experienced salmon fisherman will confirm that salmon stocks vary from river to river.

University College, Cork, examined fish from the Bandon and Munster Blackwater rivers in the south of Ireland and found significant differences in their liver enzymes, even though they were both of the Celtic race and the river mouths only 80 miles apart. Dr Cross repeated his tests with Boreal fish from the Moy and Carrowiskey in north-west Ireland and found the Carrowiskey fish very different again.

The differences that exist between salmon from different rivers,' says Dr Cross, 'are due to the small population sizes and the fact that they have been apart for 5,000 years. How important the differences are to survival, we cannot say. I think we ought at least to keep the the different races apart.'

'Some are early rivers where large salmon enter in the spring,' says leading salmon geneticist Professor Noel Wilkins of University College, Galway. 'Other rivers have significant runs only in late summer, when the returning fish are smaller and younger. Some rivers are noted for the fine shape of their fish, others are not.'

Andrew Young, who managed the fisheries of the Duke of Sutherland more than 130 years ago, knew why this was: 'Each river has its own peculiar race of fish,' he wrote. 'We have now shown that salmon undoubtedly return to the river where they have spawned and where they belong to the race of fish that inhabit that particular river.' Professor Wilkins agrees: 'Salmon return to their own river with amazing accuracy and mating occurs predominantly between individuals who were born in the same river system.'

It is this inbreeding which has allowed the different strains to develop. In some rivers a higher proportion of fish come back after two or more winters at sea than after one year as grilse. Thus, if all the smolt are killed by disease or pollution one year, others are left to return to the river the following year to spawn, giving a chance for numbers to recover.

Fish farmers are deliberately trying to eliminate this characteristic: what they want are fish with a low grilse rate, because it is more profitable to produce bigger fish which spend two winters in the sea than smaller fish which spend one. Norwegian salmon fit this bill and consequently their eggs have been widely used in Scottish and Irish hatcheries instead of the native strains. Farms also want their hatched fish to be ready to go to sea after one year in fresh water - it is obviously uneconomical to keep them in freshwater cages for an extra season. But again, in the wild, a stock in which some fish go to sea after one year and some after two has a better chance of surviving than one which does not.

Then there is the question of homing. Tagging experiments have shown that a higher proportion of wild fish return to their native rivers from the sea than do hatchery-bred fish released as fry into streams other than those from which their parents came. However, if any introduced fish which do return are caught and mated, their young will show a better return rate, which will

• Contrary to claims by B.C. salmon farmers that salmon egg transfers pose little threat to wild stocks, an Atlantic salmon advisory body has advised extreme caution to avoid disease and genetic problems.

Report sees genetic threat

"None of the benefits of transfer of young Atlantic salmon and salmon eggs into Canadian waters outweigh the threats to native stocks," says a top body of Canadian fisheries scientists.

Fish farmers, the B.C. government and the federal fisheries department have allowed major imports of Atlantic salmon to Pacific waters, claiming they pose a minimal threat to wild stocks. The imports are scheduled to end in 1989.

But a review of egg imports by the Canadian Atlantic Fisheries Scientific Advisory Committee in 1986 warned that "there are unpredictable genetic risks associated with transferring European salmon stocks to North America and the potential benefits to Canadian aquaculture interests may be low."

CAFSAC is a top scientific advisory group which provides background information for Canadian representatives on international bodies studying conservation of Atlantic salmon.

Its conclusions go a long way to support the call issued by the UFAWU in May demanding a halt on any movement of salmon eggs and smolts, particularly Atlantics, until protection of wild stocks can be assured.

The CAFSAC scientists concluded that most of the benefits of imports accrued to the aquaculture industry because "it could allow the industry to expand as quickly as possible (and) it could be cheaper than purchasing local seedstocks."

In the long run, they said, it would "encourage the multinational nature of the aquaculture industry by allowing surplus seedstock in one country to be moved to another country."

But the imports carry the risk of disease, they warned, pointing to the Norwegian experience with the parasite *Gyrodactylus salaris*.

"Although the Canadian Fish

Health Protection Regulations are considered among the best fish disease control mechanisms in the world," they wrote, "they are not infallible, a fact which, along with the large number of potential pathogenic organisms that are not considered under the Canadian regulations, makes the likelihood of an unwanted pathogen or strain of pathogen entering the country with fish from a certified (disease-free) source a very real possibility."

The CAFSAC report is part of a longer study by the North Atlantic Salmon Conservation Organization, a Scotland-based body supported by Atlantic salmon-producing nations.

B.C. salmon farmers have been enraged by UFAWU calls for controls to avert genetic pollution of wild stocks by farmed fish, claiming such pollution is unknown or unlikely to occur.

But NASCO warns that importation of European Atlantics to Atlantic Canada "provide risks of undesirable impacts on North American Atlantic salmon stocks.

"There are new disease or strains of diseases which may be introduced, also hybridization with North American stocks could result in loss of genetic diversity and reduced productivity."

NASCO concluded there is "an urgent need to develop new techniques to study the effects of hybridization, e.g. potential impacts of genetic impoverishment resulting from 'domesticated' or genetically engineered Atlantic salmon stocks (cultured salmon) spawning with wild stocks and hybridization of different strains of wild stock."

NASCO recommends that until definitive measures are in place to protect the genetic integrity of wild stocks, aquaculture projects should:

• use stocks originating as closely as possible to the project area,

- use sterile fish,
- establish "river preserves where no transfers or hatchery stocks is allowed in order to maintain the genetic integrity of some wild stocks; and
- manage stocks to ensure they are not reduced below a minimum size.

The Fisherman 7-15-88

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FISH Farming still draws opposition

By DAVID FOSTER
The Associated Press

RICH PASSAGE, Wash. — The history of salmon-fishing in the stormy North Pacific is filled with tales of brave fishermen riding the wild seas, but its future is being shaped in calmer waters.

Thousands of salmon in this sheltered arm of Puget Sound are captives in sunken pens the size of basketball courts. Crowded fin to fin, they swim endless laps, gobbling feed pellets and being fattened toward the day they'll be scooped up and whisked to market.

Yet while the crenulated coastline and pristine waters that stretch from Washington's Puget Sound to southeastern Alaska might be ideal for fish farming, the political climate is not so welcoming.

In Alaska, where commercial fishermen are a powerful

Please see Back Page, FISH FARMING

Anchorage
Daily News
2-20-90

FISH FARMING: Young industry has run into resistance

Continued from Page A-1

lobby, bumper stickers in fishing towns proclaim "Real Fish Don't Eat Pellets," and the legislature is considering a permanent ban on fish farms when a two-year moratorium expires in July.

In Washington state, salmon farmers have the official blessing of the legislature, but that has helped little in the face of challenges from fishermen and environmental groups, which have defeated several proposed farms.

The fish waste produced by a two-acre salmon farm is equivalent to the sewage produced by a town of 5,000 people, claims a Washington citizens group called the Marine Environmental Consortium.

Environmentalists also fear introduced species such as Atlantic salmon — favored because they fetch a higher price and are more docile than Pacific salmon — will corrupt the local gene pool and spread disease. Wealthy owners of shoreside homes, meanwhile, don't want fish farms spoiling their views.

Promoters call fish farming an efficient way to help meet the world's growing appetite for fish. Not only does it provide a year-round supply of fresh salmon to supplement the seasonal wild catch, they say, it also creates jobs free of the hazards of commercial fishing, one of the nation's most dangerous occupations.

They also contend salmon-farming provides an economic incentive to preserve clean water.

"We're the best environmentalists of all, because we're dependent on it," said Jerry Polley, site manager for Global Aqua, the nation's largest salmon farm. "If something's wrong with the water quality, we're going to be the first to complain."

Production of farm-raised salmon, here and abroad, has boomed in five years, flooding markets traditionally held by wild salmon and driving down prices.

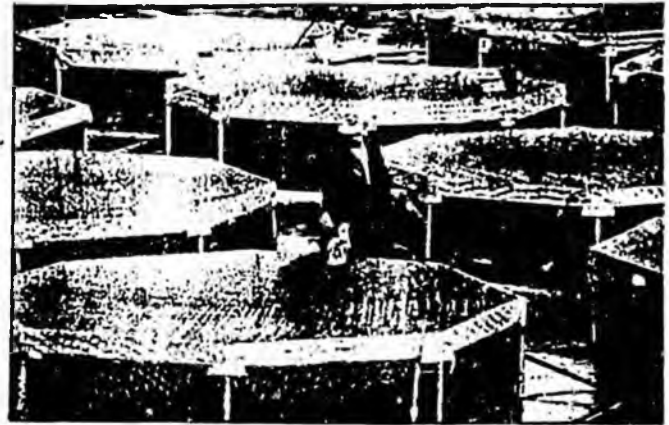
"For the first couple of years, as more salmon was around on a year-round basis, the farmed fish seemed to help the wild market," said commercial fisherman Randy Babich. "Now it's a battle at the retail counter."

Fish farming, or aquaculture, is hardly a new concept. For years, farmers have raised oysters in the Northwest, rainbow trout in Idaho and catfish in the Southeast. But techniques have developed more slowly in domesticating salmon, the mainstay of fisheries off Oregon, Washington, British Columbia and Alaska.

For years, it was practiced only by the Norwegians, forced into salmon farming by their declining wild fish populations. But interest has spread quickly since 1985, after Norway refined methods to raise salmon cheaply enough to compete with the wild catch.

In 1983, world production of farm-raised salmon was 23,500 metric tons, just 3 percent of the 870,000-ton wild salmon catch. By last year, farm-raised salmon production had soared to an estimated 202,000 tons, or 30 percent of the relatively constant wild catch.

Norway still leads the pack, producing about 75 percent of the world's farm-raised salmon, but other places, including Scotland, Chile, Canada and Iceland, are catching up.



Daily News file photo

Alaska Department of Fish and Game technician feeds penned salmon at Little Port, Walters in southeast Alaska.

The United States, with 50 fish farms in Washington state and Maine, lags far behind, producing 1 percent of the total

Many of the U.S. salmon farms are run by Norwegian companies, including Global Aqua's four-acre operation in Rich Passage, 10 miles west of Seattle.

Global Aqua's farm is fairly typical: a huge raft anchored offshore holds 40 pens, each lined with a net holding as much as 15 tons of fish, which range from finger-size smolts to fat-bellied salmon 2 feet long.

A half-dozen workers tend the pens from metal walk ways, filling automatic feeders and mending nets. At harvest, workers herd fish into one end of the pens, scoop them out with an oversize dipnet and load them onto a boat. The salmon are still kicking when they reach a Seattle processing plant 30 minutes away.

In the three years it takes to raise salmon to harvest farmers contend with prowling otters, hungry sea lions and diseases that can wipe out whole farms if left unchecked.

Aquaculturists say their operations will never be a major blot on the coastline.

"It would take just 40 acres of farms to produce all of the salmon that was imported into the United States in 1988," said Chris Gibson of Sea Farm Washington in Port Angeles. "The industry does not need a lot of space."

It may need even less space in coming months. Worldwide growth of salmon farming and recent overproduction in Norway have glutted the market with fish. Prices have plunged, and many farms are selling below cost just to keep cash flowing.

In British Columbia, lax regulation and a surge of Norwegian investment capital helped the number of fish farms soar from five to 135 in the past six years. But now many are in trouble. Nineteen have filed for receivership in the past year, and small businesses are being bought out by large investors better able to outlast the lull in prices.

Aquaculture boosters profess confidence in their long-term place in the salmon trade.

Genetic fears of pen salmon are real

Page 4 February 27, 1989 Peninsula Clarion

□ By SONJA CORAZZA

Alaska fishermen's concerns over genetic pollution and disease problems associated with escaped pen-farmed salmon are not unwarranted. Some 13% to 20% of all farmed fish escape, as documented by Norwegian scientists and European countries.

Also, verly large numbers of fish occasionally escape from pens. Their scientific studies show that the escapees do spawn in rivers up to a proven distance of 20 kilometers from their net pens. As a consequence of this research, and with great concern for the genetic integrity and survival of their wild salmon stocks, Norway has just imposed a series of new regulations on the pen-farmed salmon industry.

No salmon farms will be located within 20 kilometers of salmon rivers, and entire fjords will be closed to farming where salmon rivers are present.

This past December in Jarvis Inlet, B.C., 300,000 pen-farmed salmon escaped in winter storms that hit Canada. Floating net pens were found for miles up and down the coast.

Norway, in the salmon farming business for 20 years, has found itself combatting new diseases in net pens every year. Last spring, fish farmers requested that the government hire 100 new fish disease specialists (adding to their 60 disease specialists and nearly 150 fish veterinarians) before allowing any new permits to be issued in their country. A group of farmers who have lost tons of their farmed salmon due to a deadly salmon disease called *furunculosis* and government controls is suing the Norwegian government for \$25 million. Last summer 5,000 fish infected with *furunculosis* escaped in Norway. Despite intensive efforts to capture the diseased fish, an infected fish was found in a freshwater stream.

In order to control disease in pens, Norway's use of antibiotics in pen farming has risen 170% in the past two years to reach a level of 48 tons, more than the use in animal husbandry and human use combined. With the present focus on health and nutrition, how does this

Other View

reliance on antibiotics fit our view of pen-farmed salmon as a healthy addition to our diets?

Norway's most severe threat to their wild salmon stocks is from a parasite called *gyrodactylus salaris* that is responsible for wiping out 30 wild-salmon rivers. The *gyrodactylus salaris* parasite entered Norway via imported salmon eggs from Sweden. Importing eggs was prohibited by regulation, but those regulations were lifted as the result of pressure by farmers with economic concerns. The only control for the fatal parasite is by treating the rivers with a chemical called rotenone; unfortunately, rotenone kills everything in the rivers, not just the parasite, hence the loss of wild salmon by the tons in Norway.

Ownership of the pen-farming industry continues to be an issue. In Washington state, a local fish farmer is suing foreign corporations, primarily Norwegian, for attempting to monopolize the industry. Who would own the farms in Alaska?

The Alaska State Legislature should fund the Mariculture Task Force, a forum where these concerns and others need to be researched.

SONYA CORAZZA of Homer heads the Mariculture Committee of the United Fishermen of Alaska. This article came "signed" by United Fishermen of Alaska, as follows: Alaska Crab Coalition, Alaska Independent Fishermen's Marketing Association, Alaska Longline Fishermen's Association, Alaska Trollers Association, Bering Sea Fishermen's Association, Bristol Bay Drift-netters Association, Concerned Area M Fishermen, Cook Inlet Aquaculture Association, Copper River Fishermen's Cooperative, Cordova District Fisheries United, Kenai Peninsula Fishermen's Association, North Pacific Fishermen Association, Northern Southeast Regional Aquaculture Association, Peninsula Marketing Association, Petersburg Vessel Owners Association, Prince William Sound Aquaculture Corp., Prince William Sound Seiners Association, Seafood Producers Cooperative, Southeast Alaska Seiners, Southern Southeast Regional Aquaculture Association, United Cook Inlet Drift Association, United Southeast Alaska Gillnetters, Western Alaska Cooperative Marketing Association, and at-large delegates, Bill Hall, Ruel Holmberg Sr. and Bob Honkola.

ly most part of their market, since seafood producers have turned to an increasing degree to foreign suppliers. The reason is that the cost of local packaging has risen to 20-40% more than that of imported products.

Spokesmen for Kassagerd Reykjavik and Plastprent, two of the main manufacturers, said demand was always subject to fluctuation and that no massive change had yet taken place. Eggert Hauks-son, Plastprent's managing direc-

or of the company's production, the position had never been so tight, with so little tolerance of price increases on the market. Bjarni Lúdviksson, managing director at Icelandic Freezing Plants Corporation, said that as yet only a fraction of the corporation's packaging needs had been supplied from abroad. "Obviously we have to hold our own costs down, and while the dollar is so weak we must use the opportunity. If the króna is devalued, everything will change overnight."

NEWSNET

PROCEEDINGS against Mike Ikenze, the former Icelandic Consul in Nigeria who acted as an intermediary in attempts to sell stockfish from a group of Icelandic producers in 1984, have been dropped following his agreement to repay one-quarter of the GBP300,000 which he received for use in landing sales contracts.

SHRIMP CATCHES around Eldey off the southwest of the country are likely to be banned for some time following poor results of trial catches in the area. Only 20kg were caught in a two-hour trial haul recently. Closure of the area could have serious results for

local fishermen, who have in many cases filled their quotas for other species.

LUMPFISH CATCHES this season have been very poor, and production of lumpfish caviar is expected to amount to only about 9,000 barrels, against 27,000 last year.

A **NEW EXPORTING** enterprise has begun in Sandgerdi, a village in the southwest of the country, where two local residents, Thorbjörn Daníelsson and Eiríkur H. Sigurgeirsson, have been assisted by chef Sigmar B. Hauksón in marketing whelk and crab in Sweden and France. Sales to a Swedish restaurant have already been agreed, and exports to France are to start in the autumn. The Swiss market is also being considered.

JUNE CATCH FIGURES



In tons	June		Jan-June	
	1986	(1987)	1986	(1987)
Cod	80 624	(89 482)	211 500	(199 500)



Hopes high for capelin

The capelin season began on 10 July, with 49 Icelandic vessels sharing a provisional quota of 398,000 tons. With the prices for meal and oil rising because of poor soya harvests in the USA and growing demand in the Far East, hopes are high for a successful season. The quota is to be revised in November.

News from Iceland August 1988

Salmon fishing:

Problems posed by sea-cage escapees

Salmon fishermen trying their luck this season in the Ellidaár rivers, which flow through the eastern part of Reykjavik and are popular with local residents, are complaining that large numbers of the salmon they are landing are "escapees" from aquaculture stations and are consequently smaller and less attractive than the wild types.

According to biologists studying the problem, the fish are fairly easy to recognize. They generally have damaged fins and are shorter and

fatter than the true natives of the river. In many cases they weigh only about one pound.

Biologists are concerned about the effects of the presence of the cultivated fish in rivers. A survey made two years ago estimated that 60-70 cultivated salmon had entered Ellidaár, a significant number in terms of the genetic effect on the local stock. Studies from Norway show that up to 10% of the fish in rivers near large aquaculture stations can be "escapees."



• GOT • STO • OSL • FAE • LON • GLA • NYC
 FRA • PAR • SZG • LUX • UAK • GOH • BOS •

Alaska Water Resources Board
Resolution No. 89-22

Possible Impacts of Fish Farming

WHEREAS: A strong market for fresh salmon and therefore a demand for rearing areas exists for pen reared salmonid fin fish.

WHEREAS: The State of Alaska has an abundance of salt and fresh water environments ideally suited for this economic activity.

WHEREAS: There is a persistent and ever growing clamor on the part of fin fish growers to have Alaskan water resources made available to them.

WHEREAS: The State of Alaska has a very large, extremely valuable wild fish population distributed throughout the state upon which very valuable commercial, subsistence and recreational fisheries are also dependent.

WHEREAS: After an initial period of very rapid growth and expansion into lucrative markets for their product the fin fish industry elsewhere in the world is now beset with problems of disease, parasitic infestations and escapement of penned stocks leading to the degradation of wild salmon stocks.

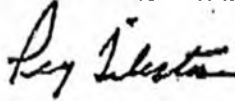
WHEREAS: There are among the so far identified dangerous diseases and infestations those that are demonstrably able to be transported from country to country and from continent to continent under present conditions.

WHEREAS: Among these afflictions there are disease infestations for which there is no known treatment and parasitic infestations which once established would require the roetinone treatment of entire river systems to eradicate.

NOW THEREFORE BE IT RESOLVED: The Alaska Water Resources Board recommends that there be no fin fish farming of salmon or trout in Alaska until it can be established that the disastrous consequences of inadequately regulated fin fish farming now being experienced in other parts of the world will nor occur here; and

NOW THEREFORE: The Board further recommends that the Fin Fish Task Force created but not funded by the 15th Alaska Legislature be reactivated, funded and charged with the task of assembling the necessary information to assure that fin fish farming, if allowed, will not constitute a deadly hazard to our wild stocks.

Adopted this 9th day of March, 1989
Alaska Water Resources Board



Peg Tileston, Chairwoman
Alaska Water Resources Board

Juneau Empire
2-2-90

Japanese buying up Norwegian fish

Surplus of pen-reared fish threatens Alaska's seafood markets in Japan

THE ASSOCIATED PRESS

ANCHORAGE — Norwegian fish farmers are attempting to sell a huge surplus of pen-reared salmon in Japan, long the main market of Alaska seafood processors.

The 88 million pounds of frozen fish could add to an already glutted Japanese salmon market, and drag down prices for this summer's Alaska salmon harvest, according to a U.S. embassy cable from Japan.

More than 80 percent of Alaska's salmon goes to Japan, most of it frozen.

The Norwegians so far have been unable to sell most of their frozen fish, but may cut prices in order to move it, according to the cable released by the U.S. International Trade Administration. If that happens, the Norwegian salmon "will be a threat to U.S. frozen, chum, coho and sockeye salmon," the cable said.

"If they dump it on the market, that would create one hell of a mess," said Roger Dahlke, market-

ing manager for Trident Seafood, a Seattle processor with plants in Bristol Bay and the Aleutians.

Dahlke said Trident is currently trying to sell a lot of Alaska salmon in Japan. But the company is making little headway in a market swamped with both fresh farm-raised fish and frozen fish left over from last season.

As of December, wholesale prices for sockeye salmon had dropped by more than a third from summertime levels, according to Pacific Fishing Magazine. Prices haven't moved much since then, according to industry officials.

Bill Atkinson, publisher of a seafood newsletter that tracks Japanese markets, doubts the Norwegians will be willing to drop their price low enough to compete on the glutted frozen market.

"The Norwegians are not really interested at selling at a loss," Atkinson said. "And the Japanese are not going to accept a high price for them when there are all the other less ex-

pensive fish available."

But one unnamed importer cited in the embassy cable said at least 44 million pounds of the frozen Norwegian fish probably will end up in Japan, knocking down salmon prices just as Alaska's annual harvest begins.

"This scenario, if true, is very critical for U.S. salmon fishermen," embassy officials said. Japanese buyers might import Norwegian salmon in an attempt to force down Alaska salmon prices during pre-season negotiations, the cable said.

"With this type of volume they could start eroding traditional (Alaska) sockeye markets," said Gary Ervin, president of the Kenai Peninsula-based Seafoods From Alaska.

Pen-reared salmon production has been expanding rapidly since the Norwegians pioneered the aquaculture technology in the early 1980s. Salmon farming has been banned in Alaska but is legal in Europe, South America, the South Pacific, Canada and the Pacific Northwest.

Farmers feed the salmon until they reach market size. They offer the fish fresh on a year-round basis. Most Alaska salmon is sold frozen or canned.

Within the past five years, farm-raised salmon have taken over most of the European market, as well as much of the East Coast market, according to a report by the state-funded Alaska Finfish Farming Task Force.

Last year Norway produced more than 330 million pounds of salmon, a nearly 60 percent increase from 1988, and farmers have been unable to sell all that fish.

That production, combined with a record Alaska salmon harvest and a strong Japanese chum harvest, created a huge glut on the worldwide market. The amount of unsold fish is estimated by the state finfish task force at more than 200 million pounds. That equals the entire 1989 export of Alaska salmon to Japan.

When Norwegian fish farmers could not sell all their fish, they froze large amounts and began pushing it toward Japanese markets long claimed by Alaska.

"I think the impact of farm-reared salmon on traditional Alaska markets is profound, and simply going to accelerate," said Chuck Becker, Anchorage district director of the U.S. Commerce Department's International Trade Administration.

John A. Hillstrom
 P.O. Box 174
 Homer, Alaska 99603
 Jan. 29, 1990

Dear Resource Committee Members,

Finfish Farming, whether Shore based or in Ocean Pens, if introduced to Alaskas Economics at this time will be disastrous.

As a Alaskan Sport and Commercial Fisherman for 30 years, when Fin Fish Farming was first introduced my interest was overwhelming. To think I could have it all. Thirty years of fishing the most abundant stocks of Sea life any where in the world. And now, Reap the benefits, and do so in my back yard without dealing with mother nature on such a competitive bases, in addition to Flare openings, 24 hour Halibut openings, 1/2 hour Herring openings, total closures on King and Tanner Crab and many other hardships that the Alaskan Fishing Industries along with the State of Alaska and its Tax payers have had to suffer.

After many hours of research and questioning of people in and out of the Fin Fish Industries I am sorry to say, this is one time I CANT HAVE MY CAKE AND EAT IT TO. Here are some of the examples.

1. ADEC involvement
 - a. On site Pollution of diseased fish
 - b. Containment of fish waste and discarded feed
 - c. Disposal of fish carcasses at time of brood stock take
 - d. Drainage of circulation waters needed for Tank Farms, and disposal when polluted
 - e. Standard requirements for Fish processing under State Law
2. Alaska Dept of Fish and Game
 - a. Genetic pollution of wild stocks
 - b. Allocation of broodstock
 - c. Full time monitoring of disease control
 - d. The assurance that disease is not transmitted by bird species
3. U.S. Army CORPS
 - a. Protection of Ecosystem
 - b. Protection of Wet Lands

The list could go on. One that could choke any Alaskan Mom Pop group desiring to enter into this new Field of Farming. What we are trying to convey and hope you will consider is the direct benefit will again be only for a few, as like Limited Entry. And although Fin Fish Farming might well be a Legacy some Senators would like to add to their collection, to not allow the enactment of State laws Banning Fish Farms, is totally irresponsible to the Tax Payers at this time, and is another burden placed on future generations.

With all the regulatory, promiscuous disease and genetic possibilities, high cost of doing business in Alaska, along with unforeseen marketing due to the increasing numbers of tinfish farms in the world, less than a handful of farms could survive. Self benefit and profit, as opposed to the risk to the wild stock environment just doesn't add up.

With such a high level of demand with the States Environment and Natural Resources by all Alaskan user groups, you really have bigger and better things to commit yourselves to achieve.

I am in full support of Senate bill number 397, and House Bill Number 432.

Sincerely,

John W. Hillstrand

John W. Hillstrand

cc. Betty Farrenkand
Jalmar Kerttula
Richard I. Eliason
Steve Frank
Dick Halford
Anise Stungulewski
Fred F. Zaroff
Curt Menard
Cliff Davidson
George G. Jacko
Mike Davis
Richard Foster
Mike Navarre
Walt Furnace
Bill Hudson
Bert M. Sharp

A LIST OF ECOLOGICAL PROBLEMS ASSOCIATED WITH FISH FARMING

1. Degradation of water quality near marine fish farms from feed, fecal matter, chemicals and other waste products.

Pollutants discharged from a typical fish farm in Washington is equivalent to the discharge of untreated sewage from 5000 people.

2. Groundwater contamination from upland fish farm discharge. Fish diseases are commonly transmitted through water sources, not just contact.

The deaths of 100,000 cohos^{hy} in a Washington River located near a landlocked fish farm have been linked to the seepage of water discharge from the farm.
Seattle PI, Nov 1, 1989

3. The extensive use of antibiotics and other medication by fish farms to fight disease pose potential threats to human health and give rise to the development of resistant strains of bacteria.
4. Broodstock ownership, genetic mutations and alterations of broodstock by private businesses would threaten common property ownership of fisheries. Sources of broodstock would be a major concern.
5. Genetic intermingling of wild fish stocks with farmed fish unsuited to survival in the wild could weaken and alter wild fish runs.
6. The spread of disease among wild fish by farmed fish.

Genetics and disease problems at Norwegian fish farms are well known.

Alaska has the healthiest stocks of wild salmon and other wild fish in the world. Commercial, sport and subsistence fisheries depend on the continued health of the State's wild fish resources.

The release of diseased fish by a fish farmer located in a remote, isolated bay would be almost impossible to prevent because enforcement would be costly and not effective.

7. The potential for higher rates of disease infections in wild fish in waters near net pens.

8. Fish farms attract seals, sea lions, birds, otters, bears, and other animals in significant numbers.

There is tremendous pressure for a fish farmer to simply "eliminate" the predators rather than continue to have their profits "eaten" up. Enforcement of the Marine Mammal Protection Act, the Bald Eagle Protection Act and other wildlife conservation measures would be almost impossible due to the isolated location of many fish farms.

9. Land use conflicts over farm siting.

Fish farms are often in conflict with other land uses including: shellfish farms, residential areas, recreation, boat harbors, safe anchorages, sport fishing, subsistence, and high value fish and wildlife areas.

10. The necessary water supply for upland tank farms is enormous and could potentially cause significant use conflicts.

A 200 ton upland tank farm uses 50 cubic feet of water per second, a rate equal to the use of Eugene, Oregon.

11. The Fin Fish Farming Task Force acknowledged that these ecological threats can never be eliminated - only minimized.

Minimizing risks would mean more state regulation which would result in a substantial cost to the state. To allow fish farming would require vast amount of state money, time and personnel.

Fish farms only employ an average of 3 people per farm. Many Alaskans maintain that the risks and costs associated with fish farming do not outweigh the benefits for a few.

MISCELLANEOUS INFORMATION REGARDING THE RISKS ASSOCIATED WITH
FISH FARMING

An October, 1989 research report submitted to Pacific Marine Fisheries Commission (PMFC) by Dr. Arthur Whitely and Annamarie Johnstone presented the following observations:

There is no medical or public health regulation on the use of antibiotics and other medications other than FDA approval of three drugs. There is no monitoring by agencies on these drugs or their persistence in marketed fish.

The amount of drugs used in fish farming is enormous. Norway used 48 metric tons of Oxytetracycline alone in 1989!

No data exists for measuring the length of time antibiotics remain in fish after they have been medicated. Fish in colder temperatures retain residues of antibiotics for longer periods of time.

Thousands of farmed Atlantic salmon have escaped from net pens in Washington State and British Columbia. Hundreds of thousands of farmed Pacific salmon have escaped from pens, especially in British Columbia. Seattle PI, March 5, 1988

In fall of 1989, an algae bloom hit Washington State fish farms causing massive fish die offs, killing up to 80% of the fish at ScanAm Fish Farms, Tilfin Inc and Olympic Sea Farms.

Seattle PI, September 9, 1989 and wire reports

Fishfarms are killing Pacific salmon smolts & fingerlings because they have proven uneconomical to raise. Only Atlantic salmon have proven economical. Testimony of Tim Kennedy at Finfish Farming Task Force meeting. September 1989.

There is a surplus of 100,000 metric tons of salmon on the world market. Supply exceeds demand by about 14%. Finfish Farming Task Force Report, 1989

HB

436

HOUSE COMMITTEE REPORT

(9)
 Date Referred: January 22, 1990
 Date of Committee Action: 3/26/90

FURTHER REFERRALS:
 JUDICIARY

The RESOURCES Committee considered: HB 436

HOUSE BILL NO. 436 PROTECTION OF NATIVE HUMAN REMAINS

"An Act relating to historic, prehistoric, and archeological resources."

RECOMMENDATIONS:
 be replaced with CS HB 436 (RES) the same title
 a new title
 have attached amendment(s)
 do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent
 ATTACHES NEW FISCAL NOTE(S): APPROVES PREVIOUS:
(Dept) (Date/Dept)
 fiscal impact DNR fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) _____
 zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

Cliff Davidson

Mike Malone

Bill Huds

Carl ...

SIGNING:
 (Check approp. column)

	Do Not Pass	No Rec	Amend
<u>M. H. D.</u>		✓	
<u>Bob ...</u>		✓	

Cliff Davidson

 Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 22-Mar-90 Agency Affected: Natural Resources
 Title: An Act relating to historic, prehistoric
and archeological resources. BRU: Parks & Outdoor Recreation
 Sponsor: Daividsen Components: Historic Resource Mgmt
 Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	70.0	35.5	37.0	37.0	37.0	37.0
TRAVEL	50.0	40.0	40.0	40.0	40.0	40.0
CONTRACTUAL	35.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	2.0	1.5	1.5	1.5	1.5	1.5
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	157.0	82.0	83.5	83.5	83.5	83.5

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	157.0	82.0	83.5	83.5	83.5	83.5
FEDERAL FUNDS						
OTHER						
TOTAL	157.0	82.0	83.5	83.5	83.5	83.5

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Larry Ostrovsky Phone: 465-2400
 Division: Commissioner's Office Date: 22-Mar-90

Approved by Commissioner: Tom Hawkins for Lennie Gorsuch Date: 22-Mar-90
 Agency: Department of Natural Resources

Distribution (by preparer) :

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

MEMORANDUM

State of Alaska

TO: Gary Kostenko
Budget Analyst

DATE: March 22, 1990

FILE NO: 3130-2 Legislation

TELEPHONE NO: 762-2630

FROM: Bob Shaw
Office of Hist. & Archaeo.

SUBJECT: HB436 Fiscal Note
Analysis for 3-16-90 Draft

Sec. 41.35.410(b) This section requires DNR to determine nature of remains and that process of determination is likely to involve travel to the field location of remains to collect information about the physical nature of the occurrence. "Further investigation" is also likely to involve travel to interview informants and research in archives and museums. Costs were estimated at 6 months archaeologist salary(\$34.5) and \$25.0 travel expenses.

Sec. 41.35.420 Dispute Resolution Committee. Expenses of this committee were estimated at \$15.0 in travel and per diem. This assumes committee members will not be reimbursed for time spent on committee duties.

Sec. 9: Disposition of Items Already Held: Costs to the Department will come from collection of information to compile a report and abstract it for distribution to tribes. Those activities will likely include travel to the field, processing of radiocarbon samples to obtain age determinations on remains, and processing of data collected. Those activities are estimated to require about 6 months archaeologist salary. Additionally, storage of remains or contractual costs for curation of remains in a museum are added expenses. Since the public will not notify DNR of burial remains in their possession unless they are notified of the existence of this requirement, we will also need to advertise the requirement statewide in newspapers, etc. Advertisement costs are estimated at 5.0. Travel and per diem costs are estimated at \$10.0, salary estimated at \$34.5, and contractual/rental costs estimated at \$30.0.

FY 1992 and FY1993 cost figures represent extensions of the above amounts. The costs for remains already held should drop out after the first year

HB 436

AMENDMENT #1
by Davidson

Section 9. Page 6, line 18: after words "available for disposition" add

"by certified mail."

add Page 6, line 27: after words "of the discovery"

"by certified mail."

the department" add Page 7, line 5: after the words "notification by

"by certified mail."

(b) of this section" add Page 8, line 26: after the words "prepared under

"by certified mail."

HB436

AMENDMENT #2
By Davidson

Section 1. Page 2, Line 4/5: after "for medical" add
" educational"

HB 436

AMENDMENT #3
by Davidson

Section 8. Page 5, Line 10. after ", in any stage of decomposition" add

"excluding non-skeletal body parts shed during life such as hair, nails and isolated teeth."

6-1654J
Lauterbach
3/22/90

Original sponsor(s): REP. DAVIDSON, Hoffman, MacLean, Goll, Jacko,
Collins, Grussendorf, Menard

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 436 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the protection of Alaska Native
7 human remains and funerary objects; and relating to
8 discovery, possession, sale, barter, and display of
9 human remains."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 12.65 is amended by adding new sections to read:

12 ARTICLE 2. HUMAN REMAINS.

13 Sec. 12.65.150. REPORTS OF HUMAN REMAINS. (a) Except as pro-
14 vided in (b) of this section, a person who encounters human remains in
15 or on the ground shall

16 (1) immediately cease any activity that may cause further
17 disturbance of the area; and

18 (2) report the presence and location of the remains to the
19 nearest law enforcement agency as soon as possible considering the
20 location of the discovery and the availability of communication alter-
21 natives.

22 (b) The requirements of (a) of this section do not apply to a
23 person who encounters human remains while operating under a permit
24 issued under AS 41.35.080.

25 (c) If the law enforcement agency determines that remains re-
26 ported to it under (a) of this section are unrelated to a prosecutable
27 offense and may be Native human remains, the agency shall notify the
28 Department of Natural Resources.

29 (d) A person who knowingly fails to comply with (a) of this

1 section is guilty of a class A misdemeanor.

2 Sec. 12.65.160. UNLAWFUL ACTS. A person may not sell, buy, or
3 inter human remains. A person may not display human remains except
4 in connection with funeral or burial rites or as required for medical
5 or law enforcement activities. A person who violates this section is
6 guilty of a class A misdemeanor.

7 Sec. 12.65.170. DEFINITION. In AS 12.65.150 - 12.65.170, "human
8 remains" means a dead human body, or part of a dead body, in any stage
9 of decomposition.

10 * Sec. 2. AS 41.35.040 is amended to read:

11 Sec. 41.35.040. ADMINISTRATION AND FINANCIAL SUPPORT OF MONU-
12 MENTS AND HISTORIC SITES. State-owned monuments, sites, and other
13 historic, prehistoric, or archeological properties owned or purchased
14 by the state are under the control of the department, and their main-
15 tenance shall be covered in the appropriations made to the department.
16 Privately owned state monuments or historic sites are eligible to
17 receive state support for their maintenance, restoration, and reha-
18 bilitation if they are kept accessible to the general public, they are
19 in compliance with state laws pertaining to Native human remains and
20 funerary objects, and application for support is made in conformity
21 with regulations adopted by the commissioner.

22 * Sec. 3. AS 41.35.060(a) is amended to read:

23 (a) The department, with the recommendation of the committee,
24 may acquire real and personal properties that have statewide historic,
25 prehistoric, or archeological significance by gift, purchase, devise,
26 or bequest. If the department acquires disinterred human remains or
27 funerary objects under this subsection, it shall comply with AS 41.-
28 35.410. The department shall preserve and administer property so
29 acquired. The department may acquire property adjacent to the

1 property having historic, prehistoric, or archeological significance
2 when it is determined to be necessary for the proper use and adminis-
3 tration of the significant property.

4 * Sec. 4. AS 41.35.070 is amended by adding a new subsection to read:

5 (h) If the department discovers human remains or funerary ob-
6 jects during a survey under (d) of this section, the department shall
7 comply with AS 12.65.150 and AS 41.35.410.

8 * Sec. 5. AS 41.35.080 is amended to read:

9 Sec. 41.35.080. PERMITS. The commissioner may issue a permit
10 for the investigation, excavation, gathering, or removal from the
11 natural state [,] of any historic, prehistoric, or archeological
12 resources of the state or human remains or funerary objects reported
13 under AS 12.65.150 or AS 41.35.410. A permit may be issued only to
14 persons or organizations qualified to make the investigations, exca-
15 vations, gatherings, or removals and, except as otherwise provided in
16 permit restrictions included under (b) of this section, only if the
17 results of these authorized activities will be made available to the
18 general public through institutions and museums interested in dissemi-
19 nating knowledge on the subjects involved. If the historic, prehis-
20 toric, or archeological resource involved is one that [WHICH] is, or
21 is located on a site that [WHICH] is, sacred, holy, or of religious
22 significance to a cultural group, the consent of that cultural group
23 must be obtained before a permit may be issued under this section.

24 * Sec. 6. AS 41.35.080 is amended by adding a new subsection to read:

25 (b) If the area for which a permit is issued under (a) of this
26 section contains, or is reasonably expected to contain, human remains
27 or funerary objects, the department shall include in the permit re-
28 strictions and procedures for the treatment and disposition of the
29 human remains and funerary objects. The restrictions and procedures

1 may not conflict with the requirements of AS 41.35.410 and, notwith-
2 standing AS 09.25.110 - 09.25.120 and (a) of this section, may provide
3 for restrictions on the disclosure of information related to Native
4 human remains and funerary objects that may be discovered.

5 * Sec. 7. AS 41.35.090 is amended to read:

6 Sec. 41.35.090. NOTICE REQUIRED OF PRIVATE PERSONS. Before any
7 construction, alteration, or improvement of any nature is undertaken
8 on a privately owned, officially designated state monument or historic
9 site by any person, the person shall give the department three months'
10 [MONTHS] notice of intention to construct on, alter, or improve it.
11 If the construction, alteration, or improvement involves known Native
12 human remains or funerary objects for which the tribe of origin is
13 reasonably identifiable, the person shall also give the governing body
14 of the tribe three months' notice of intention to construct, alter, or
15 improve. Before the expiration of the three-month notification
16 period, the department shall either begin eminent domain proceedings
17 under AS 41.35.060(b) or undertake or permit the recording and salvag-
18 ing of any historic, prehistoric, or archeological information con-
19 sidered necessary.

20 * Sec. 8. AS 41.35.230 is amended to read:

21 Sec. 41.35.230. DEFINITIONS. In this chapter [AS 41.35.010 -
22 41.35.240], unless the context otherwise requires,

23 (1) [REPEALED

24 (2)] "committee" means the Historic Sites Advisory Commit-
25 tee;

26 (2) "funerary objects" means items that are reasonably
27 believed to have been intentionally placed with the remains of a
28 Native, either at the time of burial or interment or at some subse-
29 quent time, as a part of the death rites or ceremonies of a culture;

1 (3) [REPEALED

2 (4)] "historic, prehistoric and archeological resources"
3 includes deposits, structures, ruins, sites, buildings, grave sites
4 [GRAVES], artifacts, fossils, or other objects of antiquity that
5 [WHICH] provide information pertaining to the historical or prehistor-
6 ical culture of people in the state as well as to the natural h .ory
7 of the state, except that the term does not include human r emains or
8 funerary objects;

9 (4) "human remains" means a dead human body, or part of a
10 dead body, in any stage of decomposition;

11 (5) "Native" means a person who is a descendant or ancestor
12 of the aboriginal races inhabiting the state when it was annexed to
13 the United States or a descendant or ancestor of an Indian or Eskimo
14 who, after the year 1867, migrated into the state from Canada;

15 (6) "reasonably identifiable" means identifiable, by a
16 preponderance of the evidence, as to individual, familial, or tribal
17 origin based on available archeological, historical, ethnological, or
18 other direct circumstantial evidence or expert opinion;

19 (7) "tribe" means a group recognized as a tribe by the
20 United States Secretary of Interior, or a Native village or regional
21 corporation or other Native group defined in or established under 43
22 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement Act).

23 * Sec. 9. AS 41.35 is amended by adding a new section to read:

24 ARTICLE 3. DISCOVERY OF HUMAN REMAINS AND FUNERARY OBJECTS.

25 Sec. 41.35.400. POLICY. It is the policy of the state that no
26 person can lawfully assert title to human remains. The right of
27 disposition of human remains lies with the state unless the decedent's
28 living relatives or tribe are reasonably identifiable as provided in
29 AS 41.35.410.

1 Sec. 41.35.410. HUMAN REMAINS AND FUNERARY OBJECTS. (a) When
2 human remains are discovered by or reported to the department, the
3 department shall notify the nearest law enforcement agency unless a
4 report has already been made under AS 12.65.150. After law enforce-
5 ment activities related to the remains have ceased, the department
6 shall comply with (c) of this section.

7 (b) A person who discovers objects that may be funerary objects
8 in or on the ground shall promptly report the discovery to the depart-
9 ment. If the department determines upon further investigation that
10 the objects are probably funerary objects, the department shall comply
11 with (c) of this section.

12 (c) If human remains or funerary objects described in (a) and
13 (b) of this section are not disinterred, the department shall leave
14 them in the place where they are interred. If the human remains or
15 funerary objects are disinterred and the decedent's living descendants
16 are reasonably identifiable, the department shall notify the dece-
17 dent's relative with the closest kinship ties that the remains and
18 funerary objects are available for disposition. If the remains and
19 funerary objects include Native human remains or funerary objects and
20 the department is unable to ascertain the existence and address of
21 living descendants of the decedent, the department shall determine
22 with as much specificity as possible their tribe of origin and notify
23 the governing body of the tribe of their discovery and location. If a
24 specific tribe of origin is not reasonably identifiable, the depart-
25 ment shall give the notice of the discovery and its location to the
26 governing body of the tribe whose members predominate in the vicinity
27 of the discovery.

28 (d) At the request of a descendant or the governing body of a
29 tribe notified under (c) of this section, the department shall provide

1 for access to the remains or funerary objects so that the descendant
2 or the tribe may dispose of them. A tribe may not be allowed to have
3 access until the tribe's plan for disposition of the remains or
4 objects has been submitted to the department. If, within 120 days
5 after notification by the department, neither a descendant nor a tribe
6 seeks the right to dispose of the remains or funerary objects, the
7 department shall treat them in the same manner as it treats other
8 unclaimed human remains or historic, prehistoric, and archeological
9 resources under this chapter, as applicable.

10 (e) A person may request a tribe to grant to the person an
11 opportunity to study human remains or funerary objects for which the
12 tribe is granted disposition rights under (c) of this section.

13 Sec. 41.35.420. DISPUTE RESOLUTION COMMITTEE. The governor
14 shall establish committees to resolve disputes concerning the tribe of
15 origin for Native human remains and funerary objects. A committee
16 consists of the state liaison officer appointed under 16 U.S.C. 470 -
17 470n (National Historic Preservation Act) and the following persons,
18 who shall be appointed by the governor as the need arises:

19 (1) a physical anthropologist;

20 (2) a person from each tribe that has a colorable claim to
21 the human remains or funerary objects that are the subject of the
22 dispute; and

23 (3) another resident of the area from which the remains and
24 objects originated who does not meet the requirement of (2) of this
25 section.

26 * Sec. 10. DISPOSITION OF ITEMS ALREADY HELD. (a) A person who on the
27 effective date of this Act possesses human remains or funerary objects,
28 other than a member of a tribe from which the remains or objects origi-
29 nated, shall, within 120 days after the effective date of this Act, notify

1 the Department of Natural Resources of the nature and location of the re-
2 mains and objects.

3 (b) The department shall prepare an abstract containing indexed
4 information related to the reports made under (a) of this section. The
5 abstract must include, with reference to the remains or funerary objects,

6 (1) the name of the person who possesses them;

7 (2) the permit number under which they were obtained, if appli-
8 cable;

9 (3) their current physical location;

10 (4) the physical location from which they were originally ob-
11 tained;

12 (5) their probable tribe of origin if the remains or objects
13 appear to be Native in origin; and

14 (6) the general time period during which they were originally
15 deposited in or on the ground.

16 (c) The department shall send the abstract prepared under (b) of this
17 section to the governing body of each tribe in the state. The governing
18 body of a tribe may file a claim with the department requesting that Native
19 human remains or funerary objects associated with that tribe be returned to
20 the tribe for disposition. If the governing body of more than one tribe
21 files a claim for the same human remains or funerary objects, a committee
22 established under AS 41.35.420, enacted by sec. 9 of this Act, shall deter-
23 mine which tribe's claim should be honored by the department.

24 (d) If no tribe files a claim for some of the remains or objects
25 under (c) of this section within 120 days after receiving the abstract
26 prepared under (b) of this section, the department shall

27 (1) take possession of those remains and objects; or

28 (2) enter into agreements with persons or institutions for
29 protective custody of the remains and objects.

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(e) In this section,

(1) "department" means the Department of Natural Resources;

(2) "funerary objects," "human remains," "Native," and "tribe" have the meanings given in AS 41.35.230, as amended by sec. 8 of this Act.

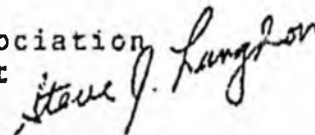
Alaska Anthropological Association

P.O. Box 230032 Anchorage, Alaska 99523

Feb. 7, 1990

TO: Members of the House Natural Resources Committee
Reps. Davidson, Menard, Jacko, Davis, Foster, Furnace
Hudson, Navarre, Sharp

FR: Alaska Anthropological Association
Steve J. Langdon, President



RE: Continuance for HB 436

The Alaska Anthropological Association is dedicated to scientific investigation and understanding of Alaskan prehistory and Alaska Native cultures. Its membership includes professional archeologists, anthropologists, Alaska Natives and other citizens interested in these matters.

The Association's Board of Directors has reviewed HB 436, "An Act relating to historic, prehistoric, and archeological resources" (version 2/3/90) and would like to register these comments. The Association is deeply committed to the responsible treatment of all archeological resources including human skeletal remains. The proposed legislation, however, will likely adversely affect archeological research into Alaskan prehistory and may even preclude such research. Although we do not feel this was the intention of the bill's sponsors, serious ambiguities in the bill require further deliberation and clarification in order to preclude possible unforeseen negative impacts. The board therefore recommends that a continuance be granted allowing interested and affected parties time to consider the implications of the bill and to present their comments to the committee. The Board is convinced that through fuller discussion and deliberation, a broad-based consensus reflecting the concerns of the interested parties can be obtained. We stand ready to assist the committee in any way in order to help revise the legislation.

6 February 1990

To: Members of the Committee on Natural Resources
Alaska State House of Representatives
Juneau, AK

From: David R. Yesner, Ph.D. *DRY*
Alaska Representative to the Committee on Public Archaeology,
Society for American Archaeology

Re: Repatriation Bill

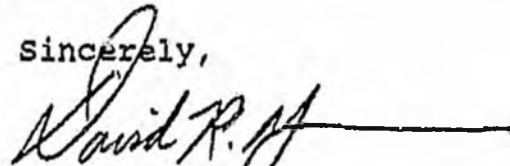
Hon. Members of the Committee on Natural Resources:

On Thursday, February 8th., the Alaska state legislature will take up a proposed bill on repatriation of human skeletal remains and funerary objects to native "tribes and cultural groups" within Alaska. The bill will apply to burials on state land and on private property that may be declared as a "state monument." It requires that all institutions must, within 30 days of passage of the act, prepare a detailed list of all human skeletal materials in their possession, and within 120 days must indicate the appropriate "tribe or cultural group" to which the remains refer, so that the appropriate group may dispose of the remains in the way they see fit. There is no definition of a "tribe or cultural group," so that it is not apparent whether simply declaring material to refer to "Eskimos" or to the Aglegmiut, Malemiut, Nunamiut, Tareumiut, etc. is required. No attempt is made to provide funding for such study. Furthermore, permits must be required from the relevant native "tribe or cultural group" before any excavations may be conducted on state land, or on private land declared as a state monument, if there is even any possibility that human skeletal materials might be encountered. This presents an almost total veto power over the conduct of professional archaeology in the state, and will greatly complicate the permitting process for conducting archaeology within the state in response to federal and state requirements for cultural resource assessment and mitigation in connection with federal and state projects. It was also place great burdens on the Office of History and Archaeology, DNR, and various institutions in analyzing and assessing extant materials. In large part, the problem depends on the period of time over which it can be judged that human remains can be attributed to a particular group; there is no language in the bill to address this question. No provision is made for any length of study of materials before disposal by native groups. Nowhere in the bill is there any acknowledgment of the importance of the scientific data from human skeletal remains in helping to understand the origins and affiliation of Alaska Native groups; their ancient lifestyles, populations, health, and nutrition; or their descent through time, which has been in some cases used to justify native land claims. Finally, no provision is even made for the disposition of the materials themselves by native groups; theoretically, they may even be sold!

As the COPA representative of the state of Alaska, I would like to call your attention to the official position of the Society for American Archaeology on reburial and repatriation, a copy of which is enclosed. Briefly, the official position of the SAA is that the reburial and repatriation of human remains and associated burial goods should take place on a case-by-case basis, with the mutual agreement of native groups and professional archaeologists, rather than through the use of blanket legislation. I have also informed the Office of Governmental Relations of the SAA for their interest. At present, I request that any hearings on this bill be delayed until all interested parties have an opportunity to present their viewpoints on revisions or any contemplated legislation.

Thanks very much for your interest.

Sincerely,



David R. Yesner
Dept. of Anthropology
University of Alaska
3211 Providence Drive
Anchorage, AK 99508

Bulletin

November 1989

Vol. 7, No. 6

OF THE SOCIETY FOR AMERICAN ARCHAEOLOGY

Reburial and Repatriation

Jeremy Sabloff, SAA president, has formed a Task Force on Reburial and Repatriation to review legislative initiatives and to advance the Society's position with the Congress and the media. Since its creation, the Task Force has worked closely with the SAA's Office of Government Relations, particularly on the historic preservation legislation, with reburial provisions, proposed by Senator Fowler and on the reburial and repatriation sections of the bill introduced by Representative Campbell. The Task Force is chaired by Keith Kintigh (Arizona St.) and includes Richard Ford (Michigan), Lynne Goldstein (Wisconsin-Milwaukee), William Lovis (Michigan St.), Vincas Steponaitis (North Carolina), and Phillip Walker (California-Santa Barbara).

The Society's position on reburial was adopted by the Executive Committee in May 1986, after a long period of study and careful consideration. This position maintains that both scientific and traditional interests in human remains are legitimate. It states that the disposition of human remains should be determined on a case-by-case basis, considering the beliefs and strength of the relationship of possible claimants to the remains and the scientific value of the remains. However, in cases where the remains are of a known individual, disposition should be determined by the closest descendants, regardless of scientific value. The statement encourages communication between scholars engaged in the study of human remains and the communities that have an affiliation with the remains.

Given the public debate concerning reburial, and because there appears to be some uncertainty within the profession about the Society's position, the SAA Statement Concerning the Treatment of Human Remains is reproduced below from the June 1986 Bulletin. Any questions or comments concerning this position should be directed to Keith Kintigh, Department of Anthropology, Arizona State University, Tempe, AZ 85287-2402.

SAA Statement Concerning the Treatment of Human Remains

Archaeologists are committed to understanding and communicating the richness of the cultural heritage of humanity, and they acknowledge and respect the diversity of beliefs about, and interests in, the past and its material remains.

It is the ethical responsibility of archaeologists "to advocate and to aid in the conservation of archaeological data," as specified in the Bylaws of the Society for American Archaeology. Mortuary evidence is an integral part of the archaeological record of the past culture and behavior in that it informs directly upon social structure and organization and, less directly, upon aspects of religion and ideology. Human remains, as an integral part of the mortuary record, provide unique information about demography, diet, disease, and genetic relationships among human groups. Research in archaeology, bioarchaeology, biological anthropology, and medicine depends upon responsible scholars having collections of human remains available both for replicative research and research that addresses new questions or employs new analytical techniques.

There is great diversity in cultural and religious values concerning the treatment of human remains. Individuals and cultural groups have legitimate concerns derived from cultural and religious beliefs about the treatment and disposition of remains of their ancestors or members that may conflict with legitimate scientific interests in those remains. The concerns of different cultures, as presented by their designated representatives and leaders, must be recognized and respected.

The Society for American Archaeology recognizes both scientific and traditional interests in human remains. Human skeletal materials must at all times be treated with dignity and respect. Commercial exploitation of ancient human remains is abhorrent. Whatever their ultimate disposition, all human remains should receive appropriate scientific study, should be responsibly and carefully conserved, and should be accessible only for legitimate scientific or educational purposes.

The Society for American Archaeology opposes universal or indiscriminate reburial of human remains, either from ongoing

excavations or from extant collections. Conflicting claims concerning the proper treatment and disposition of particular human remains must be resolved on a case-by-case basis through consideration of the scientific importance of the material, the cultural and religious values of the interested individuals or groups, and the strength of their relationship to the remains in question.

The scientific importance of particular human remains should be determined by their potential to aid in present and future research, and thus depends on professional judgments concerning the degree of their physical and contextual integrity. The weight accorded any claim made by an individual or group concerning particular human remains should depend upon the strength of their demonstrated biological or cultural affinity with the remains in question. If remains can be identified as those of a known individual from whom specific biological descendants can be traced, the disposition of those remains, including possible reburial, should be determined by the closest living relatives.

The Society for American Archaeology encourages close and effective communication between scholars engaged in the study of human remains and the communities that may have biological or cultural affinities to those remains. Because vandalism and looting threaten the record of the human past, including human remains, the protection of this record necessitates cooperation between archaeologists and others who share that goal.

Because controversies involving the treatment of human remains can properly be resolved nation-wide in a uniform way, the Society opposes any federal legislation that seeks to impose a uniform standard for

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Dues Crucial To SAA Future

Las Vegas Meeting

Indiana Anti-Looting Law

Teaching Archaeology

determining the disposition of all human remains.

Recognizing the diversity of potential legal interests in the material record of the human past, archaeologists have a professional responsibility to seek to ensure that laws governing that record are consistent with the objectives, principles, and formal statements of the Society for American Archaeology.

Executive Committee
The Society for American Archaeology
New Orleans, Louisiana
May 1986

(Reprinted from Bulletin 4[3]:7-8, June 1986).

Foundation for American Archaeology

The fact that you are reading the SAA Bulletin tells us something about you. To begin with, you are vitally interested in archaeology and probably earn your living in the discipline in one capacity or another. Moreover, you very much want to keep up with the latest news about your Society.

You should be pleased, then, to learn that the Agnese N. Lindley Foundation in Tucson, AZ has offered the SAA a \$2,000 challenge grant for funds needed for legal fees to establish a Foundation for American Archaeology, search for a managing director and print brochures.

If you attended the National meetings held in Atlanta, you know that the SAA authorized the establishment of a Foundation for American Archaeology along the outlines presented in the March 1989 issue of the Bulletin.

The goal of the Foundation is to provide education to individuals, all levels of government that affect archaeology, and corporations concerned with archaeology. The Foundation will respond in various ways to the numerous opportunities that occur for education about issues of pothunting and concerns about reburial and the repatriation of artifacts.

There presently is no formal structure to address the many demands and opportunities to educate the public about the true nature of the discipline of archaeology. The public gets their information about archaeology from popular movies, and from sensational news accounts. The success of films and articles about archaeology indicates there is tremendous public interest in the subject, which forms a natural constituency for support of archaeological research. The Foundation would tap this interest for education about the true nature of archaeology. The establishment of this

Foundation is essential, for the discipline has never faced such grave challenges nor such a receptive audience.

In order to put these ambitious plans in motion, George Gumenman was asked to chair a task force composed of Dena Dincauzo, Brian Pagan, Mark Leone, William Marquardt, Stuart Struever, and Daniel Thiel.

We are pleased to report that their efforts are bearing fruit and the challenge grant is a giant step in the right direction. What is now needed is for the SAA membership to match the \$2,000 offered by the Agnese N. Lindley Foundation. Obviously \$4,000 is only a beginning, but it is a start.

This is a modest sum. A five or ten dollar donation or more from everyone who reads this will quickly match the requisite amount. Since you have already demonstrated your interest in archaeology by the simple exercise of reading this, you will surely want to help make the Foundation a reality by contributing toward the \$2,000 challenge. You are, after all, not only contributing to your profession but, in all probability, toward your own livelihood.

Checks of any amount should be made out to: The Foundation for American Archaeology, and sent to: Society for American Archaeology, 808 17th St, NW, Suite 200, Washington, D.C. 20006.

SAA Succeeds in Congress

by
Loretta Neumann and Kathleen Reinburg
SAA Office of Government Relations

Money and reburial have headed the list of issues Congress has been tackling over the last several months. The latter is discussed in detail by Keith Kintigh in this issue of the Bulletin (see page 1, "Reburial and Repatriation"). The following summarizes some of the issues for which the SAA has been lobbying.

SAA achieved several major successes in the fiscal 1990 appropriations for Interior and Related Agencies. In a year with tight fiscal constraints placed on legislators, the outcome for cultural resource protection programs in the federal agencies was surprisingly good. SAA sought and obtained \$18.2 million for the Forest Service cultural resource management programs. This is an increase of over \$2 million compared to last year. The Historic Preservation Fund was increased to \$32.75 million. Last year it received \$30.5 million. Special add-on funds were provided for several programs. The National Park

Service was given \$500,000 to pursue anti-looting efforts in the National Park Service and \$100,000 to begin preservation technology transfer. The Bureau of Land Management was provided \$200,000 for cultural resource law enforcement in the four corners area.

In addition, the Senate included language in the National Science Foundation appropriations report which encourages NSF to provide funds for archaeology research within the biological, behavioral and social science directorate. This is the first time that archaeology has been mentioned in the appropriations report and we hope to gain support for increases in funding of archaeology at NSF.

Senator Fowler (D-GA) introduced S. 1579, National Historic Preservation Policy Act on August 4. It would amend the National Historic Preservation Act, Historic Sites Act, Archaeological Resources Protection Act, and the Abandoned Shipwreck Act to strengthen the protection of historic heritage and resources, provide for treatment of human remains, develop training and education programs, strengthen state and tribal preservation programs, develop certification for archaeologists, and implement an artifact registration system. In addition, Senator Fowler introduced S. 1578, to create an independent historic preservation agency and national center for preservation technology. SAA worked on a number of provisions in these two bills to improve them with respect to archaeology.

The SAA testified in support of expanding the Chaco Protection System (S. 798) and establishing the Petroglyph National Monument in New Mexico (S. 286); designating the Amistad National Recreation Area in Texas (H.R. 967), reauthorizing the Bureau of Land Management programs (H.R. 828), and establishing the National Museum of the American Indian (H.R. 2668 and S. 978).

For information on these and other bills, call the Congressional Bill Status office, (202) 225-1772. To obtain copies of House bills call (202) 225-3456 or write to House Document Room, H-226 Capitol, Washington, DC 20515. For Senate bills, write to Senate Document Room, SH-B04 Hart, Washington D.C. 20510.

Dues Increase Crucial to Future

The Society for American Archaeology is financially sound. Now that we have finished the long range study of the Society and have a new set of Bylaws strongly endorsed by the membership, we are in a position to build for the next decade and more. Much of the dues increase announced in the last Bulletin will go to help build

THE HRDLICKA LEGACY AND KONIAG SPIRITS

by

Gordon L. Pullar
Past President, 1983-1989
Kodiak Area Native Association

Presented at the

CIRCUM-PACIFIC PREHISTORY CONFERENCE
August 2-6, 1989
Seattle, Washington

THE HRDLICKA LEGACY AND KONIAG SPIRITS
BY
GORDON L. PULLAR

During the 1930's Ales Hrdlicka, the curator of the Division of Physical Anthropology of the U.S. Museum of Natural History at the Smithsonian Institution, removed some 812 skeletal remains of the Native people from Kodiak Island, Alaska. The majority of the skeletons were taken from the village of Larsen Bay and are currently unceremoniously stored in the Smithsonian's Museum of Natural History where they make up a portion of the 18,500 Native American skeletons the Smithsonian holds (Lowen, 1988, Preston, 1989, Spotted Elk, 1989). Intensified efforts are now underway by the Native people of Kodiak Island to have the remains of their ancestors returned to the island for reburial. The effort, led by the village of Larsen Bay and the island-wide Kodiak Area Native Association, has thus far been rebuffed by the Smithsonian that claims, just as it has in other requests, that the skeletons are needed for scientific study (Brookes, 1988).

Recent scientific evidence suggests that Native people have inhabited Kodiak Island, Alaska, for nearly 8,000 years (Jordan, 1987:4). The first contact with western Europeans came just over two hundred years ago with the sighting of Kodiak Island from a Russian ship in 1761 and the first Russian settlement there in 1783 (Hrdlicka, 1944). At the time of this first contact with the Russians, there were 65 villages on the island (Tikhmeniev,

1861, from Hrdlicka, 1944) occupied by the Koniagmiut or Koniags, the island's aboriginal people. Today, there are six Koniag villages in the Kodiak Island group. They are Akhiok, Karluk, Larsen Bay, Old Harbor, Ouzinkie and Fort Lions. Additionally, the town of Kodiak contains a Native community (Davis, 1984: 199). The estimated population of Koniags on Kodiak Island today is 2,500.

The Koniag village of Larsen Bay is located on the small bay of the same name which branches off the much larger Uyak Bay on the west coast of Kodiak Island. The current population of the village is 217 (Kodiak Area Native Association, 1988 Annual Report). A large salmon cannery was built in Larsen Bay in 1888 (Roppel, 1986) and continues in operation today. The village is governed by a tribal government with an elected council. A second class municipal government was also formed under the laws of the State of Alaska. A village corporation, Nu-Nacht-Pit, Inc., was established under the Alaska Native Claims Settlement Act of 1971, but ceased to exist in 1980 when it merged with the regional corporation, Koniag, Inc.

In 1926, Ales Hrdlicka, under the auspices of the Smithsonian Institution, undertook an anthropological survey of Alaska (Hrdlicka, 1944:1). His efforts ended with the 1938 summer season. Beginning in 1931 and ending in 1937, he excavated in the village of Larsen Bay (Hrdlicka, 1944:1 & 140). His stated

purpose of these excavations "was to secure the skeletal materials which the site evidently contained." (Hrdlicka, 1944:140). The purpose of the entire Alaska survey was, in Hrdlicka's words, "to learn whatever might still be possible about the living remnants of the native populations, and to gather skeletal remains that would supplement the study of the living . . ." (Hrdlicka, 1944:1). It is quite apparent that he viewed Native people as being on the road to extinction. He would, undoubtedly be very surprised that Larsen Bay is still a thriving Native community.

While Hrdlicka's name has long been prominent in the field of physical anthropology, it appears that his formal education in anthropology was limited to four months in Paris in 1896 (Stewart, 1940:8). Hrdlicka, born in Bohemia in 1869, immigrated to New York with his father in 1882 (Stewart, 1940:4). He graduated from Eclectic Medical College in New York in 1892 and from the New York Homeopathic Medical College in 1894 (Stewart, 1940:6-7). His first actual fieldwork in anthropology came in 1899 when he was given charge of the physical and medical anthropological research on the Hyde Expedition to the American Southwest and Mexico for the American Museum (Stewart, 1940:11). In 1903, he was appointed to be in charge of the new Division of Physical Anthropology at the Smithsonian (Stewart, 1940:12, Hinsley, 1981:281).

It was while he was under the employ of the American Museum of Natural History in New York that the first stark signs appeared of what would become a lifelong relationship between Hrdlicka and the dead of Native peoples. The arctic explorer Robert Peary brought back six Eskimos to New York from Greenland and left them at the American Museum (Harper, 1986:34, Preston, 1989). Four of the six soon became ill and died and Hrdlicka, in collaboration with the famed anthropologist, Franz Boas, found the opportunity to study the same Native people both in life and in death (Preston, 1989, Harper, 1986). Hrdlicka had the four Eskimos, that he had measured and photographed in life, boiled so that their flesh could be removed from their skeletons (Preston, 1989). One of the deceased, Qisuk, was the father of Minik, who, at age eight, was one of the survivors. A fake funeral and burial was staged for the benefit of Minik and it was some years later that he made the shocking discovery of his father's skeleton on display at the museum (Harper, 1986:97). A final indignity for Qisuk was that Hrdlicka saved his brain and in 1901 published an article on it, complete with photographs, titled "An Eskimo Brain" (Harper, 1986:97). This article was just the first of several with ghoulish titles such as "New Examples of American Indian skulls with low forehead" (1908), "Catalogue of Human Crania in the U.S. National Museum", (1925), and forty years later, "Diseases of and artifacts on skulls and bones from Kodiak

Island" (1941a) and "Artifacts on human and seal skulls from Kodiak Island" (1941b).

While Hrdlicka's work of digging up Native burials may often be referred to as archaeology, it appears that even he set himself aside from that discipline saying, "And it is hoped also that our archaeological friends will no longer stand aloof, as so often in the past, but will collaborate with us to rescue not alone the evidence of man's activities, but the precious skeletal remains encountered in their excavations of ancient historic sites." (1919). Even though archaeology was a young and developing discipline at the time of Hrdlicka's digging on Kodiak Island, his techniques of excavation were inadequate even by the standards of the time (Jordan, 1987:8).

Hrdlicka seemed to feel that lack of organized objection from the Natives implied permission to remove the remains of their dead. He also claimed that he was taking only very old remains which he reasoned the Natives would not care about anyway. He said the collecting of the skeletons was ". . . carried on with the full knowledge of the natives and often in their view with their assistance. They were told that I wanted only the old "heathen" remains in which no living person had any interest; that the bones were needed for studies and for comparisons of the development, the type, and the diseases of the old with those of the present people; and that they would be treated with all

possible consideration" (1931:125).

Once again, Hrdlicka's concepts of "old" or prehistoric certainly differed from those of professional archaeology. While archaeologists speak in terms of hundreds or thousands of years, Hrdlicka's "old" was much more recent. In one incident that took place in a Yukon River Village, that he described in two different publications, he removed the skeleton of a man buried in a grave under a Russian Orthodox cross marker. He estimated the man to have been dead for thirty years (1930:139, 1943:235). In one of the descriptions of the incident, he said, "But just as the parts were all gathered, I saw below (the grave was on a slope) an old woman who appeared to be provoked at something and was talking to herself rather loudly. On sending the Indian who accompanied me down to see what the trouble was, I learned that the old woman claimed the bones to be those of her long departed husband . . ." (1930:139). Hrdlicka then put the skeleton back and "covered as well as possible" (1943:235) which he said was "to the complete satisfaction of the old dame . . ." (1930:139). Hrdlicka obviously did not always have the permission he claimed to have.

And indeed, Hrdlicka himself published accounts of secretly stealing and concealing skeletons from Interior Alaska villages. (1930b:55). He also speaks of some remains he excavated and upon opening the coffins found them to be "too fresh yet" (1930:76)

and of other cases where he did take remains that still had "soft parts". (1930b:58).

So what was Ales Hrdlicka? . . . scientist? grave robber? . . . racist? There is evidence in his writings to suggest that he had a concern for preserving the purity of the white race. In 1919, he wrote, "The paramount scientific object of Physical Anthropology is the gradual completion, in collaboration with the anatomist, the physiologist, and the chemist, of the study of the normal white man living under ordinary conditions," (1919:22). He stated further, "Associated with racial studies, but of more direct and serious concern to many nations, particularly the American, are investigations into the physical, physiological, and intellectual effects of racial mixtures on progeny. Mixture of colored races with the white are largely controllable by law and general enlightenment, and if found detrimental could be reduced to a minimum. In the United States we are confronted on the one side with the grave problem of mixture of white and negro, and on the other with that of white and Indian" (1919:24).

Further, but more subtle, evidence of Hrdlicka's attitude is found in his book, The Anthropology of Kodiak Island (1944), where he capitalizes the word "White" in white man but does not capitalize the word "Native". (P. 127, 136, 153). Also in his writings on his Alaska experiences, he praises white people,

crediting them by name, for assistance given, but does not mention many Natives by name. There is rare mention of the Native residents of the village of Larsen Bay even though he spent six summers digging there.

Hrdlicka names the site of the Larsen Bay excavations Jones Point in honor of Laura Jones, the wife of the local cannery superintendent who helped in the excavations (1932:99). In a rare mention of the local Native residents, he expressed concern for leaving some equipment behind over the winter as it would be at the "mercy of nearby mixbreeds" (1944:318). Other writings such as an article for Good Health Magazine titled, "A danger to the American people from assimilation of the colored population" (March 9, 1928) seem to confirm his belief in white superiority.

The Smithsonian has agreed to return the remains of Native American individuals to tribes if they could be identified by name or if they were taken illicitly (Adams, 1987, Lowen, 1988, Robbins, 1988). As the customs of prehistoric Koniag differed from those of western societies, there are no gravestones or burial records identifying by name those who died so long ago. Just the same, the Koniag people of today know that these are the remains of their ancestors and do not need specific names attached to them to know they must be treated with respect. To the pre-contact Koniag, death did not represent an end of interpersonal relationships as the dead were kept close by in the sealed

off siderooms of their semi-subteranean houses, called barabaras (Clark, 1984, from Merck, 1980:108).

The Smithsonian maintains that Hrdlicka had permission to remove the skeletons from Larsen Bay and that local Natives actually assisted him in the excavations (letters from A. Kaepler, Smithsonian, to Larsen Bay Tribal Council, Sept. 25, 1987 and Feb. 16, 1988). The people of Larsen Bay vigorously dispute this (letters from Larsen Bay Tribal Council President, Frank Carlson, to A. Kaepler, October 27, 1987, and April 15, 1988). Dora Aga, the matriarch of Larsen Bay, remembers Hrdlicka well. In response to the Smithsonian's claim that local Natives assisted Hrdlicka, she exclaimed, "No way! He wouldn't let nobody get near that place!" (personal interview July 18, 1989). The Smithsonian also claims that no one objected to his work at Larsen Bay (Kaepler letter, Feb. 16, 1988). This claim also infuriates Dora Aga, who said several people, including herself, objected. "I called him every name in the book," she said, "Him and I were no friends at all" (personal interview July 18, 1989).

When considering whether or not permission was given to Hrdlicka to remove skeletons from Larsen Bay, it must be asked who in the village had authority to give such permission. According to Dora Aga, there was no one with such authority. Who could have the authority to give away the remains of his or her ancestors? It must also be realized that the intimidation factor

of a group of white men from Washington, D.C. coming into a remote 1930's Alaska Native village must have been tremendous. "We were green in them days," said Dora Aga, "we didn't know anything about laws" (personal interview July 18, 1989).

Due to the stance the Smithsonian has taken on the issue of repatriation of human remains to Native groups, there may be just two options available to the Natives of Larsen Bay and Kodiak Island. One is to hope for a legislative cure. Thus far such legislation has been unsuccessful. There is, however, legislation pending in Congress that would provide some remedy. These bills are H.R. 1646, the "Native American Grave and Burial Protection Act"; H.R. 1381, the "Native American Burial Preservation Act of 1989" and H.R. 1124, the "Indian Remains Reburial Act".

Another possibility is legal action, challenging the Smithsonian's legal right to hold the remains. Steps are currently being taken by Larsen Bay Tribal Council to pursue this legal avenue with the assistance of the Native American Rights Fund, a national Native American legal advocacy organization.

The struggle of Kodiak Island's Native people to have the remains of their ancestors returned for reburial is of even greater significance than the need to respect the dead. The Native population of Alaska is undergoing an epidemic of self-destruction, including alcohol and drug abuse, family violence and suicide (AFN, 1989) and Kodiak Island is no exception. One

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of the fundamental causes for this epidemic is the disintegration of traditional cultures and the resulting loss of self-esteem (G. Pullar, testimony, U.S. Senate Select Committee on Indian Affairs, March 3, 1989). If young Native individuals are led to believe that it is acceptable and proper for the government of the United States to "own" the bodies of their grandfathers, grandmothers and other ancestors, then how can they possibly believe that they are equal to all others in this country?

Frank Carlson, the president of the Larsen Bay Tribal Council, in his plea to the Smithsonian for the return of the ancestral remains, wrote, "These studies have been going on for over fifty years and we believe it is time to return the skeletal remains to Larsen Bay. We believe you would not invade non-Native grave sites in this manner. Are they not worth study? (letter to A. Kaepler, Smithsonian, April 15, 1988).

REFERENCES

Adams, Robert McCormick

1987. "Smithsonian Horizons," Smithsonian Magazine,
p. 12. May.

Alaska Federation of Natives

1989. A Call for Action

Brookes, Stephen

1988. "Indians Gaining on the U.S. in Battle over Ancestral
Bones," Inaight. October 10. pp 20-22.

Clark, Donald W.

1984. "Pacific Eskimo: Historical Ethnography," Handbook of
North American Indians, Volume 5, Washington, D.C.:
Smithsonian Institution, pp. 1185-197.

Davis, Nancy Yaw

1984. "Contemporary Pacific Eskimo", Handbook of North
American Indians, Volume 5, Washington, D.C.:
Smithsonian Institution, pp. 198-204

Harper, Kenn

1986. Give Me My Father's Body. Frobisher Bay, Northwest
Territories and Newmarket, Ontario: Blacklead Books.

Hinsley, Curtis M., Jr.

1981. Savages and Scientists: The Smithsonian Institution and the Development of American Anthropology 1846-1910. Washington, D.C.: Smithsonian Institution Press.

Hrdlicka, Ales

1901. "An Eskimo Brain", American Anthropologist, III, pp. 454-500.
1908. "New Examples of American Indian skulls with low forehead", XXXV, U.S. National Museum. pp. 171-175.
1919. Physical Anthropology, Its Scope and Aims: Its History and Present Status in the United States Philadelphia: The Wistar Institute of Anatomy and Biology.
1925. "Catalogue of Human Crania in the U.S. National Museum," American Anthropologist, XXVII, pp. 339-340.
1928. "A danger to the American people from assimilation of the colored population", Good Health Magazine. March 9.
- 1930a "The Ancient and Modern Inhabitants of the Yukon," Explorations and Field-Work of the Smithsonian Institution in 1929, Washington, D.C.: Smithsonian Institution. pp. 137-146.

- 1930b. Anthropological Survey in Alaska. Washington, D.C.: U.S. Government Printing office.
1931. "Anthropological Work on the Kuskokwim River Alaska," Exploration and Field-work of the Smithsonian Institution in 1930, Washington, D.C.: Smithsonian Institution, pp. 123-134.
1932. "Anthropological Work in Alaska", Explorations and Field-work of the Smithsonian Institution in 1931, Washington D.C.: Smithsonian Institution, pp.91-102.
1933. "Anthropological Explorations on Kodiak Island, Alaska", Explorations and Field-work of the Smithsonian Institution in 1932, Washington, D.C.: Smithsonian Institution, pp. 41-44.
1935. "Archaeological Excavation on Kodiak Island, Alaska", Explorations Field-work of the Smithsonian Institution in 1934, Washington, D.C., Smithsonian Institution, pp.47-52.
1936. "Archaeological Expedition to Kodiak Island, Alaska," Explorations and Field-work of the Smithsonian Institution in 1935, Washington, D.C.: Smithsonian Institution, pp.47-52

- 1941a "Diseases of and Artifacts on Skulls and Bones from Kodiak Island," Smithsonian Miscellaneous Collections, Washington, D.C.: Smithsonian Institution, September 25.
- 1941b. "Artifacts on Human and Seal Skulls from Kodiak Island." American Journal of Physical Anthropology. Philadelphia: The Wistar Institute of Anatomy and Biology, pp. 441-421.
1943. Alaska Diary 1926-1931. Lancaster, Pennsylvania The Jaques Cattell Press.
1944. The Anthropology of Kodiak Island. Philadelphia: The Wistar Institute of Anatomy and Biology.

Jordan, Richard H.

1987. "The Kodiak Archaeological Project: 1987 Report of Activities," May.

Kodiak Area Native Association

1988. Directory of Services and 1988 Annual Report.

Lowen, Sara

1988. "Grave Matters," City Paper. Washington, D.C.: Washington Free Weekly, Inc., pp 16-20.

Merck, Carl H.

1980. "Siberia and Northwestern America, 1788-1792: The Journal of Carl Heinrich Merck", Materials for the Study of Alaska History, Richard A. Pierce, ed. Kingston, Ontario: Limestone Press.

Preston, Douglas J.

1989. "Skeletons in our Museums' Closets," Harpers Magazine. February. pp. 66-75.

Robbins, Jim

1988. "A Fight for Fragments of Indian Culture." New York Times. October 23.

Spotted Elk, Clara

1989. "Skeletons in the Attic," New York Times, March 8.

Stewart, T.D.

1940. "The Life and Writings of Dr. Ales Hrdlicka," American Journal of Physical Anthropology. Philadelphia: The Wistar Institute of Anatomy and Biology, March 30.

Tikhmeniev, P.

1861. Istoriceskole Osbozrenie. St. Petersburg. 2 Vols.

**UNIVERSITY OF ALASKA FAIRBANKS****Department of Anthropology**
Fairbanks, Alaska 99775

February 7, 1990

Representative Cliff Davidson
Alaska House of Representatives
Room 108 Capital
P.O. Box V
Juneau, Alaska 99811

Dear Representative Davidson,

I am writing you with reference to House Bill 436. This proposed Bill offers a fine opportunity to engage the citizens of this state in a dialogue about the protection, preservation, and understanding of the historical and archaeological resources of the state. As one who has committed 20 years of my own professional career to Native culture heritage issues, I welcome the opportunity this bill presents.

Nevertheless, the bill, as it is currently worded, seems to raise serious management issues and does not seem to be entirely in the best interest of the Native community, nor in the best interest of many institutions and individuals who are struggling to preserve, protect and understand the culture heritage of this state.

Without going into any details, I would like to relate briefly to you my experience on Kodiak which extends back nearly a decade and has resulted in a fine partnership with KANA, as well as with many Native people residing in Kodiak's villages. I began serious archaeological investigation of the Native history in 1983. From its inception this research project was conceived as a working partnership with Native residents of the island. To the best of my knowledge, this relationship has been very successful and been of benefit to all parties concerned.

With respect to human skeletal material, an agreement was reached early in the project's history with both KANA and people in the relevant villages. Although the goal of our research was never targeted toward the recovery of human skeletal material, we did stumble across human remains in the course of excavating village sites. The solution reached was simple. We were allowed to excavate human remains with care and respect; we were allowed to study the remains in a non-destructive fashion; and we reburied the remains according to the wishes of the local residents. I believe that this case history demonstrates that satisfactory middle ground can be easily reached for the benefit of all concerned parties.

I suggest that this bill needs some rewording. I believe that this can best be done by delaying the legislative hearings so that all concerned parties can provide thoughtful input. In addition, I suggest that a "blue ribbon" commission be established to provide the legislature with the wisest possible counsel.

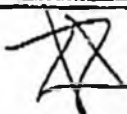
Sincerely,

Richard H. Jordan
Chair and Professor of Anthropology

The Chugach

The Official Publication of Chugach Alaska Corp

Vol. 16 No. 5



Chugach Man; symbolic of effect oil spill is having on the people

He had no cavities, not unusual for a person between 35 and 40 years old living in the area over 200 years ago. He stood five feet three inches. He had no contact with the Russians, British, Spanish or Americans who later came looking for riches - sea otter and seal pelts, salmon, herring and later gold. When he died, the people of his village honored him by placing his remains in a cave high above

the waters of Knight Island. He was a Chugach man and he rested in peace, undisturbed by the turbulences of the last two hundred years - until the oil spill.

As the oil from the *Exxon Valdez* spread throughout Prince William Sound, so did thousands of cleanup workers. The workers did more than attempt to clean the beaches. They went upland, often onto Chugach and village corporation lands. Historical sites long protected by the fact that their locations were unrecorded by federal or state agencies were now being "discovered."

By the middle of June scores of VECO, Norcon and Exxon workers were tres-

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Chugach Man

(continued from page 1)

passing on ancient burial sites, including the one on Knight Island.

The workers did much more than trespass. As a result of their invasion, this sacred burial cave and village was desecrated by workers trampling over this fragile pre-historic environment.



Ilene Totemoff attends the reburial service.

"We believe Exxon was negligent for not surveying, monitoring and protecting this paramount historical site. The remains of this man were torn away from its resting place - bagged and tagged for observation in Anchorage." said CAC Chairman Edgar Blatchford.

The Chugach man was not the only one buried in the cave. But he was the only one carted away.

Reports of findings of skeletal remains circulated among workers and at the request of Exxon's lead archaeologist, Alaska state troopers responded. They arrived on the scene on June 24 and removed the remains to the crime lab in

Anchorage. Ten days later, by accident, the Chugach oil spill response team learned of the "rediscovery."

No-one in Chugach or the village corporations of Tatitlek and Chenega were notified. They should have been. Exxon was aware of CAC's policy on human remains, which states that: "Upon discovery of any human remains CAC is to be notified immediately and the remains are not to be disturbed unless directed by CAC".

Chugach responded in anger. Chugach could not - would not wait any longer for the slow wheels of a blundering bureaucracy to give its blessing to return the remains and to grant permission for a re-burial back at the place of its origin.

Chugach demanded that the remains be turned over immediately to the corporation, and thus they were.

Two months after oil spill workers violated his resting place, the Chugach man was finally returned to the burial site.

On August 14 a delegation from around the region, including Henry Makarka, Richard Stevens, Charles Selanoff, Sr., Peter Selanoff, Mike Eleshansky, Ilene Totemoff, Chris Borodkin, Edgar Blatchford, Gilbert Ollestad, Derenty Tabios, John Johnson, The Very Reverend Archpriest Nicholas Harris, Father Mark Luke, Lora Johnson and Jim Talerrico, accompanied the remains and quietly honored the Chugach man

by burying him with the church's blessing. No outsiders were invited - not the media, not Exxon. However, since the burial was on national forest lands, a Forest Service observer was present.

Under federal law, historical sites are protected. But by the time the oil company learned the law, the Chugach man was disturbed - for the first time in two cen-



Charles Selanoff, Sr. on Knight Island.

turies. May he now, once again, rest in peace for ages and ages.

Father Harris gave this eulogy prior to reintering the Chugach Man.

"Before we re-inter this man back into the earth and bless this coffin and place we must realize that God brought us to this place in the natural beauty of this island. In praying for him, we are asking God to bless all of those who have departed this life.

The people of this area were blessed by God to live the Orthodox life. Thus it is appropriate today to celebrate this service. When news came to us that this persons relics were disturbed we had to do something about it, CAC and its staff saw to it that an appropriate burial would be made.

This man we are to bury is a representative of all the people of this area, people who lived here for thousands of years. It was God's will that they live a most beautiful life then and it is His will that they live a most beautiful life now.

This wonderful place has been disturbed by that great oil spill that has affected all of our lives. We hope and pray that as time goes on that everything that has been disturbed will be restored and that this person who has been reinterred here will be a symbol of this. Although his grave has been disturbed now, he will now be placed back with DIGNITY, with HONOR and with RESPECT.

By honoring him, we honor everything which God has created. We must have respect for every living person, every living creature and every blade of grass that we walk on, because God reveals Himself in nature and in man, He is the God of the universe." ☩



A small craft takes shareholders to the burial site.

Oil Company Cancels Exhibit of Native Artifacts

by: Marilee Enge, Daily News reporter
Anchorage Daily News
Friday, August 18, 1989

An exhibit of aboriginal Native artifacts plucked from the oiled beaches of Prince William Sound and Kodiak Island was canceled by Exxon Corp. when Native leaders complained they were excluded from preparations for the show.

The quarrel came as Natives in the Sound were preparing to rebury ancestral remains removed by oil spill workers and points up conflicts between the massive cleanup of the nation's largest oil spill and the people who live on the oiled shores.

The exhibit of work by state and Exxon archaeologists during the cleanup of the March 24 oil spill was scheduled to go on display Monday at the Exxon headquarters in Valdez. It was canceled when Chugach Native Association leaders protested.

"Our concern is that we don't want those sites disturbed," said Edgar Blatchford, chairman of the organization.

"The only protection that Prince William Sound offered the ancestors of the Chugach people was that nobody knew about them. Now we have thousands of people out there. We have scientists, archaeologists, construction engineers and the media. We've opened a very private family vault and exposed everything to the world."

The display of about 30 stone tools and other objects from Kodiak and the Sound was organized quickly late last week. Exxon's chief archaeologist, Charles Mobley, said he began planning an educational exhibit on the company's cultural resources program last Thurs-

day. On Friday, someone suggested that the display be held Monday when a group of Exxon executives would be visiting.

"We tried to put it together in a short period of time," Mobley said. "It obviously wasn't enough time for the Native community to get behind it."

Officials with the Native association and village leaders from the Prince William Sound area learned about the display on Saturday. Village leaders from Eyak, Tatitlek and Chenega Bay were "very incensed" that Exxon had proceeded without consulting them, according to Blatchford.

"We've really had problems with vandalism for the past 10 years," said John Johnson, cultural resources manager for the Native association. "People are constantly dragging these artifacts out and putting them on their mantels."

"We try to keep specific sites confidential. We're into public information but not a big blitz. They just sprung this on us."

Mobley said he had no intention of publicizing specific sites and exposing them to looting or vandalism. The Natives did not understand that his program has been scrupulous in keeping such information secret, he said.

Besides displaying 30 or so objects gathered so far from the Sound and Kodiak, the exhibit would have explained how archaeologists gather information and how they try to prevent beach crews from damaging sites.

Mobley is quick to point out that collecting artifacts is only incidental to the other work by archaeologists and done as a last resort to protect the items from damage.

But when the Natives heard about Exxon's exhibit, they were already smarting from an earlier incident in which bones from an ancient burial site on Knight Island were removed.

Cleanup workers came upon the

bones June 22 and reported that they'd found fairly recent human remains in a cave far above the high tide mark, according to Mobley. An Alaska State Trooper stationed in Cordova went to the scene and collected the bones.

Exxon's contractors have been instructed to leave archaeological finds in place and inform Mobley's office of any discoveries. But a similar incident happened two weeks later on Kodiak where ancient skeletal remains were also removed.

The Knight Island bones were flown to the state crime laboratory in Anchorage where a physical archaeologist quickly determined that they were aboriginal, said lab director George Taft. The Chugach Native Association later took possession of the remains. On Tuesday, the villages

of the Sound held a religious reburial ceremony.

"Nobody likes their family graves unearthed and that is how we see it," said Blatchford.

"I think it was obvious the bones had been there for a few hundred years and there was no need to remove them. If

there was no body, only a few bones... it wouldn't have hurt to leave them for a few more days."

The archaeological exhibit has been postponed indefinitely. Blatchford said Chugach leaders might approve it later but he would not support a showing without full consent of the village elders.

"We didn't particularly care if it was a public showing open to one person or to everyone in Valdez," he said. "Among the elders of the Chugach region, there is a strong connection with the historic sites."

This is a family secret. It's valuable. It's important to us as a people to leave it for ourselves and for our future generations."

Editor's note: This article refers to Chugach Native Association. It should be Chugach Alaska Corporation.

"We've really had problems with vandalism... People ... dragging these artifacts out and putting them on their mantels."



4th All Chugach Summit...

Facing a common enemy

It was reminiscent of land claims days. The Chugach People pulled together to face a common enemy - the desecraters of the Chugach region.

"We are family. This is our corporation. These are our people. That's why we have unity," Agnes Nichols told a hushed audience at a September meeting of the All-Chugach Summit Conference.

All of the village for-profit corporations were there. So were the village governments, The North Pacific Rim and Chugach Alaska.

The Chugach region was brought together by the *Exxon Valdez* oil spill, the biggest ever on the North American continent.

Nichols, the village chief of Eyak, was eloquent in her remarks. Though ailing, she moved gracefully on her two canes as she urged the delegates to work together

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Photographs
*When the Water
Governor visits
Fort Graham (phu
Land Report*
*Corporate Oilspill
Chugach Fish Dis
All-Chugach Resol
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Timeline Highlight
Regional Oilspill &
Quotes*
*Native Artifacts &
Fishermen's Catch ..
Snapshots*
*Oilspill Response To
Legal Reports*
Condolences
Seward Sawmill

All-Chugach Summit

(continued from page 1)

and move forward together.

"I came because I felt I needed to be here. There's not many old timers left. We know everybody. We are family."

This All-Chugach Summit was the fourth conference since the March 24 grounding of the tanker on Bligh Reef. The summits were called by Edgar Blatchford, CAC chairman, in an effort to unite the region as the villages faced a multitude of state and federal agencies and the international media.

"We have to talk with each other and listen to the concerns and interests of our shareholders. Though we may have disagreements, that doesn't mean we can't have open communications. There are so many out there who want to divide us for their own selfish interests," the CAC chairman said.

At the fourth conference the delegates heard reports from the governor's office, the state oil spill coordinators office, and the state departments of Community and Regional Affairs, Fish and Game and Commerce and Economic Development. There were also speakers from the state historical preservation office and a consultant working on the Alyeska oil spill contingency plan.

It was a meeting to share information and reassure each other that the interests and concerns were mutually shared by the delegates.

"The Exxon/VECO efforts divided us. This is an opportune time to bring all of us together." Derenty Tabios, executive director of The North Pacific Rim said.

All of the communities of the region have been directly impacted by the oil spill. The subsistence lifestyle has been negatively affected as scores of villagers were unable to harvest herring roe, salmon, seal and other foods from the sea.

Hundreds of people were flying into the villages, putting pressure on community services from child care to hous-

ing, from police protection to sewage treatment.

"It's not over yet," said Blatchford. "There will be increased attention on Prince William Sound and the areas bordering Kenai Fjords National Park - Native corporations lands. Environmentalists will want to regulate or prevent Native business opportunities in fish, recreational development and timber harvesting. Every step of the way we will be watched. There's no turning back. The world has discovered the Chugach region."

On the first day of the spill CAC representatives were flying over the grounded tanker. Within days the regional corporation had opened an office in Valdez to work with Alyeska, Exxon, oil spill contractors, the state Department of Environmental Conservation, the U.S. Coast Guard, the federal Department of Transportation and numerous other agencies.

CAC was not geared up to handle an oil spill but as the oil spread from Bligh Reef, CAC moved to protect its interests.

Though primarily a fish, timber and development corporation, CAC had to immediately become an oil monitoring company forced to interface with hundreds of agency people.

Pressure from the village corporations and shareholders also necessitated Chugach Alaska taking a leadership role in protection of cultural resources and advocacy of shareholder-hire in the cleanup work. CAC also had to attempt to mitigate damages, so contract opportunities were seized such as camp catering and waste disposal.

All of this required open communications.

Exxon and VECO changed their plans almost daily, sometimes leaving Chugach in mid-stream such as the situation that developed over the proposed Chenega camp. VECO said put a camp in Chenega, then changed their minds.

In early May a call for a region-wide meeting went out. The first All-Chugach Summit was held in an attempt to keep everyone from being totally inundated with oil spill activities.

Chugach Alaska spent hundreds of thousands of dollars trying to protect Native interests. It wasn't until three months into the oil spill did Exxon approved the first reimbursements. The delay put severe financial strains on the corporation.

"We had a moral obligation to try to help as much as

we could.

But the only way we could succeed was if there was open communication. People just couldn't demand from Chugach, then go away without contributing anything to solving the problems. We had to work together. That's why these All-Chugach Summits were, and are, very important. If the affected parties don't participate, then you can't blame us for Native interests not succeeding," said Blatchford.

"We must never forget that the common enemy is not us. We're all shareholders. We should all want our corporation to succeed. Why would anyone want to cut off our nose to spite our face," Blatchford asked.

The September two-day conference ended on a high note with Dr. Nancy Yawes Davis, a noted anthropologist long familiar with the region, extolling the strengths of the Chugach People. She said there was "great strength" in the people who had overcome so many intrusions so many times before. "There's a wonderful resilience in the Chugach People." ☞

**"We are family.
This is our
corporation.
These are our
people. That's
why we have
unity,"**

*Agnes Nichols,
Eyak Village Chief
Sept. 11, 1989
All-Chugach Summit*

Anchorage Daily News

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ANCHORAGE, ALASKA, WEDNESDAY, DECEMBER 6, 1989

\$100 fine for Sound grave robber brings criticism from Native group

Cleanup worker who took bones from ancient site pleads no contest

By CHARLES WOHLFORTH
Daily News reporter

An oil-spill cleanup worker who robbed an ancient Native grave in Prince William Sound last summer pleaded no contest to federal charges and was fined \$100 last month, angering Chugach Alaska Corp. Natives who say the penalty was too light.

The U.S. Forest Service, which prosecut-

ed the case, recommended the sentence and later refused to disclose the name of the grave robber to protect him from unwanted publicity. It announced the Nov. 14 sentence Tuesday.

Eugene F. Wall, 39, also received a suspended \$400 fine and a year of "infor-

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FINE: Sentence angers Native group

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mal" probation from federal magistrate John Roberts in a brief hearing. Wall could not be reached for comment.

Forest Service archeologist John Mattson said the agency is not allowed to make plea bargains, but said, "I believe the convicted party was well aware of what penalty would be recommended to the magistrate before they ever went into court."

Mattson refused to reveal Wall's name, and a Forest Service press release left him unnamed.

"The lesson of promoting the respect for human remains would not be served by burning this individual," Mattson said. "We would like to use this for a positive standpoint."

Mattson also said that Wall cooperated with investigators and turned himself in when he found out taking the bones was a crime.

But University of Alaska Anchorage anthropology Professor David Yesner said he turned in Wall, a former student, when Wall shared his finds with him. He was sympathetic with Wall, but not as sympathetic as Mattson.

Yesner said Wall came to him with the bones, and other objects, with an interest in talking about them.

"I'm not sure how much wrongdoing he was actually admitting," Yesner said, "because he was enjoying the fact that he knew all these secret sites where he could get stuff in Prince William Sound."

Yesner asked Wall to bring him the human bones — six scattered skeletal pieces — then gave them to John Johnson, cultural resources manager for Chugach Alaska Corp. Johnson reported the find to the Forest Service, which obtained Wall's name from Yesner.

Yesner said he was reluctant to implicate Wall, and did so only after investigator Andrew Gifford said he hoped to uncover incidents of grave robbing by others by talking to Wall. Gifford could not be reached for comment, and Mattson said Gifford would not comment if he were reached.

Yesner said Wall told him collecting archaeological artifacts was widespread on the oil-spill cleanup.

"There was not a great deal of vigilance in terms of what people did," Yesner said Wall told him. "People were able to slip off and collect things. I told me that in the evening people would compare the bones and artifacts they had found."

But the director of Exxon's oil-spill cultural resource program, Charles M. Mobley,

said the company took pains to prevent grave robbing, and he said the Wall incident was an anomaly. He said Exxon-protected archaeological sites from workers by showing supervisors a 14-minute video on the subject and by distributing a memo that outlined criminal penalties for taking artifacts and threatened to turn in and immediately dismiss anyone who took them.

Mobley said the Forest Service could have charged Wall under the Archaeological Resources Protection Act, which provides felony sentences for grave robbing. Instead, Wall was charged with a misdemeanor under another statute.

Johnson said Chugach Alaska officials are angry because they think that the sentence is too light, and that the Forest Service sought to avoid releasing Wall's name.

"Making a press release like that is like saying, 'No problem. We won't give you any trouble,'" Johnson said. "It gives you a weird sense of feeling — that Native people aren't human or something. That you can go out and mess with their burial sites and they'll only fine you \$100."

Johnson said Wall, who he has never met, doesn't deserve a prison term, but should have been forced to do community service — he suggested work in a mortuary.

"They give him a \$100 fine," Johnson said. "That's got a lot of people here pissed, to say the least. If I went downtown and dug up some bones, I'm sure I'd get more than a \$100 fine."

Wall apparently removed the bones from a cave on Knight Island where they are thought to have lain for about 1,000 years. The cave was first found on July 4 by cleanup workers. Two days later an Alaska State Trooper from Cordova removed some bones as evidence of a possible murder, although they were surrounded by other ancient artifacts, and sent them to the state crime lab in Anchorage.

Johnson said he visited the cave and found that its contents had been trampled by cleanup workers.

The crime lab determined that the bones were ancient and they were reinterred in a Russian Orthodox ceremony in August. Then, in October, the bones Wall removed turned up. Johnson said the crime lab determined they were probably from the same skeleton as the bones that were already reinterred.

Johnson said the additional bones will be reinterred as soon as possible in the same cave.

"That's something the elders really stress," he said. "You don't keep them in a shoe box. You get them out there and put them back."

by Warren Jarvis
for the Tundra Times

Last week, with a prayer said softly over a remote tomb, a man torn from his grave seven months ago was at last laid once again to rest.

This man was not the victim of a crime, brought forth to provide evidence against his killer. Nor had he been sought out for study to further the knowledge of man.

He was simply old.
Most people hold in their hearts a

certain fascination for old things, ancient objects which one can hold up and use to dream of times and events long gone. Problems arise, however, when the objects being collected are from burial sites — perhaps even the very bodies themselves.

In this case, the body was that of a man who lived about 200 years ago in what is today the Chugach area. When oil spread through Prince William Sound last spring, following quickly in its path were thousands of cleanup workers.

One of these workers, Eugene Wall, found a cave on Knight Island. It was a fairly large cave and held the remains of six people. Despite a 14-minute video and a handout given to crew supervisors, information said to have been passed on to the workers warning them not to disturb artifacts, Wall removed several parts of one of the bodies.

On June 22, other oil spill workers found the cave and reported the

continued on page sixteen

• Chugach bones reburied

continued from page one

disturbed remains. An Alaska State Trooper from Cordova visited the site two days later and removed some bones from the disturbed remains to be tested at the crime lab in Anchorage.

On Aug. 14, after the lab determined the bones to be ancient artifacts and Chugach Alaska Corp. demanded their return, the bones taken by the State Troopers were reinterred in the cave with a small Russian Orthodox ceremony.

Wall's bones, however, were still missing. They included up to four ribs and two vertebrae.

Finally, in October, the missing bones surfaced. These are the bones laid to rest Jan. 15, and these are the bones which sparked many people's anger.

The anger over the theft was not only in the act itself, but in the penalty Wall received for it. Rather than a possible \$10,000 fine and/or one year imprisonment under the National Historic Preservation Act, Wall was charged under a different law resulting in a fine of \$500, with \$400 suspended, and given an "informal" one year probation.

John Johnson, cultural resources manager for Chugach Alaska Corp., said that such action amounted to telling people that it was almost alright to dig up Native grave sites.

"The bottom line is that people think they're just curiosity pieces," Johnson said. "If I went down to Anchorage's cemetery and just started digging, I bet I'd get more than just a hundred dollar fine."

And this is not, it seems, an isolated incident.

According to Judy Vittner, head of the History and Archeology Office for the state, the robbing of historical sites is a common occurrence in Alaska.

"In my estimation, yes, there is a problem. . . the practice is widespread by the look of the vandalized sites," she said.

Vittner said that at present Alaska has more than 10,000 historical sites on the state inventory. Among the things needed to qualify as an historical site, Vittner said, is that it must be at least 50 years old, be significant for its association with the history of an area and have the poten-

tial to yield information about that time or place.

Despite having lasted for hundreds, perhaps thousands of years, the sites are easily harmed by souvenir hunters or those looking for artifacts to sell.

"Often the casual collector will just pick up things off the surface, whereas the amateur collector can cause a tremendous amount of damage by digging," Vittner said.

A good example of this, Vittner said, is St. Lawrence Island. Formerly one of only a couple hundred national landmarks nationwide, she said, it lost that status due to vandalism and the taking of artifacts for souvenirs and sale.

Still, she does not believe stricter enforcement would affect the situation very much.

"The state is so big that no one can police the whole state, so it has to get into the value system of the people."

Unless this happens, Vittner said, it is unlikely that such destruction of the past will end.



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1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 436 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the protection of Alaska Native
7 unmarked burials."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 41.35.010 is amended to read:

10 Sec. 41.35.010. DECLARATION OF POLICY. It is the policy of the
11 state to preserve and protect the historic, prehistoric, and archeo-
12 logical resources of Alaska from loss, desecration, and destruction so
13 that the scientific, historic, and cultural heritage embodied in these
14 resources may pass undiminished to future generations. To this end,
15 the legislature finds and declares that the historic, prehistoric, and
16 archeological resources of the state are properly the subject of
17 concerted and coordinated efforts exercised on behalf of the general
18 welfare of the public in order that these resources may be located,
19 preserved, studied, exhibited, and evaluated. The legislature also
20 finds and declares that disinterred Alaska Native human remains or
21 funerary objects should be returned to the tribe or cultural group
22 whenever the tribal or cultural origins of the remains or objects are
23 reasonably identifiable.

24 * Sec. 2. AS 41.35.020 is amended to read:

25 Sec. 41.35.020. TITLE TO HISTORIC, PREHISTORIC, AND ARCHEOLOGICAL
26 RESOURCES; LOCAL DISPLAY. (a) Except as provided in (c) of this
27 section, the [THE] state reserves to itself title to all historic,
28 prehistoric, and archeological resources situated on land owned or
29 controlled by the state, including tideland and submerged land, and

1 reserves to itself the exclusive right of field archeology on state-
2 owned or controlled land. However, nothing in AS 41.35.010 - 41.35.-
3 240 diminishes the cultural rights and responsibilities of persons of
4 aboriginal descent or infringes upon their right of possession and use
5 of those resources that [WHICH] may be considered of historic, prehis-
6 toric, or archeological value.

7 (b) Although title to historic, prehistoric, and archeological
8 resources is, except as provided in (c) of this section, in the
9 state, local cultural groups may obtain from the state, or retain, for
10 study or display, artifacts and other items of these resources from
11 their respective cultures or areas if the committee created in AS
12 41.35.110 finds that (1) the group has a durable building with wea-
13 therproof and fireproof construction and humidity control and other
14 factors necessary to serve as a museum that [WHICH] will assure safe
15 preservation of the items, (2) the item sought to be obtained is not
16 one for which there is an undue risk of damage during transportation,
17 and (3) the item sought to be obtained or retained is not one requir-
18 ing special treatment or care beyond the ability or means of the group
19 requesting it. A group retaining such an item or obtaining one from
20 the state shall house it in the museum building and shall make every
21 reasonable effort to assure its safe preservation. If the committee
22 finds that a local cultural group is not properly taking care of an
23 item the group shall return it to the department.

24 * Sec. 3. AS 41.35.020 is amended by adding a new subsection to read:

25 (c) Title to historic, prehistoric, and archeological resources
26 that consist of disinterred Native human remains or funerary objects
27 lies in the tribe or cultural group from which the remains or objects
28 originated when the origins are reasonably identifiable.

29 * Sec. 4. AS 41.35.030 is amended to read:

1 Sec. 41.35.030. DESIGNATION OF MONUMENTS AND HISTORIC SITES.

2 Upon the recommendation of the committee, the governor may declare by
3 public order any particular historic, prehistoric, or archeological
4 structure, deposit, site, or other object of scientific or historic
5 interest that is situated on land owned or controlled by the state to
6 be a state monument or historic site, and the governor may designate
7 as a part of the monument or site as much land as is considered neces-
8 sary for the proper access, care, and management of the object or site
9 to be protected. When an object or site is situated on land held in
10 private ownership, it may be declared a state monument or historic
11 site in the same manner, with the written consent of the owner. When
12 a site includes Native human remains or funerary objects for which the
13 tribal or cultural origins are reasonably identifiable, the site may
14 not be designated as a state monument or historic site without the
15 written consent of the tribe or cultural group from which the remains
16 originated.

17 * Sec. 5. AS 41.35.040 is amended to read:

18 Sec. 41.35.040. ADMINISTRATION AND FINANCIAL SUPPORT OF MONU-
19 MENTS AND HISTORIC SITES. State-owned monuments, sites, and other
20 historic, prehistoric, or archeological properties owned or purchased
21 by the state are under the control of the department, and their main-
22 tenance shall be covered in the appropriations made to the department.
23 Privately owned state monuments or historic sites are eligible to
24 receive state support for their maintenance, restoration, and reha-
25 bilitation if they are kept accessible to the general public, they are
26 in compliance with state laws pertaining to Native human remains and
27 funerary objects, and application for support is made in conformity
28 with regulations adopted by the commissioner.

29 * Sec. 6. AS 41.35.060 is amended to read:

1 Sec. 41.35.060. POWER TO ACQUIRE HISTORIC, PREHISTORIC, OR
2 ARCHEOLOGICAL PROPERTIES. (a) The department, with the recommenda-
3 tion of the committee, may acquire real and personal properties that
4 have statewide historic, prehistoric, or archeological significance by
5 gift, purchase, devise, or bequest. If the department acquires disin-
6 terred Native human remains or funerary objects under this subsection,
7 it shall return the remains or objects to the tribe or cultural group
8 from which they originated if the tribe or group is reasonably identi-
9 fiable. The department shall preserve and administer property so
10 acquired. The department may acquire property adjacent to the proper-
11 ty having historic, prehistoric, or archeological significance when it
12 is determined to be necessary for the proper use and administration of
13 the significant property.

14 (b) If an historic, prehistoric, or archeological property that
15 [WHICH] has been found by the department, upon the recommendation of
16 the committee, to be important for state ownership is in danger of
17 being sold or used so that its historic, prehistoric, or archeological
18 value will be destroyed or seriously impaired, or is otherwise in
19 danger of destruction or serious impairment, the department may estab-
20 lish the use of the property in a manner necessary to preserve its
21 historic, prehistoric, or archeological character or value. If the
22 owner of the property does not wish to follow the restrictions of the
23 department, the department may acquire the property by eminent domain
24 under AS 09.55.240 - 09.55.460. This subsection does not apply to
25 real property containing Native human remains or funerary objects if
26 the property is owned by the tribe or cultural group from which the
27 remains originated.

28 * Sec. 7. AS 41.35.070(d) is amended to read:

29 (d) If in the course of performing [PUBLIC] construction or

1 improvements, historic, prehistoric, or archeological sites, loca-
2 tions, remains, or objects are discovered, the department shall be
3 notified and its concurrence shall be requested in continuing the
4 construction or improvement. Upon receipt of this notice, the depart-
5 ment shall survey the area to determine whether the area contains
6 historic, prehistoric, or archeological data that [WHICH] should be
7 preserved in the public interest. The survey shall be conducted as
8 expeditiously as possible. If, as a result of the survey, it is
9 determined that (1) this data exists in the area, (2) the data has
10 exceptional historic, prehistoric, or archeological significance [,]
11 and should be collected and preserved in the public interest, and (3)
12 it is feasible to collect and preserve the data, the department shall
13 perform the necessary work to collect and preserve the data. This
14 work shall be performed as expeditiously as possible.

15 * Sec. 8. AS 41.35.070 is amended by adding a new subsection to read:

16 (h) If the department determines during a survey under (d) of
17 this section that the historic, prehistoric, or archeological re-
18 sources discovered include human remains, the department shall notify
19 the nearest law enforcement agency. If the department determines that
20 the resources include Native human remains or funerary objects for
21 which the tribal or cultural origins are reasonably identifiable, the
22 department shall also notify the appropriate tribe or group about
23 their discovery. After collection under (d) of this section and
24 appropriate investigation or other action by law enforcement author-
25 ities, Native human remains and funerary objects shall be returned to
26 the tribe or cultural group of origin if the appropriate tribe or
27 cultural group is reasonably identifiable.

28 * Sec. 9. AS 41.35 is amended by adding a new section to read:

29 Sec. 41.35.075. DISCOVERY OF HUMAN REMAINS OR FUNERARY OBJECTS.

1 (a) A person who encounters human remains or funerary objects in or
2 on the ground, other than in a situation covered under AS 41.35.070,
3 shall

4 (1) immediately cease any activity that may cause further
5 disturbance of the area; and

6 (2) report the presence and location of the remains and
7 objects to the department as soon as possible considering the location
8 of the discovery and the availability of communication alternatives.

9 (b) Upon receiving a report under (a) of this section, the
10 department shall promptly notify the landowner on whose property the
11 remains or objects were discovered, the Department of Public Safety or
12 other appropriate law enforcement agency, and the Historic Sites
13 Advisory Committee.

14 (c) Upon notification under (b) of this section and completion
15 of related law enforcement activities, the committee shall assist the
16 department in determining if the remains or objects are historic,
17 prehistoric, or archeological resources of Native origin. If they are
18 historic, prehistoric, or archeological resources of Native origin and
19 it is feasible to collect and preserve them, the department shall
20 perform the necessary work or issue a permit under AS 41.35.080 for
21 their collection.

22 * Sec. 10. AS 41.35.080 is amended to read:

23 Sec. 41.35.080. PERMITS. The commissioner may issue a permit
24 for the investigation, excavation, gathering, or removal from the
25 natural state [,] of any historic, prehistoric, or archeological
26 resources of the state or Native human remains or funerary objects
27 discovered under AS 41.35.070 or 41.35.075. A permit may be issued
28 only to persons or organizations qualified to make the investigations,
29 excavations, gatherings, or removals and, except as otherwise provided

1 in this section, only if the results of these authorized activities
2 will be made available to the general public through institutions and
3 museums interested in disseminating knowledge on the subjects involved
4 or returned to the tribe or cultural group of origin. If the his-
5 toric, prehistoric, or archeological resource involved is one that
6 [WHICH] is, or is located on a site that [WHICH] is, sacred, holy, or
7 of religious significance to a cultural group, the consent of that
8 cultural group must be obtained before a permit may be issued under
9 this section. If the resource is or contains Native human remains or
10 funerary objects for which the tribal or cultural origins are reason-
11 ably identifiable, the consent of that tribe or cultural group must be
12 obtained before a permit may be issued under this section. At the
13 request of the reasonably identifiable tribe or cultural group, infor-
14 mation related to Native human remains or funerary objects may not be
15 disseminated to anyone other than the tribe or cultural group, except
16 when required for law enforcement activities. If the resource con-
17 tains human remains, the consent of the Department of Public Safety
18 must also be obtained before a permit may be issued under this sec-
19 tion.

20 * Sec. 11. AS 41.35.090 is amended to read:

21 Sec. 41.35.090. NOTICE REQUIRED OF PRIVATE PERSONS. Before any
22 construction, alteration, or improvement of any nature is undertaken
23 on a privately owned, officially designated state monument or historic
24 site by any person, the person shall give the department three months'
25 [MONTHS] notice of intention to construct on, alter, or improve it.
26 If the construction, alteration, or improvement involves Native human
27 remains or funerary objects for which the tribe or cultural group of
28 origin is reasonably identifiable, the person shall also give the
29 tribe or cultural group three months' notice of intention to

1 construct, alter, or improve. Before the expiration of the three-
2 month notification period, the department shall either begin eminent
3 domain proceedings under AS 41.35.060(b) or undertake or permit the
4 recording and salvaging of any historic, prehistoric, or archeological
5 information considered necessary.

6 * Sec. 12. AS 41.35.100 is amended to read:

7 Sec. 41.35.100. EXCAVATION AND REMOVAL OF HISTORIC, PREHISTORIC,
8 OR ARCHEOLOGICAL REMAINS ON PRIVATE LAND. Before any historic, pre-
9 historic, or archeological remains are excavated or removed from
10 private land by the department, the written approval of the owner
11 shall first be secured. If the remains include human remains, the
12 written approval of the Department of Public Safety shall also first
13 be secured. In the case of Native human remains or funerary objects
14 for which the tribe or cultural group of origin is reasonably identi-
15 fiable, the department must also secure the prior approval of the
16 tribe or cultural group. When the value of the private land is dimin-
17 ished by the excavation or removal, the owner of the land shall be
18 compensated for the loss at a monetary sum mutually agreed on by the
19 department and the owner or at a monetary sum set by the court.

20 * Sec. 13. AS 41.35 is amended by adding a new section to read:

21 Sec. 41.35.105. DISPOSITION OF NEWLY-DISCOVERED NATIVE HUMAN
22 REMAINS AND FUNERARY OBJECTS. (a) Whenever historic, prehistoric, or
23 archeological resources are discovered under AS 41.35.070 - 41.35.100,
24 the department shall notify the committee. If the resources include
25 human remains, the department shall also notify the Department of
26 Public Safety or other appropriate law enforcement agency. After law
27 enforcement activities related to the resources have ceased or permis-
28 sion to investigate has been received from the Department of Public
29 Safety, the committee shall assist the department in determining

1 whether the resources include Native human remains or funerary ob-
2 jects. If the resources include Native human remains or funerary
3 objects, the department and committee shall determine with as much
4 specificity as possible the tribal or cultural origin of the remains
5 or objects.

6 (b) If the Native human remains and funerary objects are reason-
7 ably identifiable, the person in possession of them shall notify the
8 appropriate tribe or cultural group and return them to the descendants
9 of the individual, tribe, or cultural group, as the case may be, upon
10 request of the appropriate party unless

11 (1) title to them has been transferred to the person by the
12 appropriate tribe or cultural group; or

13 (2) law enforcement authorities retain possession for the
14 purpose of law enforcement activities.

15 (c) If there is no evidence available to indicate the tribal or
16 cultural origins of Native human remains or funerary objects examined
17 under this section, the person who lawfully possessed them before they
18 were examined under this section remains in lawful possession of them
19 until evidence of their origin becomes available unless possession is
20 demanded by appropriate law enforcement authorities for the purpose of
21 law enforcement activities.

22 * Sec. 14. AS 41.35.200(d) is amended to read:

23 (d) A [AN] historic, prehistoric, or archeological resource that
24 [WHICH] is taken in violation of this section shall be seized by any
25 person designated in AS 41.35.220 wherever found and at any time.
26 Objects seized may be disposed of as the commissioner determines by
27 deposit in the proper public depository except that Native human
28 remains and funerary objects shall be disposed of under AS 41.35.105.

29 * Sec. 15. AS 41.35.220 is amended by adding a new subsection to read:

1 (b) Notwithstanding other provisions of this chapter, a person
2 described in (a) of this section may, without a permit from the de-
3 partment or consent from a tribe or cultural group of origin, lawfully
4 possess, remove, transport, and alter a historic, prehistoric, or
5 archeological resource for the purpose of law enforcement activities.

6 * Sec. 16. AS 41.35.230 is amended to read:

7 Sec. 41.35.230. DEFINITIONS. In AS 41.35.010 - 41.35.240,
8 unless the context otherwise requires,

9 (1) [REPEALED

10 (2)] "committee" means the Historic Sites Advisory Commit-
11 tee;

12 (2) "funerary objects" means items that are reasonably
13 believed to have been intentionally placed with the remains of a
14 Native, either at the time of burial or interment or at some subse-
15 quent time, as a part of the death rites or ceremonies of a culture;

16 (3) [REPEALED

17 (4)] "historic, prehistoric and archeological resources"
18 includes deposits, structures, ruins, sites, buildings, graves, arti-
19 facts, fossils, or other objects of antiquity which provide informa-
20 tion pertaining to the historical or prehistorical culture of people
21 in the state as well as to the natural history of the state;

22 (4) "Native" means a person who is a descendant or ancestor
23 of the aboriginal races inhabiting the state when it was annexed to
24 the United States or a descendant or ancestor of an Indian or Eskimo
25 who, after the year 1867, migrated into the state from Canada;

26 (5) "reasonably identifiable" means identifiable, by a
27 preponderance of the evidence, as to individual, familial, tribal, or
28 cultural origin based on available archeological, historical, ethno-
29 logical, or other direct circumstantial evidence or expert opinion;

1 (6) "tribe or cultural group" means a tribe defined or
2 established under 25 U.S.C. 461 - 492 (Indian Reorganization Act), as
3 supplemented by the Alaska Native Act, an Alaska Native village de-
4 defined in or established under 43 U.S.C. 1601 - 1641 (Alaska Native
5 Claims Settlement Act), or a corporation or other group designated by
6 a tribe or Native village to act for the tribe or village under this
7 chapter.

8 * Sec. 17. DISPOSITION OF ITEMS ALREADY HELD. (a) A person who on the
9 effective date of this Act is in possession of historic, prehistoric, and
10 archeological resources that consist of Native human remains or funerary
11 objects, other than a member of a tribe or cultural group from which the
12 remains or objects originated, shall, within 30 days after the effective
13 date of this Act, notify the Department of Natural Resources and the De-
14 partment of Public Safety of the existence and location of the remains and
15 objects. Within 120 days after the effective date of this Act, the person
16 shall, unless prohibited by appropriate law enforcement authorities,

17 (1) determine the tribal or cultural origins of the remains and
18 objects with the most specificity possible and notify the tribe or cultural
19 group of the existence of the remains and objects; or .

20 (2) transfer possession of the remains and objects to the de-
21 partment, which shall determine the tribal or cultural origin of the re-
22 mains and objects and notify the tribe or cultural group.

23 (b) When a preponderance of the evidence ascertained under (a) of
24 this section establishes that the human remains and funerary objects are of
25 a particular individual or are of an individual who was culturally affili-
26 ated with a particular tribe or cultural group, the person in possession of
27 them shall notify the affected tribe or group and return them to the de-
28 scendants of the individual, tribe, or cultural group, as the case may be,
29 upon request of the appropriate party unless title to them has been

1 transferred to the person from the descendant, tribe, or cultural group.

2 (c) Upon request, the Historic Sites Advisory Committee established
3 under AS 41.35.110 - 41.35.190 shall assist in determinations under this
4 section.

5 (d) If there is no evidence available to indicate the tribal or
6 cultural origins of Native human remains or funerary objects examined under
7 this section, the person who lawfully possessed them before they were
8 examined under this section remains in lawful possession of them until
9 evidence of their origin becomes available.

10 (e) A person who does not comply with this section, in addition to
11 other penalties that may be applicable, is not eligible for state funds
12 related to the maintenance of historic, prehistoric, or archeological
13 resources.

14 (f) In this section,

15 (1) "funerary objects," "historic, prehistoric, and archeologi-
16 cal resources," "Native," and "tribe or cultural group" have the meanings
17 given in AS 41.35.230, as amended in sec. 16 of this Act;

18 (2) "person" has the meaning given in AS 01.10.060 and also
19 includes a public entity of any type.
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Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #509
Washington, DC 20004

POLICY STATEMENT REGARDING TREATMENT OF HUMAN REMAINS AND GRAVE GOODS

Adopted by the Advisory Council on Historic Preservation

September 27, 1988

Gallop, New Mexico

When human remains or grave goods are likely to be exhumed in connection with an undertaking subject to review under Section 106 of the National Historic Preservation Act, the consulting parties under the Council's regulations should agree upon arrangements for their disposition that, to the extent allowed by law, adhere to the following principles:

o Human remains and grave goods should not be disinterred unless required in advance of some kind of disturbance, such as construction;

o Disinterment when necessary should be done carefully, respectfully, and completely, in accordance with proper archeological methods;

o In general, human remains and grave goods should be reburied, in consultation with the descendants of the dead.

o Prior to reburial, scientific studies should be performed as necessary to address justified research topics;

o Scientific studies and reburial should occur according to a definite, agreed-upon schedule; and

o Where scientific study is offensive to the descendants of the dead, and the need for such study does not outweigh the need to respect the concerns of such descendants, reburial should occur without prior study. Conversely, where the scientific research value of human remains or grave goods outweighs any objections that descendants may have to their study, they should not be reburied, but should be retained in perpetuity for study.

Representative Cliff Davidson
February 7, 1990

I strongly urge you and the other co-sponsors of HB 436 to take the time to create such a consensus and craft a more workable bill. I appreciate your consideration of my views.

If I can answer any questions or provide any additional input, please do not hesitate to contact me. I can be reached at the following phone numbers: 474-7039 (office), 479-8406 (home), 474-6967 (FAX).

Sincerely,

Wendy H. Arundale

Wendy H. Arundale, Ph.D.
Research Associate, IAB
Adjunct Faculty, Department of Anthropology

Attachment

UNIVERSITY OF ALASKA FAIRBANKS

INSTITUTE OF ARCTIC BIOLOGY
Fairbanks, Alaska 99775-0180 U.S.A.

(907) 474-7640
FAX: (907) 474-6967

February 7, 1990

Representative Cliff Davidson
Alaska House of Representatives

Dear Representative Davidson:

I understand that you are cosponsoring HB. 436, a bill to amend the Alaska state historic preservation act. I am very glad to see you and other legislators working to improve historic preservation legislation in our state. I am also glad to see you taking up the issue of native rights in relation to human remains and grave objects. These are important issues, deserving careful consideration.

As an archaeologist/anthropologist who has worked extensively on historic Native sites, including major projects for the North Slope Borough and Doyon, Ltd. I am keenly aware of and sympathetic with the concerns Native people have for cultural resources that are rightfully theirs. In the past archaeologists and physical anthropologists often have not respected Native concerns in these matters. I am painfully aware, for example, of the anguish and anger aroused by the activities of Ales Hrdlicka and some of his contemporaries. A few of my colleagues still display outmoded attitudes on these issues, but many people working in the field of cultural resources today appreciate Native people's concerns and would like to see enacted workable legislation that respects Native views.

After reading HB 436, however, I have some real concerns about whether this bill can achieve the goals its authors have in mind. I also believe there are some additional goals of potential benefit to Native people--as well as others with buried ancestors in Alaska--that are omitted. Let me indicate just a few of the problems I see with the bill and suggest a future course that I feel would have broad benefits for all Alaskans.

For example, to be really workable, HB 436 needs some clearer definitions. How are tribes or cultural groups who will have a number of rights under the bill to be designated? The definition of "reasonably identifiable" is very weak; the preponderance of evidence is often not the best or most scientifically sound way to make an identification. Sometimes wrong or inaccurate identifications get perpetuated in the scientific literature, making up a "preponderance of the evidence" but then later are

Representative Cliff Davidson
February 7, 1990

shown to be wrong. What will happen when items can be identified with a tribe or cultural group that have no living descendants? Would a site containing graves from such a group be ineligible for designation as a state monument or historic site because there is no one to give written consent?

A more serious issue is language in section AS 41.35.040 (d) and (h). For some time the principle of survey and mitigation in advance of construction projects has been a standard mode of operation. This section fails to make this standard practice part of the law, thus potentially taking historic preservation efforts back 15 or more years, and possibly creating serious economic hardships for construction projects. Further, section (h) fails to specify any clear mechanism for returning human remains or funerary objects to the group of origin. There are other problematic sections that I could cite as well, but my point is not to be overly critical. My point is simply to say that the bill needs much more careful thought and rewriting if its tasks are to be carried out successfully.

The bill also fails to make provisions, where appropriate, for studies of disinterred human remains and funerary objects, Native or otherwise, where the studies can be carried out in a respectful way, and where they might well benefit descendants of the dead. I think the way the Utkiagvik Project handled the "frozen family" research in Barrow could serve as a good model on which to build. In this case the archaeologists worked closely with Public Safety, local leaders, and the elders to develop an acceptable plan for excavation, study, and reburial. The result was not only respectful treatment of the human remains, but also important information on the history and heritage of the Barrow area, as well as valuable medical and health-related data, all beneficial to Barrow-area people.

I feel strongly that HB 436 would benefit greatly from a much broader range of input from all interested parties--Native people, archaeologists, the Office of History and Archaeology in DNR, Public Safety people and so on. Such an effort could also benefit from consulting documents such as the Advisory Council on Historic Preservation's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" (a copy is attached) and some of the laws already enacted by other states on this matter. By working with the various interested groups to build a consensus, you are much more likely to get legislation that will really work to protect the human remains and funerary objects, lead to their respectful treatment, and where appropriate, return to their rightful place, while preventing onerous over-regulation, costly litigation, or worse yet, loss of the remains altogether.



UNIVERSITY OF ALASKA MUSEUM

February 8, 1990

Dear Chairmen Davidson, Menard and Members of the House Resources Committee:

As curator of Alaska's largest collection of archeological material I am delighted to see interest on the part of the legislature in developing meaningful legislation toward the preservation of Alaska's rich cultural heritage. This type of legislation is desperately needed and long overdue. While I support the concept of strong historic preservation legislation, I believe that House Bill 436 as presently written will not accomplish meaningful heritage preservation and will further obfuscate what are already difficult and complex issues. I would like to share with you a few of my concerns with the legislation as it is currently proposed:

- 1) "Funerary objects" repeatedly mentioned throughout the bill are largely recognized by their association with a human burial(s). For example, a rifle may or may not be a funerary object depending on whether it has been placed in a human burial or rests in a gun rack. A vast number of objects both in private possession and held in the public trust may be contested which will be difficult or impossible to classify. For example, all arrowheads could fall in this category.
- 2) The minimum requirements for repositories for cultural materials have been defined by the American Association of Museums. Museums throughout the state have been working hard to meet these minimum standards for accreditation. The bill defines minimum criteria as a "durable building with weather-proof and fireproof construction and humidity control and other factors to serve as a museum". As a member of the American Association of Museums and a museum professional, I believe this loose definition of standards will undoubtedly lead to the destruction, deterioration and ultimate loss of many of the materials we have been attempting to preserve.
- 3) Most cultural materials from Alaska have been collected in conjunction with Federally licensed, funded or permitted projects or programs. When federal support or permitting are required, federal historic legislation and regulations applies. The minimum requirements for facilities housing these types of collections are defined in 36 CFR 79 which became effective in January 1990. A considerable capital budget and subsequent operating budget will be required to maintain facilities to adequately meet these criteria if collections are to be lawfully transferred to regional repositories and at the same time meet minimum federal requirements.

UNIVERSITY OF ALASKA

House Bill 436 Memo

February 8, 1990

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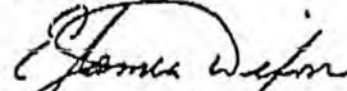
- 4) Particularly disturbing are sections of the bill requiring individuals and public institutions to identify and determine tribal or cultural origins of materials or transfer materials to DNR within 120 days from the effective date of the Act. The University Museum serves as repository for archeological materials collected by DNR. If the University Museum is to continue in this role following passage of this bill, the University lacks the facilities, personnel and fiscal resources to accomplish the objective set forth in this legislation. If the University Museum, and other museums throughout the state, are required to make these determinations and transfer these collections to the DNR (which does not have the facilities or expertise to handle them) much of the progress which has been made in preserving these collections will be lost and a major cultural resource will be unnecessarily placed in jeopardy.

I would like to reiterate that I support the concept of strong and meaningful historic preservation legislation. However, such legislation can only be developed successfully with careful deliberation and broad input to assure that the many facets of these complex issues are carefully considered and addressed in an equitable and responsible fashion. House Bill 436 as it is currently drafted will create many more problems than it resolves. It is important that we build on the very positive progress that has already been accomplished and not jeopardize the considerable effort and fiscal commitment the state has already devoted toward preservation.

I support the concept of regional repositories for the display and curation of cultural materials. These facilities must be constructed to meet professional and federally mandated standards. Because the responsibility for care is in perpetuity, these facilities must be adequately funded to support permanent trained staffs to care for these collections. Before such legislation goes forward, both capital and operating budget analysis should be initiated to assure this very worthwhile goal may be achieved and maintained.

If I may be of any assistance in this matter or future proposed legislation, please feel free to contact me. Thank you very much for the opportunity to comment.

Sincerely,



E. James Dixon, Ph.D.

Curator of Archeology and Associate Professor
University of Alaska Museum

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SECTIONAL ANALYSIS

by Staff to Representative Davidson

SECTION 1: Adds a new section to the Coroner's Inquest, (AS 12.65) that deals with the discovery of human remains. There is currently no directive to the public as to what procedure to follow when human remains are discovered. This section mandates that the remains are not disturbed and their presence reported. If the remains are found to be unrelated to a prosecutable offense, the Department of Natural Resources is notified. A person who fails to follow this procedure is guilty of a Class A misdemeanor.

The bill makes it illegal to sell, buy or barter human remains. Also, human remains may not be displayed unless it is in connection with a funeral or burial or as required for medical or law enforcement activities. A violator of this section is guilty of a Class A misdemeanor.

SECTION 2-10: Amends or adds to the **Alaska Historical Preservation Act, AS 41.35.**

SECTION 2- 5: Brings the Alaska Historical Preservation Act in compliance with the new additions in Sections 9 and 10.

SECTION 6: Brings the DNR's historical resource permitting process in compliance with the new language dealing with human remains and funerary objects.

SECTION 7: Requires notice to be given to DNR by those who have an historical site or state monument on their property before any construction, alteration or improvement is undertaken. The **section is amended** to include contacting the identifiable tribe of origin when human remains are involved.

SECTION 8: Definitions.

SECTION 9: **NEW SECTION.** Adds to the Alaska Historical Preservation Act the procedure to follow when human remains and funerary objects are discovered

AS 41.35.400 is a policy statement that no person can have title to human remains, only the right to disposition. The

right to disposition lies with the state unless the decedents living relatives or tribe are reasonably identifiable.

AS 41.35.410 outlines the procedure to follow upon the discovery of human remains that are not related to law enforcement activities. If the human remains are not disinterred, the department shall leave them in place where they are interred. If the remains have been disinterred, the department shall contact the decedent's living descendants with the closest kinship or the tribe of origin. When the kinship is not known, the closest tribe in the proximity of the discovery shall be notified.

After contact and upon request, the remains or funerary objects shall be returned by DNR so the descendants or tribe may dispose of them. If there is no response within 120 days, DNR shall treat the human remains as they treat other unclaimed human remains or historic resources, as applicable.

A tribe may enter into a contract with a person for study of the human remains before disposal.

AS 41.35.420 creates a dispute committee appointed by the Governor to resolve disputes concerning the tribe of origin.

SECTION 10: NEW SECTION. This section defines the procedure to follow for those remains currently being held. It mandates those in possession of human remains to contact DNR within 120 days. The department shall then prepare an abstract containing indexed information related to the reports received. After compilation, the department shall send the abstract to the governing body of each tribe in the state. The tribes may file a claim with the department to request return of remains listed on the abstract.

The dispute resolution committee shall address any duplicated claim. If there is not a claim filed within 120 days after receipt of the abstract, the department shall take possession or enter into an agreement with persons or institutions for protective custody of the remains.

ALASKA FEDERATION OF NATIVES, INC.

1989 ANNUAL CONVENTION

RESOLUTION NO. 89-63

TITLE: PROTECTION OF HISTORICAL/BURIAL/CULTURAL SITES

WHEREAS on March 24, 1989, the tanker Exxon Valdez ran aground on Bligh Reef and created the largest oil spill ever on the North American continent; and

WHEREAS efforts to contain the oil spill were largely unsuccessful and the Prudhoe Bay crude oil was carried by currents throughout Prince William Sound, down the coast of Kenai Peninsula, up Cook Inlet, around Kodiak and Afognak Islands, and down the Alaska Peninsula and Aleutian Islands; and

WHEREAS the Eskimos, Indians and Aleuts have innumerable cultural, burial and historical sites throughout Alaska including many within the areas impacted by the oil spill; and

WHEREAS the historical, burial, and cultural sites were violated by cleanup workers and others invited by the consequences of America's worst oil spill; and

WHEREAS human skeletal remains of the ancestors of the Alaska Natives were removed from traditional burial sites and artifacts collected as curiosity pieces by trespassers and others who went beyond the scope of normal cleanup activities;

NOW THEREFORE BE IT RESOLVED by the delegates of the 1989 annual convention of the Alaska Federation of Natives, Inc. condemns the taking and removal of any and all skeletal remains and artifacts from oil impacted areas; and

BE IT FURTHER RESOLVED that trespassers, government agencies, contractors, subcontractors, and others are urged to return all artifacts and skeletal remains to their traditional final resting places.

SUBMITTED BY: 1989 Youth Conference

COMMITTEE RECOMMENDATION: Do Pass

CONVENTION ACTION:

ALASKA FEDERATION OF NATIVES, INC.

1989 ANNUAL CONVENTION

RESOLUTION NO. 89- 62

TITLE: PRESERVATION OF NATIVE ALASKAN ARCHEOLOGICAL SITES
AND ARTIFACTS

WHEREAS Archeological sites have been interrupted by
unnatural disasters; and

WHEREAS the history of Native archeological sites is
plagued by the removal of the artifacts and
destruction of the sites; and

WHEREAS the Natives feel their beliefs and customs have
not been respected by others;

NOW THEREFORE BE IT RESOLVED that significant archeological
sites and the artifacts from the sites, if
uncovered, should not be disturbed or removed
without the approval of the tribal council or
local Natives.

SUBMITTED BY: 1989 Youth Convention

COMMITTEE RECOMMENDATION: Do Pass

CONVENTION ACTION: