Treatment of Native American Human Remains Discovered Inadvertently or Through Criminal Investigations on Private and Public, State-Owned Lands in Oregon

Native American burial sites are not simply artifacts of the tribe's cultural past, but are considered sacred and represent a continuing connection with their ancestors. Native American ancestral remains, funerary objects, sacred objects and objects of cultural patrimony associated with Oregon Tribes are protected under state law, including criminal penalties (ORS 97.740-.994 and 358.905-.961). The laws recognize and codify the Tribes' rights in the decision-making process regarding ancestral remains and associated objects. Therefore both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved.

Identification of Human Remains

- Oregon laws (ORS 146.090 & .095) outline the types of deaths that require investigation and the accompanying responsibilities for that investigation. The law enforcement official, district medical examiner, and the district attorney for the county where the death occurs are responsible for deaths requiring investigation. Deaths that require investigation include those *occurring under suspicious or unknown circumstances*.
- If human remains that are inadvertently discovered or discovered through criminal investigations **are not clearly modern**, then there is high probability that the remains are Native American and therefore ORS 97.745(4) applies, which requires immediate notification with State Police, State Historic Preservation Office, Commission on Indian Services, and all appropriate Native American Tribes. To determine who the "appropriate Native American Tribe" the responsible parties should contact the Legislative Commission on Indian Services (CIS). To determine whether the human remains are Native American the responsible parties should contact the appropriate Native American Tribes at the initial discovery. It should be noted that there may be more than one appropriate Native American Tribe to be contacted.
- If the human remains are possibly Native American then the area should be secured from further disturbance. The human remains and associated objects **should not be disturbed, manipulated, or transported from the original location until a plan is developed in consultation with the above named parties.** These actions will help ensure compliance with Oregon state law that prohibits any person willfully removing human remains and/or objects of cultural significance from its original location (ORS 97.745).
- All parties involved and the appropriate Native American Tribes shall implement a culturally sensitive plan for reburial.

Notification

- State law [ORS 97.745 (4)] requires that any discovered human remains suspected to be Native American shall be reported to-
    1. State Police (current contact Sgt. Chris Allori, Department of State Police, office phone 503-731-4717, cell 503-708-6461)
    2. State Historic Preservation Office (SHPO)

*Note: This document was created by the Government to Government Cultural Resource Cluster Group in September, 2006.

- Primary contact= Dennis Griffin, State Archaeologist, office phone 503-986-0674, cell phone 503-881-5038
- Secondary contact= John Pouley, Asst. State Archaeologist, office phone 503-986-0675, cell phone 503-480-9164.

3. Commission on Indian Services (CIS)
   - Current contact= Karen Quigley, Director, office phone 503-986-1067. Karen will provide the list of appropriate Native American Tribes.
4. All appropriate Native American Tribes provided by CIS.

   - Burns Paiute Tribe- Theresa Peck 541-573-1375
   - Confederated Tribes of Coos, Lower Umpqua and Siuslaw- Agnes Castronuevo 541-888-9577 X4574
   - Confederated Tribes of Grand Ronde- Eirik Thorsgard 503-879-1630
   - Confederated Tribes of Siletz- Robert Kentta 541-444-2532
   - Confederated Tribes of the Umatilla Indian Reservation- Teara Farrow 541-276-3629, secondary contact; Catherine Dickson 541-966-2338
   - Confederated Tribes of Warm Springs- Sally Bird 541-553-3555
   - Coquille Indian Tribe- Nicole Norris 541-756-0904
   - Cow Creek Band of Umpqua Indians- Jessie Pluard 541-677-5575 X5577
   - Klamath Tribes- Perry Chocktoot 541-783-2219 X159

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