

**Qagan Tayagungin Tribe**

P.O. Box 447

Sand Point, AK 99661

907-383-5616 phone

907-383-5814 fax

**Resolution No. 01-16**

**A RESOLUTION TO PROVIDE FOR THE DISPOSITION OF CULTURAL ITEMS AND/OR ANCIENT HUMAN BURIALS, ASSOCIATED ITEMS, AND/OR ARCHAEOLOGICAL REMAINS.**

WHEREAS, the Qagan Tayagungin Tribe of Sand Point Village is a duly constituted Native American Tribe recognized by the Federal Government of the United States, and

WHEREAS, the Qagan Tayagungin Tribe of Sand Point Village Council is the duly elected governing body of the Tribe, authorized to act by and on behalf of its members, and

WHEREAS, the requirements of the National Historic Preservation Act, hereinafter called NHPA, provide for cultural resources identification and protection through avoidance or mitigation to avoid unnecessary disturbance of reported or known human burials, and

WHEREAS, the NHPA requires Tribes to be consulting parties and contains stipulations regarding the appropriate treatment and disposition of human burials, associated items, and archaeological artifacts, and

WHEREAS, there is no known controversy anticipated with the proposed project and any known or reported ancient human burial, associated item, or archaeological site, and

WHEREAS, the excavation activities associated with construction may result in discovery of ancient cultural items (i.e. human burials, associated items, and archaeological artifacts), and

WHEREAS, it is in the interest of all parties concerned that there be no unnecessary delays in the completion of the construction of the sanitation facilities.

NOW THEREFORE BE IT RESOLVED, that the Tribe expressly stipulates the following conditions for disposition of and control over any and all cultural items discovered on all but private lands during construction of facilities by the ANTHC or other party to facility construction operations:

1. The Tribe waives mandatory construction delays other than those immediately necessary to protect any and all cultural resources discovered during excavation as per 36 CFR 800.

2. The Tribe assumes full responsibility of any and all cultural items discovered during excavation on all but private lands.
3. The Tribe reserves the inherent right to determine the appropriate disposition of any and all cultural items discovered during excavation, on all but private lands.
4. The inherent claims or rights of the Tribe are not diminished by the fact that the land is under ownership by another party.
5. The Tribe has the responsibility to identify any known or reported archaeological site, artifact, or ancient human remains to avoid unnecessary damage to sensitive resources.
6. An archaeologist, retained or employed by any party to facilitate construction operations, will view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
7. Appropriate mitigation measures shall be determined as per 36 CFR 800, and all mitigation shall be performed in conformance with 36 CFR 800.
8. If removal of ancient human remains is necessary, the archaeologist shall remove the entire body. Unless the Tribe requests further study of the remains, tests upon or photographs of any ancient human remains will not occur unless specific, separate Agreements have been made with the Tribe.
9. If a modern human burial is discovered, the Sand Point Police Department shall be contacted to determine if a criminal act can be identified. If the burial is from an archaeological context, the burial will be treated as archaeological remains and need not be treated as a scene of crime.
10. If the discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, parties to facility construction operations shall comply with the Native American Graves Repatriation Act if appropriate.
11. All other inherent rights and claims regarding any and all cultural items discovered on any lands other than private lands during excavation for or in support of facility construction, not expressly covered in this Resolution are reserved to the Tribe alone.

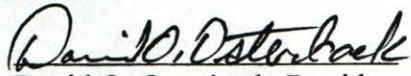
BE IT FURTHER RESOLVED, that the President is hereby appointed the official representative for the Tribe for the purposes of implementing decision-making actions specified in this Resolution.

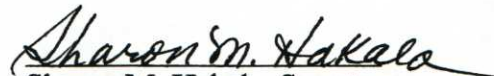


Certification:

We, the undersigned, hereby certify that the Qagan Tayagungin Tribal Council of Sand Point is composed of 7 members, of whom 5, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 14 day of OCT, 2001. The foregoing Resolution No. 16 was duly adopted at said meeting by the affirmative vote of 5 members, and opposed by 0 members, and that said resolution has not been rescinded or amended in any way.

ATTEST:

  
David O. Osterback, President

  
Sharon M. Hakala, Secretary