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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY  
123 W. Nye Lane, Room 208  
Capitol Complex  
Carson City, Nevada 89710  
(702) 687-5138

August 13, 1991

D. S. Pursel  
Deputy Public Works Officer  
Department of the Navy  
Naval Air Station  
Fallon, Nevada 89406-5000

Dear Mr. Pursel:

Please find enclosed the Memorandum of Understanding (MOU) on the treatment of Native American Human Skeletal Remains and Associated Artifacts. I've signed the document and would appreciate your forwarding me a copy of the completed signature page after the Navy's representative signs the agreement.

You should note the following:

1. I signed the block reserved for U.S. Fish and Wildlife Service as that agency's director utilized the space allotted for the Nevada SHPO.
2. On page 6, I altered one word that may have escaped the attention of editors.
3. Although the Division is empowered to contract, as presented on page 2, we are not at this time contracting with any agency in this agreement. The fourth paragraph of this page refers to the Nevada State Museum.

These comments do not change the intent or execution of the document, therefore I suggest letting them remain unaltered.

If you have any questions regarding these or other issues please call me.

Sincerely,

A handwritten signature in cursive script that reads "Alice M. Baldrice".

Alice M. Baldrice, Deputy  
State Historic Preservation Officer

AMB:emt  
Enclosure



DEPARTMENT OF THE NAVY

NAVAL AIR STATION  
FALLON NEVADA 89406-5000

IN REPLY REFER TO:

11011

Ser 180/1540

28 AUG 1991

Ms. Alice M. Baldrice  
Department of Conservation and Natural Resources  
Division of Historic Preservation and Archeology  
123 W. Nye Lane, Room 208  
Capitol Complex  
Carson City, NV 89710

Dear Ms. Baldrice:

Per your letter of August 13, 1991, please find a enclosed copy of the fully executed Memorandum of Understanding (MOU) on the treatment of Native American Human Skeletal Remains and Associated Artifacts among the Naval Air Station, Fallon, Fallon Paiute-Shoshone Tribes, Nevada State Historic Preservation Officer, U.S. Fish and Wildlife Service, and Nevada State Museum.

Greatly appreciate your assistance and cooperation.

Sincerely,

M. K. LOOSE  
CDR, CEC, USN  
Public Works Officer  
By direction of  
the Commanding Officer

Encl:

- (1) Copy of the fully executed  
Memorandum of Understanding

ADMIN (WHITE/PINK) COPY: enclosure @ PW  
PW SERIALIZED COPY  
ORIGINATOR'S COPY  
WEEKLY READ FOLDER  
ADMIN FOLDER/READ BOARD

MEMORANDUM OF UNDERSTANDING  
ON NATIVE AMERICAN HUMAN SKELETAL REMAINS  
AND ASSOCIATED ARTIFACTS

AMONG THE

NAVAL AIR STATION, FALLON

FALLON PAIUTE-SHOSHONE TRIBES,

NEVADA STATE HISTORIC PRESERVATION OFFICER,

U.S. FISH AND WILDLIFE SERVICE,

AND

NEVADA STATE MUSEUM

WHEREAS, the Department of the Navy (Navy) is responsible for the identification, evaluation and protection of historic and archeological properties, including human skeletal remains, associated and unassociated funerary objects, and cultural patrimony on lands under its ownership and control in Churchill County, Nevada pursuant to the National Historic Preservation Act of 1966, as amended, associated laws and regulations;

WHEREAS, Native American human skeletal remains can have emotional and spiritual significance for those who may be genetic or cultural descendants of the deceased represented by the remains;

WHEREAS, the members of the Fallon Paiute-Shoshone Tribes may be genetic and/or cultural descendants of the deceased Native Americans whose skeletal remains may be found in the Lahontan Valley, Churchill County, Nevada;

WHEREAS, Native American human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes recovered from the aforesaid lands in the Lahontan Valley are the property of the Fallon Paiute-Shoshone Tribes, pursuant to Section 3, Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3002);

WHEREAS, Native American human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes may have scientific value with the potential to contribute important information to the disciplines of archeology, physical and cultural anthropology, genetics and medicine in a manner that can improve the quality of life and enrich our understanding of human society;

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Native American Burials  
Naval Air Station, Fallon  
Page 2

WHEREAS, appropriate treatment of Native American human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes requires a responsible balance between 1) respect for the deceased, 2) respect for the feelings of the genetic and cultural descendants, and 3) the interest of science;

WHEREAS, the U.S. Fish and Wildlife Service (FWS) has constructed a facility within the Stillwater National Wildlife Refuge, northeast of Fallon, Nevada, for the reinterment of Native American human skeletal remains and associated and unassociated funerary objects of the Fallon Paiute-Shoshone Tribes discovered in the Lahontan Valley and has offered the use of this facility to the Navy;

WHEREAS, the Nevada State Museum maintains the facilities to scientifically study and properly store human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes discovered in the State of Nevada and has agreed to curate such remains on an interim basis;

WHEREAS, pursuant to Nevada Revised Statutes (NRS) 277.180.(1) the Nevada State Museum and the Nevada Department of Conservation and Natural Resources, Division of Historic Preservation and Archeology, parties to this Memorandum of Understanding are public agencies empowered to contract with another public agency for the performance of any governmental service, activity or undertaking which these public agencies are authorized by law to perform under NRS 277.180(1);

WHEREAS, the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601) authorizes Federal agencies and museums to enter into agreements with culturally affiliated tribes for the disposition of or control over Native American human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony; and

NOW, THEREFORE: the Navy, Fallon Paiute-Shoshone Tribes, Nevada State Historic Preservation Officer (SHPO), FWS, and Nevada State Museum agree that the following procedures shall be followed for the excavation, treatment, study, reinterment, and reporting on all Native American human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes found on those lands in the Lahontan Valley, Churchill County, Nevada that are owned or controlled by NAS Fallon.

**1. EXCAVATION AND REMOVAL OF NATIVE AMERICAN HUMAN SKELETAL REMAINS, ASSOCIATED AND UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY OF THE FALLON PAIUTE-SHOSHONE TRIBES**

A. With respect to this Memorandum of Understanding (MOU) the term "burials" shall be defined as any Native American human skeletal remains and associated and unassociated funerary objects of the Fallon Paiute-Shoshone Tribes.

B. Should sacred objects or items of cultural patrimony be found on land owned or controlled by the Navy in the Lahontan Valley, Churchill County, Nevada, the Navy will report the discovery to the other signatories of this agreement and immediately initiate consultation with them on the proper disposition of such remains.

C. Whenever possible burials discovered on lands owned or controlled by the Navy at NAS Fallon shall be protected and preserved in place without further disturbance.

D. In the following situations it shall be appropriate for the Navy to ensure protection of a burial through excavation and removal:

i. an isolated burial found on the surface, having been displaced from its original resting place by natural or other processes;

ii. an in situ (in its original location) burial that has had 50% or more of the remaining skeletal material exposed by the forces of nature, vandalism, or other means;

iii. an in situ burial that has had less than 50% of the remaining skeletal material exposed, when it is threatened by vandalism, construction, erosion, or deterioration and cannot otherwise be protected by reburial in place with sterile soil or other suitable material.

E. An in situ burial discovered during the course of a permitted archeological investigation under the Archeological Resources Protection Act (ARPA) or by an archeological data recovery program resulting from actions taken to comply with Section 106 of the National Historic Preservation Act shall be left intact and covered with an appropriate soil matrix to protect the site, unless:

i. the site is threatened by vandalism, construction,

erosion or deterioration and cannot be protected by reburial in place; or

ii. contrary provisions addressing the treatment of a Native American burial are contained in the ARPA permit or research design prepared in compliance with Section 106.

F. Isolated human skeletal remains not found in association with a burial shall be collected by the Navy and treated with respect until they can be reinterred in accordance with the procedures established by this agreement.

G. The excavation and removal of burials and isolated human skeletal remains as described above (1.C. through 1.E.) shall be undertaken in accordance with the standards for archeological data recovery detailed in "Treatment of Archeological Properties: A Handbook" (Advisory Council on Historic Preservation [ACHP], 1980) and "Archeology and Historic Preservation, Secretary of the Interior's Standards and Guidelines," Federal Register, Vol. 48. No 190, pp 44716-44742, or as they may be amended.

## 2. TREATMENT OF NATIVE AMERICAN BURIALS

A. All excavated Native American burials and collected Native American human skeletal remains shall be temporarily curated at the Nevada State Museum until they can be reinterred in the FWS facility on the Stillwater National Wildlife Refuge in accordance with the Memorandum of Understanding on Human Remains between the FWS, Nevada State Historic Preservation Officer and the Fallon Paiute-Shoshone Tribes executed in October 1988.

B. No excavated Native American burials or collected human skeletal remains shall be displayed in public.

C. Prior to reinterment, scientific analysis may be conducted on the Native American burials and collected Native American human skeletal remains by qualified individuals using an appropriate research design approved by the Nevada SHPO and the Fallon Paiute-Shoshone Tribal Council, and under the supervision of the Curator of Anthropology of the Nevada State Museum.

D. Whenever possible all analysis shall be conducted within the security of the Nevada State Museum.

E. No element of a Native American burial or piece of Native American human skeletal material shall be removed from the Nevada State Museum for analysis without the written approval of the Chairman of the Fallon Paiute-Shoshone Tribes, and then only for the purposes of conducting an analysis requiring equipment or

facilities not available at the Nevada State Museum.

F. Appendix I identifies the types of non-destructive observational analyses and the types of destructive evaluations that may be performed. However, destructive analysis shall be limited to fragmentary specimens of bone and then only with the approval of the Chairman of the Fallon Paiute-Shoshone Tribes.

G. No complete human bone shall be altered, damaged or destroyed for scientific analysis.

H. Any reasonable expenses incurred by the Nevada State Museum for analysis and curation of Native American burials and any fragment of Native American human skeletal remains collected on lands in the Lahontan Valley, Churchill County, Nevada owned or controlled by the Navy will be paid for by the Navy in accordance with a separate agreement to be negotiated between the Navy and the Nevada State Museum within six (6) months of the execution of this Memorandum of Understanding.

### 3. REINTERMENT

A. Any Native American burial or fragment of Native American human skeletal remains shall be reinterred at the facility constructed for this purpose at the Stillwater National Wildlife Refuge.

B. Reinterment shall be coordinated by the FWS in accordance with its schedule for opening the facility of the Stillwater National Wildlife Refuge.

C. All reasonable expenses incurred by the FWS for reinterment of Native American burials discovered on lands owned or controlled by the Navy will be paid for by the Navy on a negotiated basis prior to reinterment.

D. To the extent possible the location of the reinterment facility shall be kept confidential and the FWS will monitor and maintain the structural integrity of the facility, as well as provide security against unauthorized tampering with the facility or its contents.

F. Native American burials and Native American human skeletal fragments that have been reinterred in the FWS facility may be removed temporarily, for scientific study, with application to the FWS under the following conditions:

i. the proposed study must clearly demonstrate that it will subsequently improve our scientific understanding of prehistoric occupation of the Lahontan Valley and it must be demonstrated that reinterred material is critical to the study;

ii. a list of the specific items to be removed and studied must be supplied in advance;

iii. evidence must be provided in advance demonstrating that the study is properly funded and ~~the~~ its findings will be published in a timely manner; <sup>that</sup> *LB*

iv. the proposed study has been given a favorable recommendation by the FWS Scientific Review Committee, the Manager of the Stillwater National Wildlife Refuge, the Nevada SHPO, the Nevada State Museum and must be approved by the Fallon Paiute-Shoshone Tribal Council.

#### 4. REPORTING AND MONITORING

A. The Navy shall immediately inform and initiate consultation with all the signatories to this MOU and the appropriate representative of the Secretary of the Interior to ensure that, when any Native American burial or Native American human skeletal remains found on the land owned or controlled by the Navy in the Lahontan Valley, Churchill County, Nevada, are discovered, they shall be treated expeditiously in accordance with the conditions of this agreement and avoid unnecessary project delay.

B. The Navy shall consult with the Fallon Paiute-Shoshone Tribal Chairman prior to initiating any excavation of archeological material resulting from consultation with the ACHP and the SHPO, pursuant to Section 106 of the National Historic Preservation Act, or the result of a permit issued in accordance with the Archeological Resources Protection Act of 1979 that may encounter Native American burials.

C. The Navy shall provide to the Fallon Paiute-Shoshone Tribal Council copies of all scientific reports and publications resulting from the analysis and study of any Native American burials or fragments of skeletal material recovered from lands owned or controlled by NAS Fallon in the Lahontan Valley, Churchill County, Nevada and commissioned by the Navy. Included with each report the Navy will provide a summary written in non-technical language with appropriate graphics.

D. The Fallon Paiute-Shoshone Tribal Chairman shall provide



the Navy with a monitor to oversee the recovery of any Native American burial discovered on lands owned or controlled by NAS Fallon, if the Tribal Council believes it should be represented on site during the recovery effort.

E. The Navy shall provide the Fallon Paiute-Shoshone Tribal Chairman, or official representative of the Tribal Chairman, access to Native American burial sites on lands owned and controlled by the NAS Fallon in the Lahontan Valley, Churchill County, Nevada for the purpose of inspecting the condition of these sites, upon sufficient notice to schedule the visit at a time convenient to the Tribal Chairman and provided it does not create a safety or security conflict for the Navy.

#### 5. DISPUTE RESOLUTION

A. Should any party to this MOU determine that some portion of the agreement cannot be met, is not being met or believes a change is necessary, that party shall immediately notify the other parties to this MOU in writing and request the parties consult to consider an amendment or addendum to this agreement which would ensure full compliance. Such amendment or addendum shall be executed in the same manner as the original MOU.

B. Should any party to this MOU be unable to maintain a level of effort sufficient to carry out the terms of this agreement, that party shall notify the other parties and seek an amendment or an addendum to this MOU.

#### 6. TERMINATION

A. This agreement shall be effective from the first (1) day of July, 1991 and shall continue in full force and effect until the thirtieth (30) day of June, 1996 unless extended, modified or terminated by mutual consensus of the parties.

#### 7. CONTACT PERSONS

A. For purposes of this MOU the contact person for each of the parties shall be as follows:

i. for the Navy: Public Works Officer, Naval Air Station, Fallon, Nevada (702) 426-2712

ii. for the FWS: Refuge Manager, Stillwater National Wildlife Refuge, Fallon, Nevada (702) 423-5128

iii. for the Fallon Paiute-Shoshone Tribes, Tribal Chairman, Fallon, Nevada (702) 423-6075

iv. for the SHPO: the SHPO, Nevada Division of Historic Preservation and Archeology, Carson City, Nevada (702) 687-5138

v. for the Nevada State Museum, Anthropologist or Curator of Anthropology, Carson City, Nevada, (702) 687-4810.

Execution of this MOU establishes the procedure and fixes the responsibilities for the proper disposition of any Native American burials and human skeletal remains, funerary objects, sacred objects and items of cultural patrimony discovered on Navy lands in the Lahontan Valley, Churchill County, Nevada under the ownership or control of NAS Fallon.

Naval Air Station, Fallon

*M. R. Howard*

20 August 1991

title: Commanding Officer

Date

Fallon Paiute-Shoshone Tribes

*W. A. O'Brien*

title: Tribal Chairman

Date June 27, 1991

State of Nevada Division of Historic Preservation and Archeology

*Sharon R. Jensen*

7/5/91

title: Acting Assistant Regional Director -  
Refuges and Wildlife

Date

U. S. Fish and Wildlife Service

*Alvin M. Baldrica*

title: Nevada Deputy State Historic  
Preservation Officer

Date 8/12/91

Nevada State Museum

*Judy Harding*

title:

Date 7/25/91

anomalies or pathologies.

6. Radiographs of proximal and distal shafts of all long bones (fragmentary or complete) for evidence of growth arrest lines. Pathologies may be X-rayed also.

7. Consider making molds of either special crania, or of representative types of crania if there are a large series, so casts can be reproduced.

8. Estimate the occlusal surfaces of all adult teeth in the mandible or maxilla.

9. Special dental traits that are under possible genetic control.

#### Destructive Analysis

Destructive analysis, regardless of funding, may be conducted only with written permission of the Fallon Paiute-Shoshone Tribes and then only on fragmentary remains, not whole bones.

1. Bone samples from vertebral centra, plus dirt samples from the body cavity of that individual, may be collected for possible paleoserological analysis of the ABO blood groups.

2. Bone samples may be submitted for radio-carbon dating and C14/C13 fractionation.

3. Bone core samples from the compact shaft of the femora and tibiae may be submitted for analysis of osteon counts.

4. Trace elements analysis, using rib or other bone fragments, may be conducted on both human and mammal bone from the same locale to obtain comparative data.

5. Bone samples may be submitted for electrophoresis, to identify specific proteins under possible genetic control.

The purposes for studying human skeletal material are to answer such varied questions as:

1. Genetic relationships, health, disease, malnutrition, evidence of trauma and the changing biomechanics of these people through time. From observations of dental wear patterns, cultural behaviors can be determined, including the use of teeth in the manufacture of artifacts.

2. From the age and sex data, mortality curves are derived,

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Page 11

giving information on the demography of these people. With radiocarbon dating, comparisons can be made of mortality curves at differing time periods.

3. Discrete morphological traits and dental anomalies are useful in answering problems of migration, influx of new groups, and even evidence of endogamous or exogamous mating patterns.

4. Data on growth arrest lines, hypoplasia of the teeth, pathologies and evidence of trauma can add to the picture of these people, since analysis of these characteristics results in morbidity curves. Also with radiocarbon dating, higher morbidity might be correlated with seasonal changes or cultural difficulties or even contact with other peoples.