



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

550 West 7th Avenue, Suite 1430
Anchorage, AK 99501-3561
Main: 907.269-8690
Fax: 907-269-5673

October 31, 2023

Steve Delehanty
Refuge Manager
Alaska Maritime National Wildlife Refuge
95 Sterling Highway, Suite 1
Homer, AK 9903-7472

Submitted electronically to alaskamaritime@fws.gov

Re: Alaska Maritime National Refuge draft Compatibility Determination for the reburial of archeological human remains

Dear Mr. Delehanty,

The State of Alaska (State) reviewed the re-issued draft Compatibility Determination (CD) for the reburial of archeological human remains in the Alaska Maritime National Wildlife Refuge (Refuge). We appreciate the Refuge's consideration of our first comments from July of this year, and we offer the following clarification on our previous comments regarding the allowance of memorials or markers in designated wilderness.

The tribes' right to care for their dead in a culturally appropriate way, which may include grave markers or memorials, is a human right.

The Wilderness Act recognizes the "historical" value of wilderness, and all wilderness areas have a human history. This historical value is understood to include the value of specific cultural features protected within a wilderness area as well as the cultural significance of the overall wilderness area. This should include not only allowing tribes to carry out reburial activities in designated wilderness areas on the refuge (as the CD finds compatible) but also when historically and culturally appropriate, to erect grave memorials or markers.

Generally, these memorials or markers will meet the definitions found in the Native American Graves Protection and Repatriation Act (25 USC 3001) for "associated funerary objects," "unassociated funerary objects," or "sacred objects" found in 104 USC 3048, Sec. 2(A), (B), (C). We would expect these markers or memorials to be located only at the burial site, which is defined in 104 USC 3048, Sec. 2(1) as "any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited."

This approach is also in line with the direction given to Federal agencies in the National Historic Preservation Act of 1966 to identify, evaluate treatment options for, and preserve cultural heritage; this includes heritage within wilderness areas as well as areas outside designated wilderness areas. During tribal reburial activities, there may be times and situations where

traditional markers/memorials are historically and culturally appropriate for use, these may fall under the definition.

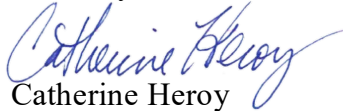
We propose the following edits to Stipulation 9:

Any above ground monuments or markers would be permitted only if they are fully compliant with the 2012 regional policy on commemorative memorials on National Wildlife Refuges in Alaska. ~~No memorials are permitted in Congressionally designated Wilderness.~~ The erection of grave memorials or markers will be allowed at burial sites when they are determined to be historically and culturally appropriate. These memorials or markers will frequently meet the definitions found in the Native American Graves Protection and Repatriation Act (25 USC 3001) for “associated funerary objects,” “unassociated funerary objects,” or “sacred objects” found in 104 USC 3048, Sec. 2(A), (B), (C). These markers or memorials shall be located only at the burial site, which is defined in 104 USC 3048, Sec. 2(1) as “any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.”

Closing

Again, thank you for the opportunity to comment, and to clarify our prior statements. Please contact me at (907) 269-0880 or by email at Catherine.heroy@alaska.gov to coordinate any follow up discussions.

Sincerely,



Catherine Heroy
Acting State ANILCA Program Coordinator

Cc: Shane Walker, Branch Chief of Conservation Planning & Policy
Lauren Flynn, Wildlife Refuge Specialist