

**Native American Heritage Commission
Most Likely Descendant Procedures**

**California Laws Governing the Inadvertent Discovery of Native
American Human Remains and Associated Grave Goods**

Discovery of Human Remains: Health and Safety Code §7050.5

(b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

(c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Inadvertent Discovery of Native American Human Remains: Public Resources Code §5097.98

This code invests the NAHC with the authority to designate a *Most Likely Descendant* (MLD) when Native American human remains and any associated grave items are inadvertently discovered:

(a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

(b) Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards

or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

(1) The descendants' preferences for treatment may include the following:

(A) The nondestructive removal and analysis of human remains and items associated with Native American human remains.

(B) Preservation of Native American human remains and associated items in place.

(C) Relinquishment of Native American human remains and associated items to the descendants for treatment.

(D) Other culturally appropriate treatment.

(2) The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the project area, providing a basis for additional treatment measures.

(c) For the purposes of this section, "conferral" or "discuss and confer" means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other.

(d): (1) Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness.

(2) Any items associated with the human remains that are placed or buried with the Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains.

(e) Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reenter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, the landowner shall do one or more of the following:

(1) Record the site with the commission or the appropriate Information Center.

(2) Utilize an open-space or conservation zoning designation or easement.

(3) Record a document with the county in which the property is located. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the owner of the property, and the owner's acknowledged signature, in addition to any other information required by this section. The document shall be indexed as a notice under the name of the owner.

(f) Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with the descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of the discovery may be ascertained from a review of the site utilizing cultural and archaeological standards.

Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e).

(g) Notwithstanding Section 5097.9, this section, including those actions taken by the landowner or his or her authorized representative to implement this section and any action taken to implement an agreement developed pursuant to subdivision (l) of Section 5097.94, shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(h) Notwithstanding Section 30244, this section, including those actions taken by the landowner or his or her authorized representative to implement this section and any action taken to implement an agreement developed pursuant to subdivision (l) of Section 5097.94, shall be exempt from the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)).

Mediation: Public Resources Code §5097.94(k)

Mediation is one of the Commission's *Powers and Duties* under Public Resources Code (PRC) §5097.94(k). Either the MLD or the landowner may request mediation from the NAHC:

To mediate, upon application of either of the parties, disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

The agreements shall provide protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction and provide for sensitive treatment and disposition of Native American burials, skeletal remains, and associated grave goods consistent with the planned use of, or the approved project on, the land.

Both parties must agree to mediate. PRC §5097.94(k) does not require a second party to participate upon application for mediation by just one of the parties.

Agreements: Public Resources Code §5097.94(l)

Under PRC §5097.94(l), the law authorizes the NAHC:

To assist interested landowners in developing agreements with appropriate Native American groups for treating or disposing, with appropriate dignity, of the human remains and any items associated with Native American burials.

The NAHC has interpreted *appropriate Native American groups* to mean culturally affiliated groups or individuals on the NAHC *MLD List*. Upon request, the NAHC provides landowners with a list MLDs culturally affiliated to the property in question. It is then the responsibility of the landowner to reach consensus with the MLD or MLDs on the agreement's provisions. The NAHC is not a signatory to these agreements. These agreements are some times referred to as *pre-burial agreements*. They detail the agreements have provisions for the inadvertent discovery of Native American human

remains and any associated grave items during the course of a project. In these cases, who responds as MLD is determined by the agreement and the NAHC does not designate the MLD. However, when remains are discovered, the landowner or authorized representative must still contact the County Coroner in compliance with Health and Safety Code §7050.5(b). If the Coroner determines that the remains are Native American the NAHC must still be contacted in compliance with Health and Safety Code §7050.5(c). When there is an agreement in place, after being contacted by the Coroner, NAHC staff records the discovery in the *Request for Assistance* database, noting the fact that the MLD was determined in compliance with an agreement.

MLD Procedures

Introduction

California State law invests the NAHC the authority to designate a *Most Likely Descendant* (MLD), when Native American human remains and any associated grave goods are inadvertently discovered outside of a dedicated cemetery. The NAHC defines a MLD as the *most likely descended* culturally affiliated, California Native American tribe or Native American descendent that may recommend to the owner or the person responsible for the discovery *work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods*, pursuant to Public Resources Code (PRC) §5097.98(a). To comply with the Code, the NAHC has developed a *Most Likely Descendant List (MLD List)* and procedures for designating MLDs from that list.

1. The NAHC includes on the *MLD List*, federally recognized California Native American tribes, non-federally recognized tribes, and coalitions of tribes.
2. The NAHC gives special recognition to tribes and individual California Native Americans that can trace their ancestry to a particular village site or sites, pursuant to established procedures. The NAHC will contact a MLD that has provided the NAHC with documentation to particular traditional village site first, if the discovery of Native American human remains is with a radius of 12 miles from that village site.
3. If more than one tribe or individual is listed on the *MLD List* for a particular village site or traditional cultural territory, the NAHC may rotate MLD designations for discoveries of Native American human remains in that territory between those tribes and individuals on an equitable basis, based upon a *Rotation List* formulated for that purpose.
4. If more than one tribe or individual traces their ancestry to a particular village site or traditional tribal territory the NAHC may designate more than one MLD. In these cases the MLDs must agree on a single recommendation to the landowner or landowner's authorized representative, for the treatment and disposition of Native American human remains and any associated grave goods.

5. The Executive Secretary registers tribes or individual Native Americans to be registered as a MLD upon acceptance of the MLD application (see below).
6. The Executive Secretary permits a registered tribe, at any time, to amend its registration to change the designation of its MLD representative by submitting a written request for such an amendment to the Executive Secretary.
7. A registered tribe or individual may, at any time, withdraw registration upon written request filed with the Executive Secretary

Most Likely Descendant List

As stated above, tribes, coalitions, or Individual Native Americans requesting to be placed on the *MLD List* must complete the *Most Likely Descendant Request* form. Final approval for addition to the list is made by the Executive Secretary. After approval by the Executive Secretary, the MLD is sent an approval letter (See below). In the case of tribes and coalitions, the NAHC requests a letter signed by the tribal chairperson, coalition spokesperson, or a formal resolution from the tribe or coalition stating who will act as the MLD representative. The Executive Secretary may request additional information from tribes and individuals to substantiate their claims of Native American ancestry to particular traditional tribal territories and/or village sites, as appropriate, should questions arise concerning the face value of information submitted.

As indicated above, tribes or individuals that trace ancestry to a particular traditional village site or sites are designated first as MLD, if the discovery of Native American human remains occurs within a radius of 12 miles from the village site. To establish ancestry to a particular village site or sites, the following information must be submitted:

- In the case of tribes, at least one tribal member must be able to trace their ancestry to the traditional village site or sites claimed. A letter from the tribal chairperson, attesting to the ability of the tribe's representative to trace their ancestry to a particular traditional village site within the tribe's culturally affiliated territory must be included. Detailed genealogical information should be kept on file by the tribe.
- In the case of individual Native Americans that are not tribal members, the request form must be accompanied by documentation, verifying the accuracy of the information that traces the ancestry of the individual to a particular traditional village site within the individual's culturally affiliated traditional tribal territory. A letter from an established expert, such as an ethnographer, anthropologist, or genealogist attesting to the accuracy of the information must be attached. The letter must include a statement regarding the qualifications of the individual attesting to the accuracy of the information provided. Detailed genealogical information should be retained by the individual and not submitted to the NAHC.
- A map of the tribe or individual's traditional territory showing the locations of any village sites being claimed must be submitted to the NAHC to aid staff in making MLD determinations. The map must include present-day geographical markers, such as cities, watersheds, and promontories. This information will be kept confidential pursuant to Government Code §§6254.10 and 6254(r).

After approval for addition to the *MLD List* is made by the Executive Secretary, the MLD is sent an acceptance letter (See below).

Procedures for Designating an MLD

Upon receiving notification of the discovery of Native American human remains from a county coroner, in accordance with Health and Safety Code §7050.5(c), the Executive Secretary, under the provisions of PRC §5097.98(a), or his or her designee, using the *MLD List*, immediately contacts by telephone, a tribe, a coalition of tribes, or individual California Native American, as appropriate that is culturally affiliated to the traditional tribal territory where an inadvertent discovery of Native American human remains was made. If an MLD (tribe or individual) has provided the NAHC with documentation tracing ancestry to particular traditional village site they are selected first as MLD, if the discovery of the Native American human remains is within a 12-mile radius from the discovery site.

Because historical circumstances under which California reservations and rancherias were established, often individual members have cultural affiliations in traditional tribal territories in addition to the tribe in which they are enrolled. However, the NAHC only designates MLDs from the traditional tribal territory where Native American human remains were discovered. For example, if remains are discovered in what is recognized to be Yokuts territory, the NAHC only designates tribes that have identified themselves as Yokut. A tribe in adjacent Miwok territory that has self-identified as a Miwok would not be designated, even though the tribe may have members that have Yokuts cultural affiliation in addition to Miwok.

While the MLD List is organized by California County, NAHC staff recognizes that traditional tribal territories do not correspond to contemporary California County boundary lines. The NAHC requests information from tribes that identifies their traditional tribal territories to aid NAHC staff in making MLD designations. NAHC staff also uses anthropological and historical information in determining a MLD. Where more than one tribe traces their occupancy to the same traditional tribal territory, MLD selection may be rotated between those tribes or individuals, using a rotation list created for that purpose. Because of the individual circumstances of traditional tribal territories, not all regions have rotation lists. For example, it may be appropriate not use a rotation list in making a MLD designation, if a discovery is made in close proximity to the trust boundaries of a particular reservation or rancheria.

If a MLD is selected for a particular development project, that MLD remains with the project until its conclusion. In some cases, projects may last for several years. If Native American human remains are discovered in the same location at a later date by virtue of a different project, a different MLD may be designated. Upon the completion of the designation of an MLD by the NAHC, written confirmation may be sent by the NAHC to the MLD, the Coroner, the landowner, the Lead Agency, or the project archaeologist, as dictated by the particular circumstances of the discovery.

Following designation by the NAHC, the MLD, with the permission of the owner of the land, or his or her authorized representative, in accordance with the law, may inspect the site discovery site and recommend to the landowner, or his or her representative, means for the treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The landowner has no legal obligation to allow the MLD accesses to the property for the purpose of making a recommendation. The MLD must complete their inspection and make their recommendation within 48 hours of their notification by the NAHC. The recommendation may include the scientific removal and analysis of human remains and items associated with Native American burials.

Pursuant to PRC §5097.98(b), if the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation, or the landowner or his or her authorized representative rejects the MLD recommendation, and mediation provided PRC Section 5097.94(k) fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative must rebury human remains and any associated grave goods, with appropriate dignity, on the property in a location not subject to further subsurface disturbance. The only way remains and associated grave goods can be interred in a location other than the property where they were discovered is by mutual agreement between the MLD and the landowner.

The landowner must ensure that the discovery site:

is not damaged or disturbed by further development activity until the landowner has discussed and conferred...with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner is required to discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

PRC §5097.98(e), states that landowners must ensure Native American human remains and associated grave items are reinterred in a location that will not be subjected to *further and future* subsurface disturbance and offers several options to protect the interment site. PRC §5977.98(f) offers the opportunity for *additional conferral* between the landowner and the MLD upon the discovery of multiple human remains during a ground disturbing activity to consider culturally appropriate treatment of those remains. For this to occur the landowner must agree.

Step-by-Step MLD Designation Process

1. A County Corner Determines Human Remains are Native American and calls the NAHC.
2. The following information is obtained from the coroner using the *Request for Assistance* (see below) form:
 - a. The location of the discovery including the County
 - b. The date of the discovery
 - c. The coroner case number
 - d. The name address and phone number and organization of the notifying individual (Coroner, police, sheriff, archaeologist...?)

- e. The nature of the remains discovered is recorded
 - f. If there are any associated grave goods that information is recorded
 - g. If the discovery was the result of ground-disturbing project activity, the project name, lead agency, and project location is recorded.
 - h. The nature of the property (private, state, county, or school district, etc.?) is recorded
 - i. The name, address, and phone number of the property owner, or the property owner's authorized representative is recorded
 - j. If there was a Native American archeological monitor present, their name and phone number is recorded
 - k. Where the remains are being held is recorded
 - l. In the *Comments* section of the form any additional information is recorded such as: The circumstances of the discovery, how the remains and grave items are being protected from additional project activity, whether the remains and associated grave goods were avoided and preserved in place
3. Establish the cultural affiliation of the remains
- a. Consult maps of the traditional California tribal cultural areas
 - b. Consult the *Most likely Descendant List* for the county in which the remains were discovered
 - i. Is there a traditional village site within a 12-mile radius¹ of the discovery site?
 - ii. Check the tribal files to refine the traditional cultural area and to see if there are any traditional village sites in the area of the discovery that are claimed
 - c. Is there a pre-established MLD rotation list for the cultural area where the remains were discovered?
4. Select and designate the MLD
- a. Is this a project for which a MLD has been previously designated (MLDs remain with projects until their conclusion) or is this a new project?
 - i. Check the *Request for Assistance File*
 - b. Is there a pre-burial agreement in place in accordance with PRC §5097.94((1))?
 - c. If the remains were discovered in close proximity of the trust boundaries of a culturally affiliated reservation or rancheria, it may be appropriate to designate that reservation or rancheria as MLD
 - i. What constitutes *close proximity* is at the discretion of the NAHC staff member making the MLD designation, based on the circumstances of the discovery
 - d. If there is a pre-existing MLD rotation list for this traditional cultural area, select the next tribe or individual on the list is designated
 - e. If there is no rotation list the tribe, coalition, or individual that is most likely descendant or culturally affiliated to the Native American human remains is designated
 - f. The MLDs name and telephone number is recorded in the *Request for Assistance* database

¹ The "12 Mile Radius" criterion as a locational limit is no longer used per the Executive Secretary.

- g. Determine if a letter to the landowner and/or lead agency confirming the MLD designation is needed
- h. The MLD should contact the NAHC and report the final disposition of the remains and any associated grave goods, which is then recorded in the *Request for Assistance File*. However, it may be necessary for NAHC staff to contact the MLD for that information. In the case of projects final disposition of the remains may not occur for several months or even years.
- i. Native American human remains and burial sites are considered sacred, pursuant to PRC §5097.94(a). For that reason, MLDs should submit a *Sacred Lands File Inventory Request* form (see below). However, there is no specific legal requirement to do so.

Request for Assistance File

The *Request for Assistance File* is a *FileMaker Pro* database that documents reports to the NAHC regarding the inadvertent discovery of Native American human remains and any associated grave items, pursuant to Health and Safety Code §7050.5. Most often, burials are discovered during the excavation activities associated with development projects; however, natural erosion, landscape improvement projects, and other activities may also be the cause of a discovery. All the information pertaining to a discovery is entered in the *Request for Assistance File*. The information is used for tracking and assembling information regarding areas of frequent discoveries, for evaluating possible future impacts, for determining cumulative impacts to a site, and for ascertaining whether or not a MLD was previously identified for a particular project. It is also may be used to determine the MLD that may be next in a rotation.

Sample MLD Request Cover Letter

<Date>

<Name>

<Address>

Dear <Name>:

Public Resources Code Sections 5097.94 and 5097.98 vests the California Native American Heritage Commission (NAHC) with the authority to designate a *Most Likely Descendant* (MLD) for the treatment and disposition of inadvertently discovered Native human remains and associated grave goods. Enclosed is the form-requesting placement on the NAHC MLD list. The NAHC uses this list when a coroner notifies the NAHC that Native American human remains have been discovered, pursuant to Health and Safety Code Section 7070.5. In accordance with Public Resources Code section 5097.98, after being notified by a coroner the NAHC contacts those *most likely to be a descendant* of the deceased Native American, either a tribe or an individual, as appropriate. The MLD makes recommendations to landowners or the landowner's authorized representative for the appropriate way to treat the remains and grave goods with cultural respect and dignity. Often they may also assist with reburial.

To be placed on the MLD list, please fill out the enclosed form. Please describe the boundaries of the culturally affiliated traditional tribal territory in terms of the contemporary California counties.

You may also want to provide documentation proving ancestry to a particular village site or sites. Those tracing their ancestry to particular village sites will be considered first for selection as MLD for discoveries of Native American human remains in, or near, those sites. For tribal governments, the tribal chairperson must attest by signature that the information submitted, tracing ancestry to particular village sites, is accurate. For individual Native Americans that are not members of Indian tribes, the NAHC requests that documentation be submitted establishing ancestral connection to the village site or sites identified.

Be sure to provide the NAHC with a telephone number and/or email, as we cannot contact most likely descendants in the time required by law without this information. If you are representing a tribal group, please enclose a letter of authorization from the group you represent.

Sincerely,

<Name>

<Title>

**NATIVE AMERICAN HERITAGE COMMISSION
MOST LIKELY DESCENDENT FORM**

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: (Home) _____ (Work) _____

ATTACH ADDITIONAL PAGES IF NECESSARY

TRIBAL AFFILIATION: _____

(Be sure to list all Tribal Affiliations)

1. **Cultural territory of tribe** _____

2. **Name of Tribal Group or Organization:** _____

_____ **Address** _____ **Telephone No.**

Were you nominated by your tribe /group to serve as Most Likely Descendant (MLD)?
YES___ NO___

If you have been nominated by your tribe/group to serve as MLD attach written documentation showing nomination.

3. **Identify specific village site(s) to which you can trace your decadency:** _____

(Provide documentation of decadency to specific site and copy of map)

SIGNATURE _____ **DATE** _____

ATTACH ALL SUPPORTING DOCUMENTATION THAT YOU ARE A CALIFORNIA NATIVE AMERICAN

AND MAIL WITH THIS FORM TO:

Native American Heritage Commission
1550 Harbor Blvd., Room 100
Sacramento, CA 95691
(916) 373-3710

It is your responsibility to notify the Native America Heritage Commission of any change of address or phone number. Otherwise your name will be removed from list.

INFORMATION FURNISHED ON THIS FORM WILL BE MADE AVAILABLE PURSUANT TO PUBLIC RECORDS ACT (PRA) GOVERNMENT CODE SECTION 6250 ET SEQ. WHEN REQUESTED.

Sample MLD Acceptance Letter

<Date>

<Name>

<Address>

RE: Most Likely Descendant (MLD) Designation

Dear <_____>:

The purpose of this letter is to inform you that you have provided sufficient documentation to be added to the Native American Heritage Commission's (NAHC) *Most Likely Descendent* (MLD) List. The documents you provided indicate that you are of <_____> descent. As such, you have identified <_____> counties that include your areas traditional tribal territory.

Public Resources Code (PRC) sections 5097.94 and 5097.98 authorize the NAHC to designate MLDs for the treatment and disposition of inadvertently discovered Native human remains and associated grave goods. These individuals represent the most closely culturally affiliated Native American lineal descendant or Native American tribe. The MLD makes recommendations to landowners for treating or disposing, with appropriate dignity, Native American human remains and associated grave goods, under the provisions of PRC section 5097.98(a).

You may want to look at our website, www.nahc.ca.gov, which contains the text of California State laws established to protect Native American burials and other cultural sites. If you have any questions regarding the limits of MLD authority, as expressed in PRC 5097.98(a), or any other MLD responsibilities, please feel free to telephone our office at (916) 373-3710.

Please remember to keep us informed regarding any changes to your address and telephone number. We cannot contact most likely descendants in the time required by law without a telephone number.

Sincerely,

Executive Secretary

Sacred Lands File Form

NATIVE AMERICAN HERITAGE COMMISSION SACRED LANDS INVENTORY

Site Name:

NAHC Site No.: Date Entered:

County:

Archaeological Site No.:

Date Originally Recorded:

Has this site been recorded by another Agency?

Yes/No:

Agency name:

Location

USGS Quad:

Meridian:

Township:

Range:

Section(s):

NW NE SW SE

OWNERSHIP

Owner name:

Address:

Phone/Email:

Private:

Federal:

State:

County:

SACRED SITE TYPE (Required)

Sacred/Power Area ___

Burial Site ___

Worship/Ritual Site

Reburial Site ___

Petroglyph/Geoglyph/

Pictographs/Cupules ___

ADDITIONAL FEATURES

Village Site ___

House Pits ___

Camp Site ___

Rock Shelter/Cave ___

Bedrock Mortar ___

Collection Area ___

Lithic Scatter ___

Ceramic Scatter ___

Caches ___

Other features that may apply (List):

DOCUMENTATION

Books, periodicals, knowledgeable person, oral history, other references (attach additional information):

CALIFORNIA INDIAN CONSULTANT

Name:

Address:

Phone/Email:

Title/Affiliation:

FACILITATOR

Name:

Address:

Phone/Email:

Title/Affiliation:

Comments/Location Description:

Check if additional comments are on file: ___

Revised: May 25, 2006