

# FIELD PROCEDURES: TREATMENT OF MOUNDS AND SITES CONTAINING ANCIENT HUMAN REMAINS

## Information for archaeologists and cultural resource managers



*Please contact:*

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The State of Iowa is committed to preserving prehistoric and historic burial sites. The UI Office of the State Archaeologist (OSA) is the appropriate agency to contact regarding the discovery of human physical remains or suspected human physical remains believed to be over 150 years old. The OSA should be notified of the location of areas believed to represent ancient burial grounds. The State Archaeologist has the authority to deny permission to disinter human remains over 150 years old from ossuaries, grave sites, cemeteries, or any other archaeological deposit (Code of Iowa, Sections 263B, 523I.316.6, and 716.5; IAC 685, Ch.11.1). The following field procedures will be implemented during the archaeological evaluation of a project area to identify these sites and to inform the appropriate officials of their presence. The OSA Burials Program will be provided with any site recommendations prior to completion of the final project report. Any project conducted on federal or tribal land also needs to comply with NAGPRA regulations (Federal Register Vol. 60, No. 232, December 4, 1995; Subpart B §10.3–10.7).

### 1. Previously known burial site

- A. The archaeologist should conduct a site records check of previously known archaeological sites within the immediate vicinity of each proposed project or survey area prior to the field inspection.
- B. If a previously recorded burial site is indicated, the archaeologist will inform the Burials Program, Office of the State Archaeologist [(319) 384-0740; 384-0732] of the site's location with respect to the proposed project prior to the start of fieldwork. A "burial site" includes those sites where site type is listed as mound(s), possible mound(s), cemetery, or any other term suggestive of a burial site or possible burial site, or where the site records indicate human remains have been found in the past. Burials Program contact may consist of formal or informal notification (even a phone call) to Burials Program staff or the State Archaeologist.
- C. Subsurface investigations in known (or possible) mounds, cemeteries, or burial areas must not be undertaken by the archaeologist without direct authorization from the OSA Burials Program Director or State Archaeologist. If necessary, a field inspection will be conducted to determine the exact relationship of the burial site to the proposed project.

### 2. Newly discovered burial site encountered prior to construction

- A. If the archaeologist encounters human bone in an obviously disturbed situation such as on the surface of a plowed field, within a distinct plowzone, or in a secondary deposit such as a sandbar or bank slump deposit, the find will be located precisely and the archaeologist should thoroughly inspect the area in question to try to determine the

point of origin of the skeletal material without further subsurface disturbance. Even if the point of origin cannot be determined, the archaeologist should collect the disturbed remains and bring or forward them to the Office of the State Archaeologist to be identified, or have them identified by a qualified specialist after informing the OSA Burials Program Director or State Archaeologist.

If the remains are identified as human, the State Archaeologist will consult with the Indian Advisory Council, or possible affiliated tribe(s), and the project archaeologist regarding subsequent steps. Ultimately, all ancient human remains and associated funerary objects must be delivered to the OSA for inventory and reburial or repatriation.

- B. If *in situ* bone that appears human is encountered, it should not be exposed or excavated any more than is necessary to determine that the remains are human. If the archaeologist is uncertain that the bones are human, then a diagnostic bone or bone fragment, preferably one which is no longer *in situ*, should be brought to the Office of the State Archaeologist, or examined by a qualified specialist, for positive identification. Grave associated artifacts should also remain *in situ*. The archaeologist should photograph the *in situ* remains, record their exact locations, cover and protect them, discontinue the investigation at this point and immediately contact the OSA Burials Program Director or State Archaeologist.

If the remains are identified as human, the State Archaeologist will consult with the Indian Advisory Council, or possible affiliated tribe(s), and the project archaeologist regarding subsequent steps. Ultimately, all ancient human remains and associated funerary objects that can not be preserved in place must be delivered to the OSA for inventory and reburial or repatriation.

- C. After consultation with the OSA Burials Program Director or State Archaeologist, archaeologists may test questionable "mounds" to the extent necessary to determine whether they represent cemetery areas. Probing with a 1" core hand probe is an acceptable method of testing. Results of testing are to be submitted to the OSA Burials Program upon completion. A request for the use of additional subsurface testing techniques may be considered by the State Archaeologist if results of probing are inconclusive. Stratigraphic zonation, features, and artifactual content should be taken into account in determining whether these features are mounds. A determination that a feature is an aboriginal mound may be made without necessarily encountering human bone.

Use of non-intrusive geophysical techniques is encouraged where appropriate to identify mound and non-mound burials. The OSA Burials Program should be consulted before and during such field work and provided results.

### **3. Newly discovered burial site encountered during construction**

If human remains are encountered in an actively worked construction area, the construction workers, foreman, and supervisor should be aware that to proceed would be intentional disinterment without permission, a breach of Iowa State Law (Code of Iowa, Chapters 263B, 523I.316.6, and 716.5) and could lead to prosecution. Every effort should be made to temporarily discontinue construction activities. If possible, someone should be left to oversee the site, and if necessary, county or state law enforcement officials contacted to provide site security. The OSA Burials Program Director or State Archaeologist should then immediately be contacted. If no one is available to remain on the site, *in situ* remains should be photographed and surface finds collected before departure.

### **4. Historical burial sites**

- A. Marked historic burials less than 150 years old are covered under Code of Iowa Chapter 523I (the former Chapter 566 incorporated into the expanded Chapter 523I), and require a permit from the Office of Vital Statistics for disinterment (Chapter 144.34).
- B. Unmarked historic cemeteries that may be close to or less than 150 years old may present problems in determining responsibility. Qualified archaeologists may be the only professionals who have the training and resources necessary to accurately determine the age of the remains and possible associated grave furniture. The Office of the State Archaeologist is the appropriate authority to first contact upon discovery, with a determination to follow regarding subsequent official notification of appropriate authorities.

### **5. Obviously recent human remains**

If human remains are encountered which are obviously of recent origin (i.e. if any flesh or clothing are still discernible), the appropriate county or state law enforcement officials and the County Coroner should be contacted. Remains should not be collected or otherwise disturbed if a crime may be involved.

These procedures have been developed by the Office of the State Archaeologist in conjunction with the OSA Indian Advisory Council, the Association of Iowa Archaeologists, and the State Historical Society of Iowa. Current OSA Indian Advisory Council members are Don Wanatee, Royal Nahno-Kerchee, and Howard Crow Eagle. Reprinted Summer 2007.