

CHAPTER 11
ANCIENT HUMAN SKELETAL REMAINS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

685—11.1(263B) Procedures. 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 in age. OSA should be notified of the location of areas believed to represent ancient burial grounds. The director has the authority to deny permission to disinter human physical remains from aboriginal ossuaries, grave sites, cemeteries or any other archaeological deposit determined to have state and national significance from the standpoint of history or science.

11.1(1) A site will be judged significant if it has been demonstrated by archaeological investigation, including but not limited to excavation and analysis appropriate to the context, that it possesses one or more of the qualities listed below:

- a. Substantial information bearing on the biology of past populations.
- b. Substantial information bearing on the technology, society or ideology of past populations.
- c. Potential for public interpretation of past lifeways.

11.1(2) The basis for the determination of significance shall be specified in the written report filed with the public health department.

11.1(3) If a site is determined to be significant by these rules and is designated by the director to be preserved, any human physical remains recovered during testing may be reinterred at the original burial site rather than at one of the designated state cemeteries. Sites that are judged not to be significant will be salvaged by OSA or its designated representative to the degree permitted by available funding and staff. In such cases, materials recovered will be the subject of a written report and the human remains will be reburied in one of the designated state cemeteries.

11.1(4) The OSA shall maintain records of all known or suspected ancient burial sites in the state. The OSA has the authority to coordinate activities pertaining to ancient burial grounds in order to foster their protection and preservation.

11.1(5) The OSA will not assume financial responsibility for intermediate- to large-scale actions involving the removal of human physical remains from private lands. The OSA must participate, however, in the authorization and coordination of any such action on federal, state, county, municipal or private lands.

11.1(6) OSA will assist with the ongoing identification of ancient cemetery areas to the degree permitted by available funding and staff. OSA will coordinate such actions with appropriate federal, state, county, municipal or private concerns.

11.1(7) The director shall maintain an informal advisory committee composed of osteologists, anthropologists, state agency officials, the lay public, and a minimum of two Native Americans residing in Iowa to consult on matters dealing with ancient human skeletal remains. Individuals appointed will serve on a voluntary basis. Certain travel expenses, authorized by the director in advance, will be paid by the OSA.

[ARC 9025B, IAB 8/25/10, effective 9/29/10]

This rule is intended to implement Iowa Code sections 263B.7, 263B.8 and 263B.9.

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