

Protection of Ancient Human Remains in Iowa:

Purposes, Laws, and Processes

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OSA Bioarchaeology Program Mission

Research

- ▶ Ensure thorough data collection and reporting

Education and Stewardship

Protection

- ▶ Consultation on and enforcement of Iowa laws protecting ancient human remains (>150 years old)
- ▶ NAGPRA compliance

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Iowa's Laws protecting Human Remains

Critical Feature

- ▶ All human remains are protected regardless of antiquity or affiliation
- ▶ Code of Iowa Sections:
 - Chapter 263B7-9
 - Administrative Rules 685-11.1
 - 523I.316
 - 716.5

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Code of Iowa 263B.7

- ▶ State Archaeologist has primary responsibility for investigating, preserving, and reintering discoveries of ancient human remains.
- ▶ Definition of "ancient"
 - ▶ (Non-ancient remains fall under the authority of the Iowa Department of Public Health, **Office of Vital Statistics**)
- ▶ Archaeological and osteological documentation and written reports filed with IDPH required

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Code of Iowa 263B.8

- ▶ Establishment of a cemetery for reburial of ancient remains
 - ▶ Four cemeteries have been established

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Code of Iowa 263B.9

- ▶ State Archaeologist has authority to deny permission to disinter ancient human remains.

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Administrative Code 685-11.1

- ▶ OSA is the appropriate agency to contact regarding discovery of human physical remains believed to be over 150 years old.
- ▶ OSA should be notified of the location of areas believed to represent ancient burial grounds.
 - ▶ No testing that involves excavation is ever conducted to verify a burial site.
 - ▶ Geophysical surveys are often conducted to determine site boundaries.
 - ▶ soil probing is sometimes used to determine whether a mound is a natural land formation or prehistorically constructed.

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Administrative Code 685-11.1(4)

- ▶ OSA shall maintain records of all known or suspected ancient burial sites in the state.
 - ▶ I-sites
 - ▶ Bioarchaeology Program files
- ▶ OSA has authority to coordinate activities pertaining to ancient burial grounds to foster protection and preservation.
- ▶ 685-11.1(5) - OSA does not have fiscal responsibility for these activities.

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Code of Iowa 5231.316(6)

- ▶ Serious misdemeanor to fail to report the finding of human remains to law enforcement or medical examiner (county or state)
- ▶ If there is reason to believe the remains may be more than 150 years old, the State Archaeologist also must be contacted

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Code of Iowa 716.5

- ▶ Criminal mischief in the third degree (aggravated misdemeanor) to intentionally disinter human remains without lawful authority
- ▶ Maximum penalty: imprisonment not to exceed two years plus fine of \$500-\$5000

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Common Cases of Ancient Remains Discoveries

- ▶ Road cut-banks
- ▶ River cut-banks and sand bars
- ▶ Road and building construction
- ▶ Plowing
- ▶ Natural erosion of cemeteries and prehistoric mounds
- ▶ Animal disturbance
- ▶ Private residences

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Road cut-banks



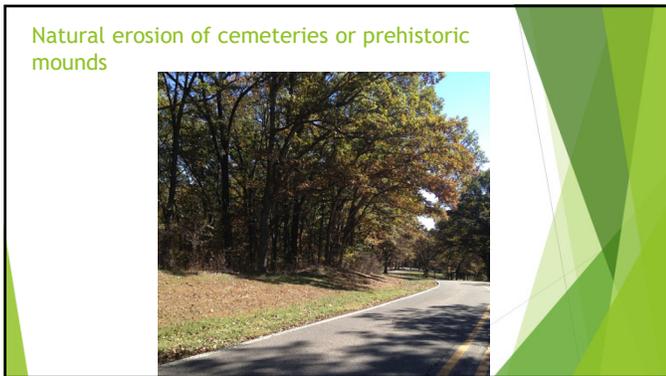
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Procedures for ancient remains discoveries/reports

- ▶ Record the location of the remains and leave them in place
- ▶ Secure the area
- ▶ Contact the Bioarchaeology Program at the OSA

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Procedures for ancient remains discoveries/reports

- ▶ The OSA's responsibilities
 - ▶ Expedient background research to determine what we know about the area
 - ▶ Conduct an investigation to record context and provenience, and collect remains
 - ▶ Determine next steps for their disposition (repatriation/reburial)

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