



IF THE BURIAL SITE IS NATIVE AMERICAN:

*Within 60 days
of notification*

The Committee will have stewardship of the human remains and funerary objects.

The burial site remains protected. The State Archaeologist will notify the property owner(s). The Committee will notify lineal descendants or culturally-affiliated groups.

Lineal descendants or culturally-affiliated groups will advise the Committee in writing of their preferred disposition.

The Committee will consult with the property owner to facilitate the preferred disposition as determined by the lineal descendants or culturally-affiliated groups.

If the lineal descendants or culturally-affiliated groups and the property owner agree as to disposition, a plan of action will be developed accordingly.

If the lineal descendants or culturally-affiliated groups prefer protection but the property owner prefers removal, the Committee will establish a plan of action for removal. Additional consultation or mediation may also occur.

*Within 90 days
of discovery*

If the plan of action for removal has not been developed and completed within 90 days, the property owner may hire an archaeologist/bioarchaeologist to remove the remains, in a respectful manner, pursuant to the plan of action at its own expense. Extensions for completion are available pursuant to the statute.

The State Archaeologist is authorized to observe and monitor any excavation and removal performed pursuant to Executive Law § 171

The culturally-affiliated group may select a cultural monitor to observe the work.

CRIMINAL PENALTIES MAY APPLY (Executive Law §171 [8]):

- Failure to report the discovery of a burial site of human remains or funerary objects is a misdemeanor.
- Intentional defacing or desecration of human remains or funerary objects is a felony.

IF THE BURIAL SITE IS NOT NATIVE AMERICAN, the same criminal penalties apply, although different protocols must be observed ---->