

IF THE BURIAL SITE IS NOT NATIVE AMERICAN:

As soon as practicable

The State Archaeologist will attempt to identify lineal descendants or culturally-affiliated groups and provide notification. The burial site remains protected.

Within 10 days of notification

Lineal descendants or culturally-affiliated groups will advise the State Archaeologist of their preferred disposition of remains and objects.

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

The property owner will notify the State Archaeologist as to its preferred disposition.

Within 10 days of report

If the lineal descendants or culturally-affiliated groups and the property owner agree about disposition, they will develop a plan of action accordingly.

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

Within 90 days of discovery

If a 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, at its own expense. The removal may be monitored by the culturally-affiliated group.

HOW TO REPORT A DISCOVERY:

- 1. Follow the law.** The property owner, its agents, assignees, employees, family members, friends, acquaintances, or any other individuals acting on behalf of such property owner are strictly prohibited from moving, relocating, transferring, selling, possessing, touching, handling, or otherwise intentionally disturbing, in any manner, all human remains and funerary objects that are discovered on site (Executive Law § 171 [7]).
- 2. Immediately contact the Medical Examiner or Coroner** by dialing 911.
- 3. Immediately contact the State Archaeologist** at the New York State Museum for further instruction by dialing 518-474-5812.

FOR ADDITIONAL INFORMATION:

Email: UnmarkedBurial@nysed.gov

Website: <https://nysm.nysed.gov/unmarked-burial-site-protection-act>