



PROCEDURES FOLLOWING THE INADVERTENT DISCOVERY OF HUMAN REMAINS AT A CONSTRUCTION SITE

The following procedures, derived from the requirements in SDCL 34-27, should be implemented immediately in the event suspected human remains are inadvertently discovered during construction on either *state* or *private* land in South Dakota:

1. All construction activity should be halted immediately within a minimum of 150 feet of the discovery spot. The area around the discovery spot needs to be secured. Nothing should be removed or disturbed and no additional digging around the find spot shall be undertaken by anyone. The name and contact information for the individual who made the discovery must be provided to law enforcement officials.
2. The inadvertent discovery must be reported to the local law enforcement agency within 48 hours. Law enforcement officials will visit the site and determine if the find is human or non-human and whether the discovery is related to a criminal or missing person case. They may request assistance with this determination. If the discovery is human, law enforcement officials will contact the landowner and coroner. If it is determined that it is not a law enforcement case, law enforcement officials will secure the location and contact the state archaeologist at (605) 394-1936 within 15 days.
3. The state archaeologist will assume responsibility for the discovery. This will include consultation with the landowner, developer, tribal representatives if the remains are Native American, other state and local officials as appropriate for the situation, and other interested parties. After a review of all concerns and an evaluation of the discovery, the state archaeologist will set forth procedures to mitigate the disturbance.
4. The party responsible for the costs related to the recovery, analysis, and reburial of human remains will be determined according to state laws and administrative rules.

Please note these additional considerations:

1. According to SDCL 34-27-26 it is a felony to knowingly disturb a burial on either *state* or *private* land in South Dakota.
2. The Native American Graves Protection and Repatriation Act (NAGPRA) provides procedures for the inadvertent discovery of Native American burials on *federal* or *tribal* land.