



Miami Tribe of Oklahoma Inadvertent Discovery Policy

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Introduction:

The Miami Tribe of Oklahoma does not condone, support or initiate archeological exploration that knowingly targets ancestral human remains. Unfortunately, the inadvertent discovery of ancestral human remains occurs too frequently due to modern infrastructure construction or improvements as well as archeological exploration that was not intended to find ancestral remains. This document provides a policy roadmap for the inadvertent discovery of ancestral human remains that lie within the original homelands of the Myaamia people.

Implementation:

This policy statement shall be deemed valid for use and implementation by any federal, state or local-municipal entity that engages in ground disturbing activities for any reason. This policy also applies to universities, museums and any federally funded non-governmental institution that engages in archeological exploration for academic or non-academic purposes.

This policy is effective for ground disturbing activities in the following locations in the ancestral homelands of the Myaamia people: The entire states of Ohio, Indiana, Michigan, Illinois and Wisconsin and the Ohio river border counties in Kentucky. We also recognize the post 1846 removal territories, Miami and Linn counties in Kansas and Ottawa County in Oklahoma.

Initial Discovery:

Through the process of ground disturbing activities, when the discovery of human remains occur:

- 1) All work in that area must immediately cease. Any remains or funerary objects removed from the excavation as a result of the ground disturbing work must be collected and safeguarded.
- 2) Law enforcement and the county coroner must be notified to determine if the remains constitute a crime scene or modern burial.
- 3) All ground disturbing work within a 100-foot radius of the discovery must cease.
- 4) Written documentation of the discovery, the condition of the remains and any detailed information that may benefit the decision-making process of the Miami Tribe should be recorded.
- 5) Only LEO/Coroner personnel are authorized to take photos or make drawings of the discovery unless consent is given by the Miami Tribe in writing.
- 6) First notification of the inadvertent discovery should occur within 36 hours of discovery. A more detailed follow-up with LEO-Coroner's initial findings and any important data should be made within 72 hours following discovery.
- 7) Consultation should commence with the Miami and other interested Tribes to mutually determine how ground disturbing activities within the quarantined area will resume. Participation in the consultation may include any representatives from the NAGPRA Department, THPO and Tribal Government. Initial contact should be made to both the NAGPRA Department and the THPO.

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In-Situ reburial and site avoidance:

The preferred outcome for an inadvertent discovery would be the covering of the remains In-Situ (as well as replacing anything removed during the excavation that caused the discovery) and avoidance of the area or deviation around the site of discovery. However, the Miami Tribe recognizes that this preferred solution may not be obtainable due to the nature and scope of the work being conducted. Every reasonable option should be explored before the decision is made to remediate the ancestor.

Remediation Procedures:

If the consensus determination following consultation is to remove (remediate) the ancestor(s), the following procedures should be implemented.

- 1) All remediation work must be conducted by qualified, state certified archeology personnel from a university or private firm as to be determined through consultation.
- 2) Tribal Monitors may (should) be present during the exhumation process to observe and report progress back to Tribal representatives. Monitors may also provide immediate direction should questions arise during the process.
- 3) All human remains that constitute each single individual shall be kept together, along with all funerary objects collected with that individual.
- 4) The curation facility housing the remains shall be determined through the consultation process and qualify as a secure location with experience in the handling of ancestral human remains as well as the NAGPRA repatriation process.
- 5) A preliminary inventory of remains and funerary objects, as well as standard archeological data collection should be conducted throughout the remediation process and delivered to the Tribe for study and to aid in future decisions resulting from ongoing consultation.
- 6) Photography and artistic renderings of the remediation site (including human remains and funerary objects) can only be approved through prior consultation and with the advice and consent of the Miami Tribe and other consulting Tribes.
- 7) Location identifying information (GPS coordinates) as well as any approved photography and/or artistic renderings and archeological data should be considered sensitive information not for distribution to the public or other unauthorized personnel. All information of this nature shall be quarantined and only used as needed by authorized individuals. Consultation with the Miami Tribe and other interested Tribes will determine the future use or disposition of this information.

Proper Care and Handling of Ancestors / Cultural Advisory:

The Miami Tribe believes that ancestral human remains, even if affiliation cannot be determined, should be treated with the same respect and dignity as any human being should expect to be treated. The following procedures serve to present the current best practices while taking all conditions into consideration.

Cultural Considerations:

The following represent cultural guidelines that may safeguard the physical and spiritual health of the individuals remediating the ancestor. These are only guidelines but are strongly recommended for implementation.

- 1) No use or possession of tobacco products within 20 feet of the burial location or the remains themselves, including associated funerary objects.
- 2) No food or beverages within 20 feet of the burial site or the remains themselves, including the associated funerary objects. This applies to the transport, analysis, storage and repatriation of the remains and the associated funerary objects.
- 3) No pregnant or menstruating women within 20 feet of the burial site or the remains themselves, including the associated funerary objects.

- 4) No photographs or artistic renderings of the human remains or funerary objects without the express consent of the Miami Tribe or consent of interested Tribes engaged in consultation.

Care and Handling of Human Remains and Funerary Objects:

The following represent the procedures to follow throughout the remediation of the ancestor's remains and funerary objects.

- 1) The archeological team conducting the remediation will follow all standard professional processes and procedures throughout and will not deviate from standard practice without approval from all consulting parties.
- 2) The human remains will be removed in articulated sections as much as possible. Each section will be wrapped in bubble wrap and nested in a plastic tub for protection.
- 3) If the remains are too fragile to be removed in a clean state, they will be removed with the stabilizing soil attached.
- 4) To preserve fragile remains, some surrounding dirt should be placed in the plastic tub to help maintain humidity and prevent further degradation.
- 5) Small funerary objects that will fit in the same container as the human remains shall be kept together. Larger items shall be wrapped in bubble wrap and placed in individual containers. The separated objects must have identifiers to link them to the human remains.
- 6) If there is more than one individual, there must be distinct identification labels to ensure associated funerary objects can be reunited later with the correct individual.
- 7) All residual dirt accumulated through the remediation process is considered by the Miami Tribe to be associated with the human remains. All care will be taken to preserve the dirt so it can be reburied with the ancestor at a future date.
- 8) If the remediation is expected to last more than one day, all reasonable and appropriate security actions must be taken to protect the site from looting, vandalism or other criminal activity. Recommendations include but are not limited to:
 - a) Security guard or LEO involvement
 - b) Perimeter fencing of site
 - c) Tarp coverings of excavation
 - d) Surveillance cameras and signage
 - e) Other as determined by site conditions and circumstances at time of remediation.
- 9) Exhumed human remains and funerary objects shall not be left unprotected or unattended at the remediation site. Transfer to a secure facility or the agreed upon curation facility should be ensured daily, if necessary.

Post Exhumation Procedures

This section details steps to follow upon completion of the remediation.

- 1) A full inventory should be completed listing human remains and all funerary objects collected during the remediation.
- 2) The human remains, funerary objects and any unassociated objects removed shall not be subjected to any scientific testing, analysis or experimentation.
- 3) A qualified osteologist should inspect any faunal remains to determine that all human remains are accounted for.
- 4) The Miami, as well as other interested Tribes, should be consulted on culturally acceptable storage of the individual(s) until the NAGPRA process is complete.
- 5) For Federal or State controlling parties: It is the agency's responsibility under the law to conduct NAGPRA consultation for the repatriation of the individual(s). If the agency chooses not to engage in the NAGPRA consultation process, legal control of the individual(s) must be immediately relinquished (in writing) to the curation facility in possession of the individual(s) so that the NAGPRA process can be fulfilled.
- 6) For Universities or federally funded non-governmental institutions: It is the institution's responsibility under the law to conduct NAGPRA consultation for the repatriation of the individual(s). It is recommended that consultation commence as soon as an inventory is completed.

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