

February 25, 1999

Park Directive 6290

KEEPSAFE PROGRAM

I. PURPOSE

The purpose of Arkansas State Parks' Keepsafe Program is to provide a cemetery at Toltec Mounds Archeological State Park and at Parkin Archeological State Park for the secure and permanent reinterment of human remains of American Indians indigenous to the State of Arkansas. Said human remains shall have been or must be removed from unmarked or unregistered graves of cemeteries. Human remains in Arkansas which have been collected by public or private individuals or organizations in Arkansas may be reinterred if appropriate approval is obtained.

II. DEFINITIONS

- A. **Keepsafe Cemetery** - Those State Lands which are designated and maintained by Arkansas State Parks (ASP) as cemeteries for the reinterment of the human remains of American Indians indigenous to the State of Arkansas.
- B. **Reinterment** - The reburial, according to applicable state law, in such a manner that the identity, location, and integrity of the human remains are maintained.
- C. **Human Remains** - The physical remains of the human body of a person of American Indian ancestry, including but not limited to bones, teeth, hair, ashes, and mummified or otherwise preserved soft tissues. Human remains incorporated into a funerary object must be considered a part of that particular funerary object.
- D. **Indian Tribe** - Any Tribe, band, nation, or other organized Indian group or community of Indians which was indigenous or relocated to Arkansas, and which is recognized as eligible for special programs and services provided by the United States to Indians because of its status as Indian.

1. **Indigenous Tribe** - Any Tribe present in Arkansas at the time of early European contact;
 2. **Relocated Tribe** - Any Tribe historically relocated to Arkansas from indigenous homelands.
- E. **Cultural Affiliation** - A relationship of shared group identity which reasonably can be traced historically or prehistorically between members of a present-day Indian Tribe and an earlier identifiable group. Cultural affiliation is established when the preponderance of the evidence - based on geographical, kinship, biological, archeological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion - reasonably leads to such a conclusion.
- F. **Lineal Descent** - Ancestry directly and without interruption by means of traditional kinship system of the appropriate Indian Tribe, or by the descent to the common law, relating to the individual whose remains and associated funerary objects are under review for reinterment.
- G. **Funerary Objects** - Objects that, as part of death rite or ceremony of a culture, are reasonably believed to have been placed intentionally - at the time of death or later - with or near individual human remains.
1. **Associated Funerary Objects** - Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been intentionally placed with the individual human remains either at the time of death or later, or other items exclusively made for burial purposes or to contain human remains;
 2. **Unassociated Funerary Objects** - Items that are reasonably believed to have been placed with individual human remains as part of the death rite or ceremony but can *no longer* be associated with specific human remains.

III. POLICY

- A. Arkansas State Parks has designated state lands at Toltec Mounds Archeological State Park and at Parkin Archeological State Park for the creation of Keepsafe Cemeteries. The Keepsafe Cemeteries shall be used for the secure and permanent reinterment of American Indian human remains

indigenous to the State of Arkansas, which have been disinterred from unregistered graves due to intentional excavations and/or inadvertent discoveries.

Arkansas State Parks, in consultation and in agreement with indigenous Tribes, will develop and promulgate procedures and application forms. The Arkansas Archeological Survey (AAS) will verify on all applications that remains are of Indian descent. The Director of Arkansas State Parks will have final approval over all applications.

- B. Museums, groups, or individuals possessing American Indian human remains must contact ASP, the Arkansas AAS, or the Indian Tribe(s) for information and assistance concerning the reburial of those remains in a Keepsafe Cemetery.

NOTE: Indian Tribes were no longer residing in the State of Arkansas by 1845. Human remains that can be dated after 1845 will not be considered for reinterment in a Keepsafe Cemetery.

- C. Reinterment must be coordinated by the Indian Tribes of Arkansas and in cooperation with Arkansas State Parks.
- D. The Director of Arkansas State Parks will consider requests for the burial of funerary objects on a case-by-case basis. Only associated funerary objects will be considered. Unassociated funerary objects, as defined in this policy, will not be reinterred in a Keepsafe Cemetery.
- E. Arkansas State Parks will not assume costs for reinterment, except in such cases whereby Arkansas State Parks is responsible for intentional excavations, or inadvertent discoveries on State Park properties, or by authorization by the Director of Arkansas State Parks. Arkansas State Parks will be responsible for opening and closing graves and for maintenance in perpetuity. Arkansas State Parks will not assume costs for individuals' or groups' travel, lodging, meals, etc. incurred by guests attending reinterment ceremonies.
- F. Arkansas State Parks shall maintain permanent records for Keepsafe Cemeteries, which shall include the exact location of each reinterment plot and its contents.
 - 1. Copies of these records will be deposited with the Arkansas Archeological Survey (AAS).

2. These records, considered archeological records, are exempt from the Arkansas Freedom of Information Act.
 3. Information on culturally affiliated human remains buried in a Keepsafe Cemetery must be obtained by written request to Arkansas State Parks or the Arkansas Archeological Survey.
- G. The Keepsafe Program will be conducted in compliance with applicable federal laws and regulations, in particular, 43CFR Part 10, Native American Graves Protection and Repatriation Act Regulations; state laws and regulations, including Arkansas State Parks regulations; and in consultation with the indigenous Indian Tribes of Arkansas.
- H. The Keepsafe Program has been established in consultation with the Indian Tribes indigenous to Arkansas and the Arkansas Archeological Survey. The Keepsafe Program may be reviewed periodically and in consultation with said Tribes and the Arkansas Archeological Survey. Any changes in the Keepsafe Program will be reviewed in said manner. The Director of Arkansas State Parks has final authority in all matters relating to the Keepsafe Program and not covered under separate state or federal laws and regulations.
- I. Any deviation(s) from this policy will be submitted in advance in writing to the Director of Arkansas State Parks.

IV. PROCEDURES

- A. The Reinterment Application Form 050 MUS 882 will be available from:
1. Parks participating in the Keepsafe Cemetery, i.e. Toltec Mounds Archeological State Park and Parkin Archeological State Park;
 2. Arkansas State Parks Central Office in Little Rock;
 3. Native American Tribe(s);
 4. The Arkansas Archeological Survey in Fayetteville.

- B. The Reinterment Application Form must be submitted prior to consideration of reinterment in a Keepsafe Cemetery. **A complete application will include:**
1. Application Form;
 2. Human Remains and Associated Funerary Objects (if applicable);
 3. Authorization Form.
- C. Applicants will submit complete Application Forms and the Human Remains to either the Director of the Historical Resources and Museum Services (HRMS) section of Arkansas State Parks or the Park Superintendent where reinterment is requested. If the application and human remains are directed to the park, the Superintendent will sign the Authorization Form and forward to Historical Resources and Museum Services the complete Application Form.
- D. Upon receiving the Application Form, Historical Resources and Museum Services will review the application and, if complete, will sign the Authorization and forward the Application (including the Application Form, the human remains, and the Authorization Form) to the Director of the Arkansas Archeological Survey in Fayetteville for final review and Survey verification.
- E. The Director of the Arkansas Archeological Survey will review the Application and, if verified, will sign the Authorization Form and forward the Application to the appropriate Tribe(s). If the Director of the Arkansas Archeological Survey declines to verify human remains, an explanation will be made on the Authorization Form, and a copy of the Application and Authorization Form, along with the human remains, will be returned to the applicant. The Director of the Arkansas Archeological Survey will forward the original Application to Arkansas State Parks / Historical Resources and Museum Services, and Museum Services will forward copies to the park and to the Tribe(s).
- F. If verified, the request will be forwarded to the specified Indian Tribe. The Tribe, i.e. its authorized representative for NAGPRA issues, will review the Application. If approved, the Tribal Representative will sign the Authorization and return it to the Arkansas State Parks Historical Resources and Museum Services Director.

NOTE: The human remains shall remain with the Tribe or the Archeological Survey until final approval for reinterment is made by all parties.

- G. The Historical Resources and Museum Services Director will review the Application and Authorization for completeness and will forward the same to the Director of Arkansas State Parks for final approval. The Director of Arkansas State Parks will approve or disapprove the Application and forward copies to the Applicant, Arkansas Archeological Survey, Park Superintendent where reinterment will occur, and the Tribe. The Park Superintendent where reburial will occur will contact the Tribe and the Arkansas Archeological Survey (and the applicant, if appropriate) to arrange the date, time, etc. for reinterment.

NOTE: Reinterment should take place within six (6) months after approval of the Application.

- H. The Indian Tribe involved in the reinterment will be given the opportunity to perform ceremonies or rites for reinterment at a Keepsafe Cemetery.
- I. Arkansas State Parks will be responsible for the opening and closing of the grave and for maintenance in perpetuity.

Replaces PD 6290 Dated January 17, 1995

Related PD: 6280 Policy on the Treatment of Human Remains and Associated Objects.

APPROVED BY:

GREG BUTTS, DIRECTOR
Arkansas State Parks