

Unanticipated Discovery of an Unmarked Burial Site.

1. Upon notification of the unanticipated discovery of an unmarked burial site, the division shall consult with the landowner and all interested parties to determine the disposition of the unmarked burial site. Interested parties may include but are not limited to:
 - a. Direct descendants as documented through genealogical records, historic documents, or other means;
 - b. Federally recognized tribes and Louisiana state-recognized tribes with a stated historical interest in the parish where the cemetery is located;
 - c. Community descendants that cannot show direct affiliation with those interred in the cemetery but have oral traditions, family histories, or other formal or informal records of affiliation;
 - d. The general public with no demonstrated affiliation to the cemetery but who express interest in the treatment of the cemetery and human remains.
2. The landowner has the authority to determine if the cemetery shall be preserved in place, or if some or all of the cemetery shall be removed.
3. If the landowner determines the cemetery will be avoided by ground-disturbing activities, and the landowner, division, and consulting parties agree on the unmarked burial site boundary and an appropriate buffer, a permit is not required. If the parties cannot agree on the cemetery boundary and/or an appropriate buffer, the division shall determine the boundary and buffer. The division or qualified professional archaeologist shall complete an archaeological site form documenting the unmarked burial site. The landowner shall record the unmarked burial site in the conveyance and mortgage records for the parish in which the cemetery is located. Such recordation shall, at a minimum, contain a description of the existence of the cemetery as well as its rough boundaries and an illustrative map of the location that need not be to survey standards.
4. If the landowner, division, and consulting parties agree the location of the unmarked burial site cannot be avoided and some or all of the burials must be removed, the landowner shall obtain a Permit to Disinter the Cemetery.
5. If human skeletal remains or burial artifacts are discovered or collected by a private individual or entity, a parish sheriff or coroner's office, the Louisiana State University Forensic Anthropology and Computer Enhancement Services (FACES) Laboratory, or the Louisiana Department of Justice prior to notification to the division, a permit for the recovery of the human skeletal remains and/or burial artifacts shall not be required. The division may accept the human skeletal remains and associated burial artifacts from any of the above-listed entities. The division shall consult with all interested parties to determine the appropriate disposition of the human skeletal remains and burial artifacts. The landowner shall not be required to pay any costs associated with the collection, processing and reinterment of the human skeletal remains and burial artifacts.