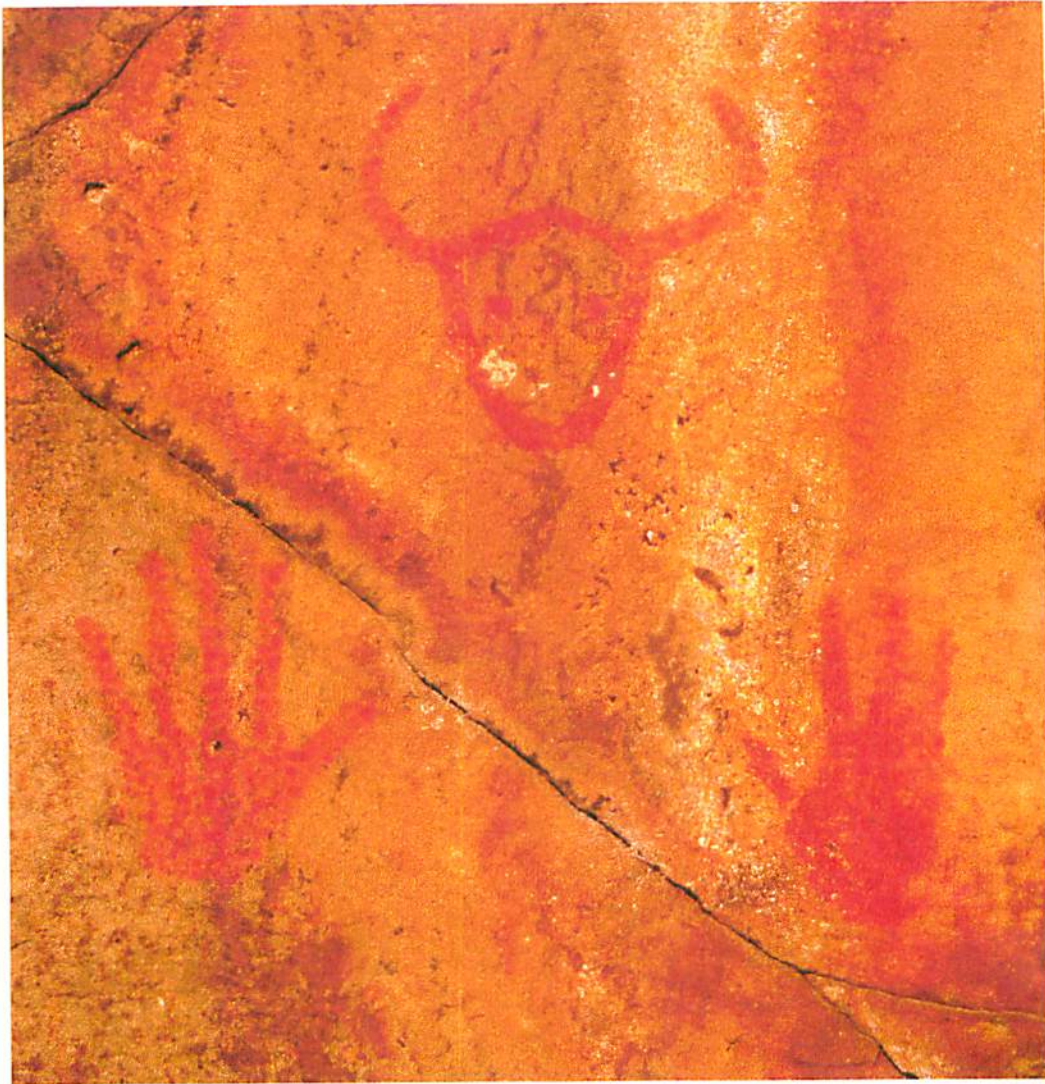


ANNUAL REPORT, FISCAL YEAR 1998

OFFICE OF THE STATE ARCHAEOLOGIST



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St. Paul, September 1998

INTRODUCTION

This report describes the twelve-month period of operations for the Office of the State Archaeologist beginning July 1, 1997, and ending June 30, 1998 (fiscal year 1998). Reproduced on the report cover is an example of Minnesota's pictographic (painted) rock art, located in Chisago County. Rock art sites in the state include the Jeffers site in Cottonwood County, one of the premier rock art sites in mid-continental North America.

Program Profile

Established in 1963, the Office of the State Archaeologist (OSA) is charged in statute with sponsoring, conducting and directing research into the prehistoric and historic archaeology of Minnesota; protecting and preserving archaeological sites, objects and data; disseminating archaeological information through the publication of reports and articles; identifying, authenticating and protecting human burial sites (per MN Stat 307.08); reviewing and licensing archaeological fieldwork conducted within the state; and enforcing provisions of MN Stat 138.31-138.42.

Under MN Stat 138.31-138.42 (the "Field Archaeology Act"), licensure through OSA is required for field archaeology undertaken on lands owned, leased by or subject to the paramount right of the State or its subdivisions, as well as on lands or waters impacted by publicly funded development projects. Proposed projects are reviewed to assess the appropriateness of research methodology and to assist in identifying strategies for mitigating potential adverse effects to known archaeological resources.

Minnesota's "Private Cemeteries Act" (MN Stat 307.08) affords all human remains and burials older than 50 years, and located outside of platted, recorded or identified cemeteries, protection from unauthorized disturbance; this statute applies burials on either public and private lands or waters. Authentication of burials is conducted under the *sole* auspices of OSA per this statute. Objective and accurate identification of such burials early in the development process is critical to the timely and cost-effective completion of public and private construction projects throughout the State.

OSA clients include, but are not limited to: the Minnesota Department of Transportation; cultural resource management firms; the Minnesota Indian Affairs Council (MIAC); builders and development associations; county historical societies; the State Historic Preservation Office; local heritage preservation commissions; academic institutions; and other public and private agencies.

Program Foci

One of OSA's chief priorities is the timely review and licensing of archaeological projects which have the potential to impact public construction schedules (predominantly federally-funded, therefore subject to the federal Section 106 process). This review process includes the development of archaeological investigation strategies which reflect the State's interest in identifying and protecting its archaeological heritage, but which are at the same time compatible with construction processes and timetables. Well-crafted investigation strategies have the potential to substantially reduce costs associated with major construction projects, especially large public roads projects. OSA continues to streamline this process, an effort which has been well-received by the development community.

The prompt identification and authentication of human burial sites, especially those whose presence (or absence) may affect construction processes is a major program priority. OSA works in collaboration with public and private developers, local historic preservation commissions, tribal interests, federal agencies, and others to achieve this objective. The process of burial site identification consumes a large proportion of program time as the pace of metropolitan-area expansion, especially development along bluff, lake, and river margins, continues to accelerate (these areas have demonstrated a high incidence of older, unplatted burials).

OSA's ability to "protect and preserve" archaeological sites primarily involves the development of plans for limiting or mitigating damage to such sites. This occurs regularly during the course of license-related project review. Archaeological data and objects are protected through the licensing process (and OSA's enforcement authority), as well as by OSA's involvement in the process of curating and conserving recovered materials and data.

The office further has authority to direct construction-related archaeological projects, and to sponsor and conduct fundamental research into the prehistoric and historic archaeology and heritage of Minnesota. The State Archaeologist, acting as the State's representative per statute, has a pre-eminent role in such efforts.

OSA has regular opportunities to disseminate archaeological information in the form of public and professional presentations. Requests for such presentations are frequent, and the public's interest in archaeology continues to grow. Communities state-wide have demonstrated an increasing interest in public education programs (both as hands-on, excavation experiences, and as part of school curricula). OSA is committed to further supporting such requests whenever possible, and intends to increase its involvement in such educational activities as personnel resources allow. OSA looks forward to working in partnership with agencies such as the Minnesota Department of Transportation and the Office of Tourism to promote archaeology education.

Financing Information

The program operates through General Fund appropriations. The Legislature additionally provided a one-time appropriation of \$30K for the FY98-99 biennium to support the development of a system for advising local governments of burial sites within their jurisdiction, as required under provisions of MN Stat 307.08.

MN STATUTES 138.31-.42: THE "FIELD ARCHAEOLOGY ACT" AND RELATED ISSUES

Licensure

Under provisions of MN Stat 138.31-.42, the review of archaeological projects and the qualifications of prospective licensees is one of the central functions of the office. The following indicates the number of licenses issued for each of the past six calendar years (note: the convention of reporting license figures on a calendar year basis rather than a fiscal year basis has been adopted since it better reflects activities during the annual "archaeological field season," which extends from approximately April through October/November of any given year); 1995 through 1997 figures also include the number of project proposals reviewed (number of projects exceeds number of licenses since, in some instances, projects are bundled onto one license via the "Multiple Project" licensing process):

<i>1997</i>	125 licenses / 361 project reviews	<i>1994</i>	82 licenses
<i>1996</i>	128 licenses / 494 project reviews	<i>1993</i>	53 licenses
<i>1995</i>	183 licenses / 491 project reviews	<i>1992</i>	46 licenses

The apparent dramatic increase in the number of licenses issued in prior years can be attributed in large part to the dismantling of the Minnesota Historical Society county/municipal and trunk highway archaeology programs in late 1994; the many projects undertaken by these two programs annually were covered by single, blanket-type licenses.

No individuals were identified as having initiated field investigations without having first obtained licensure required under provisions of the Field Archaeology Act during the 1997 field season.

Project Reports and Site Forms

Timely review and processing of site forms and related project reports are crucial to the development of a coherent and comprehensive state site database. All members of the archaeological community as well as the clients they serve depend on an up-to-date system.

During FY98, 1012 archaeological site forms were reviewed, approved and entered into the State's archaeological site database by OSA; this figure includes 932 newly-recorded sites and 80 site form updates. Of these, OSA-generated seven forms for newly-identified sites and 15 site updates for previously recorded sites. Scores of other site forms were also reviewed, but the materials or features reported on these forms did not meet criteria for inclusion in the site database.

MN STATUTES 307.08: BURIAL CASES AND RELATED ISSUES

Burial Investigation Cases

The "Private Cemeteries Act" includes provisions for the protection of burials 50 years and older which occur outside of platted cemeteries on either public or private lands. Such areas variously include abandoned township cemeteries, prehistoric and early historic American Indian burials, unmarked homestead burials, etc. Activities conducted under provisions of MN Stat 307.08 include the investigation of burials and burial areas and the recovery of human remains unearthed by natural or cultural activities. Under provisions of 307.08, investigation and authentication of burial sites is conducted under the *sole* auspices of OSA. Investigations conducted during the period included identification and assessment of reported American Indian and EuroAmerican remains and/or burial sites. OSA also provides consultation, including intensive background research and in-field assistance, to members of the public, state, local and private agencies, tribal communities, and archaeologists involved in issues potentially impacting burial sites.

Of 100 outstanding (i.e., no follow-up initiated) burial cases as of February 1995; 28 remain outstanding at this time. These cases, inactive for five years or more, are considered non-urgent and are reconciled on an "as-able" basis, incidental to other OSA fieldwork in the area. The current breakdown of outstanding cases by fiscal year is as follows:

1993	14	1992	4	1991	7	1990	3
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The bulk of the OSA-managed cases have focused on resolution of more urgent and/or complex investigations, which typically require more intensive and long-term case management. In the past 12 months, OSA has been directly involved in 85 burial site authentication/investigation cases; 11 of these cases are on-going. In all such investigations, *OSA relies on methods and techniques which are objective, replicable and definitive*. It is noteworthy that many cases result in negative findings, i.e., the examined burial features are determined to have been destroyed, or are determined not represent burials or related features.

During this period, OSA has additionally responded to hundreds of requests for burial site information by landowners, developers, tribal interests, agencies of government, CRM professionals, legislators, and other interested parties.

The Native American Graves Protection Act (NAGPRA) and MN Statutes 307.08

Until recently, excavated or other human remains associated with Minnesota's prehistoric and early historic Indian peoples have been systematically reinterred, ostensibly under provisions of MN Statutes 307.08. Enactment of the federal Native American Graves Protection and Repatriation Act (NAGPRA) in November of 1990 effectively superseded state law, precluding repatriation and reburial under 307.08. The NAGPRA repatriation and reburial process presently continues under the joint supervision of OSA, representing the State, and MIAC, representing tribal interests.

In a January 1998 meeting with the NAGPRA Review Committee, National Park Service, OSA presented an innovative proposal for repatriating Minnesota's "culturally unidentifiable" Native American remains and associated grave goods to the tribal communities presently residing in the geographic areas from which the remains and materials originated (cf. National Park Service 1998:45-46). Although the proposal is supported in principle by the Committee, its implementation may further await revisions to federal (NAGPRA) legislation. OSA has recently been advised that the Committee is drafting a formal response to the proposal. Locally, and in advance of the January presentation, OSA successfully solicited support for the proposal from the Anthropology Department chairs at the University of Minnesota and Hamline University, MIAC, the Council for Minnesota Archaeology (the professional organization representing the State's archaeology community), and others.

RECENT LEGISLATION / LITIGATION

Language Affecting the Structure of OSA

During the 1998 legislative session, OSA did not propose or otherwise advance any changes to MN Stat 307.08 per interagency agreement with MIAC and in deference to MIAC's request that OSA refrain from doing so (November 1997 meeting attended by representatives of MIAC, OSA and the Office of the Attorney General). Subsequently, MIAC unilaterally proposed legislation (SF2361 and HF2383; cf. Appendix, esp. subd. 3a) which would have effectively negated the pre-eminent role of the State in the process of burial site investigation by eliminating the State Archaeologist's oversight function. Per this proposal, only MIAC could investigate and identify Indian burial sites. This legislation did not advance in the face of broad opposition, and subsequent to the bill being withdrawn by its Senate sponsor. OSA looks forward to working jointly with MIAC in any future efforts to modify this important legislation.

Burials Related Litigation

One burial case (21-GD-0017), litigated in FY98 (First Judicial District, case no.: 25-C8-97-000004) was decided in the State's favor. Like other, similar cases, this litigation centered around the issue of "takings", that is, the State's right to constrain certain activities on private property which has the alleged effect of reducing the usefulness or value of the parcel. In this instance, the Court determined that constraining a party's ability to build in an area of identified burial mounds did not constitute a taking. The Office of the Attorney General successfully pursued this case in collaboration with OSA. Claims of burials-related takings may become more frequent in the future due to the growth of "landowner's rights" type movements and the increasing pace of construction in areas demonstrated to have high potential for unplatted burial site location (i.e., lake, river, and bluff margins).

PROGRAM ISSUES / PERFORMANCE

The State of Minnesota has supported efforts to identify, protect and interpret its archaeological resources

for over 100 years. Beginning with surveys to identify American Indian earthworks and campsites in the late 1800s, this involvement continues today as an element of both private and public construction processes; in support of State archaeological sites such as Fort Snelling, the Grand Mound Interpretive Center, and the Jeffers rock art site; in university-level archaeology education; via Legislative Commission on Minnesota Resources (LCMR) grants in support of archaeology projects; and others.

OSA's personnel resources (division head; only one support staff; no clerical support) are presently insufficient to fully meet program mandates specified in statute. As Division Head, the State Archaeologist is necessarily involved in major tasks such as program development, budgeting, licensing, project review and implementation (both office and in-field; in-field activities are extremely time-consuming, and further limit involvement in other essential program activities). Too often, the State Archaeologist is involved in routine technical or clerical tasks while essential, legislatively-mandated program issues go unmet or are marginally realized.

At the same time,

- *the public's growing interest in the State's archaeological heritage brings increasing requests for assistance in developing archaeology education programming;*
- *the State's academic community is urging that the Office of the State Archaeologist become more directly involved in sponsoring and conducting fundamental research into the prehistoric and historic archaeology of Minnesota;*
- *the State's development community (both public and private) is demanding more aggressive responses to burial investigation issues potentially impacting construction processes;*
- *agencies such as the Department of Transportation are requesting more direct and on-going involvement in archaeological issues which impact on agency activities;*

and finally,

- *the recent development (by OSA and the Land Management Information Center) of a system for advising local governments/land managing agencies of burial site locations will further result in a substantial increase in requests for consultation and field investigation.*

Additional staff and program operations support are required to meet these needs. Staff positions would include: a 1 FTE Archaeology Educator/Grants Writer; a 1 FTE Archaeology Research Assistant; and a ¾-1 FTE Archaeological Technician/Clerical Support position. The addition of staff would further necessitate increased funding to support related activities (e.g., extra computer equipment, additional leased space, additional phone lines, etc.).

Other Recent Achievements

In addition to the accomplishments noted in above sections, OSA has initiated or completed the following:

- A State-wide pre- and protohistoric mortuary practices and patterns study (in partnership with the Minnesota Department of Transportation). The results of this research is useful for anticipating, identifying, and avoiding potential burial areas in advance of construction/development projects, which, in turn, have the potential to yield substantial cost savings to such projects. The research

additionally provides base data for further research into burial practices and patterns.

- The development of an prototype website which provides local government access to burial site location information (with the Land Management Information Center, Minnesota Planning). As noted above, the Legislature provided a one-time appropriation of \$30K for the FY98-99 biennium to support the development of this system, under provisions of MN Stat 307.08.
- The creation of an OSA website (with the Technology Management Bureau, Department of Administration).
- The development of a contract with Hamline University to provide professional osteological analysis services in support of OSA's burial investigation activities.

PUBLIC EDUCATION / PRESENTATIONS

OSA responds to public burial site inquiries (both phone and in-person) almost on a daily basis. These inquiries generally provide brief, but substantive opportunities to provide information about burial practices, burial site preservation strategies, and related legislation. OSA also has occasion to provide interested members of the public with information about the state's prehistory and early EuroAmerican settlement, and is available to identify archaeological artifacts.

OSA presentations to the public, professional archaeologists, and others during FY98 include:

- *Burial Site Preservation: The Viable Alternative*. Paper presented at the 63rd Annual Society for American Archaeology Meeting, Seattle.
- *Repatriation of Minnesota's Culturally Unidentifiable Remains and Funerary Objects*. Proposal presented to the NAGPRA Review Committee, NPS, on behalf of the State of Minnesota and the Minnesota Indian Affairs Council, Washington, DC.
- *Mound Group 21-RA-0007: Local Issues in Burial Site Preservation*. Public presentation sponsored by the White Bear Lake Area Historical Society, White Bear Lake, MN.
- *OSA Program Overview and NAGPRA Update*. Third Annual Cultural Resources Management Seminar for Federal and State Agencies, Minnesota State Historic Preservation Office, St. Paul.
- *The State of Minnesota NAGPRA Inventory and Repatriation Process*. Fall meeting of the Minnesota Indian Affairs Council, Cloquet, MN.
- *Minnesota's Rock Art: Overview and Issues*. Interdisciplinary Archaeological Studies Program, University of Minnesota, Minneapolis.
- *Archaeology, Ethics and Professional Responsibilities*. Institute for Minnesota Archaeology Field School, Red Wing, MN.
- *Overview of Minnesota Archaeology* (three presentations). Park Elementary School, Hutchinson, MN.

- *Lithic Workshop.* Minnesota Archaeological Society meeting @ Fort Snelling History Center, St. Paul.
- *Interpreting Culture Through Archaeology.* Highlands Elementary School, Edina, MN.
- *Prehistoric Meeker County.* In conjunction with Minnesota Archaeology Week, GAR Hall, Litchfield, MN.

Other OSA public education activities during FY 98 included:

- OSA support for Minnesota Archaeology Week and co-sponsorship (with Hamline University) of the Society for American Archaeology's Education Network Pilot Project. Reflecting the public's growing interest in archaeology and related heritage issues, Minnesota Archaeology Week '98 sponsored 46 separate events, engaging over 5000 participants in 22 communities, state-wide.
- Publication of "Visions in Stone: The Rock Art of Minnesota", an article describing OSA's research on Minnesota's rock art, in a recent volume of *The Minnesota Archaeologist*.

REFERENCES

- 1998 National Park Service (Archaeology and Ethnography Program)
NAGPRA News: Implementing the Native American Graves Protection Act. *Common Ground* 3(1):44-46.

APPENDIX

**MIAC - Proposed Revisions to MN Stat 307.08,
1998 Legislative Session**



Minnesota Senate

Senate Bill Status Document Display Document 1 of 1

[Senate Bill Status Search Form](#)[House Bill Status Search Form](#)Bill Name: SF2361 [Bill Text](#) [House Status](#) Revisor Number: 98-4843

Chief Author: Beckman Co-Authors: Ten Eyck

Companion File: HF2383 [Bill Text](#) [House Status](#) [Senate Status](#)**Short Description:** Burial grounds provisions modifications**Unofficial Actions:** SENATE INFORMATION

DATE UNOFFICIAL STATUS SF2361

JOBS, ENERGY AND COMMUNITY DEVELOPMENT COMMITTEE

2/12/98 Meeting scheduled for 6:15 pm - Room 123 Capitol

2/12/98 Withdrawn at request of author

Official Actions:

Date	Actions and Journal Pages(jp)
01/26/1998	Introduction and first reading (jp 4777)
01/26/1998	Referred to Jobs, Energy and Community Development (jp 4777)

[Senate Bill Status Search Form](#)[House Bill Status Search Form](#)



Minnesota Senate

KEY: ~~stricken~~ = old language to be removed
underscored = new language to be added

NOTE: If you cannot see any difference in the key above, you need to change the display of stricken and/or underscored language.

[Authors and Status](#) ■ [List versions](#)

S.F No. 2361, as introduced: 80th Legislative Session (1997-1998) Posted on 1/26/98

1.1 A bill for an act
 1.2 relating to Indian affairs; modifying provisions
 1.3 relating to human remains; amending Minnesota Statutes
 1.4 1996, sections 307.08; and 307.082, subdivision 2.
 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
 1.6 Section 1. Minnesota Statutes 1996, section 307.08, is
 1.7 amended to read:
 1.8 307.08 [DAMAGES; ILLEGAL MOLESTATION OF HUMAN REMAINS;
 1.9 BURIALS; CEMETERIES; PENALTY.]
 1.10 Subdivision 1. It is a declaration and statement of
 1.11 legislative intent that all human burials and human skeletal
 1.12 remains shall be accorded equal treatment and respect for human
 1.13 dignity without reference to their ethnic origins, cultural
 1.14 backgrounds, or religious affiliations. The provisions of this
 1.15 section shall apply to all human burials or human skeletal
 1.16 remains found on or in all public or private lands or waters in
 1.17 Minnesota.
 1.18 Subd. 2. A person who intentionally, willfully, and
 1.19 knowingly destroys, mutilates, injures, disturbs, or removes
 1.20 human skeletal remains ~~or~~, human burial grounds, or associated
 1.21 grave goods is guilty of a felony. A person who intentionally,
 1.22 willfully, or knowingly removes any tombstone, monument, or
 1.23 structure placed in any public or private cemetery or unmarked
 1.24 human burial ground, or any fence, railing, or other work
 1.25 erected for protection or ornament, or any tree, shrub, or plant
 2.1 ~~or grave goods and artifacts~~ within the limits of the cemetery
 2.2 or burial ground, and a person who, without authority from the
 2.3 trustees, ~~state archaeologist~~ county or local political
 2.4 subdivision, or Indian affairs ~~intertribal board~~ council,
 2.5 discharges any firearms upon or over the grounds of any public
 2.6 or private cemetery or ~~authenticated and identified~~ Indian
 2.7 burial ground, is guilty of a gross misdemeanor.
 2.8 Subd. 3. Every ~~authenticated and identified~~ burial ground
 2.9 may be posted for protective purposes every 75 feet around its
 2.10 perimeter with signs listing the activities prohibited by
 2.11 subdivision 2 and the penalty for violation of it. Posting is
 2.12 at the discretion of the Indian affairs council in the case of
 2.13 Indian burials or at the discretion of the ~~state archaeologist~~
 2.14 county or local political subdivision in the case of non-Indian
 2.15 burials. Nothing in this subdivision shall be construed to
 2.16 require posting of every cemetery.
 2.17 Subd. 3a. The ~~state archaeologist~~ Indian affairs council
 2.18 shall ~~authenticate~~ identify all Indian burial sites for purposes
 2.19 of this section and may enter on property for the purpose
 2.20 of ~~authenticating~~ identifying burial sites. Only after

2.21 obtaining written permission from the property owner or lessee,
2.22 descendants of persons buried in burial sites covered by this
2.23 section may enter the burial sites for the purpose of conducting
2.24 religious ceremonies. This right of entry must not unreasonably
2.25 burden property owners or unnecessarily restrict their use of
2.26 the property.

2.27 Subd. 4. The ~~state~~ Indian affairs council shall retain the
2.28 ~~services of a qualified professional archaeologist, approved by~~
2.29 ~~the state archaeologist and the Indian affairs~~
2.30 ~~council, appropriate for the purpose of gathering information to~~
2.31 ~~authenticate or identify Indian burial grounds when requested by~~
2.32 ~~a concerned scientific or contemporary Indian ethnic group, when~~
2.33 ~~Indian burials are known or suspected to exist on public or~~
2.34 ~~private lands or waters controlled by the state or political~~
2.35 ~~subdivision.~~

2.36 Subd. 5. The cost of authentication, identification,
3.1 marking, and rescue of unmarked or unidentified burial grounds
3.2 or burials shall be the responsibility of the state. The data
3.3 collected by this activity that has common value for natural
3.4 resource planning must be provided and integrated into the
3.5 Minnesota land management information system's geographic and
3.6 summary databases according to published data compatibility
3.7 guidelines. Costs associated with this data delivery must be
3.8 borne by the state.

3.9 Subd. 6. The size, description, and information on the
3.10 signs must be approved by the ~~Minnesota state historical society~~
3.11 Indian affairs council, in the case of Indian burials, and the
3.12 county or local political subdivision, in the case of non-Indian
3.13 burials.

3.14 Subd. 7. All unidentified human remains or burials found
3.15 outside of platted, recorded, or identified cemeteries and in
3.16 contexts which indicate antiquity greater than 50 years shall be
3.17 dealt with according to the provisions of this section. If ~~such~~
3.18 ~~the~~ burials are not Indian or their ethnic identity cannot be
3.19 ascertained, as determined by ~~the state archaeologist a~~
3.20 ~~qualified professional osteologist, they shall be dealt with in~~
3.21 ~~accordance with provisions established by the state~~
3.22 ~~archaeologist by the county or local political subdivision. If~~
3.23 ~~such the~~ burials are Indian, ~~as determined by the state~~
3.24 ~~archaeologist, efforts shall be made by the state archaeologist~~
3.25 ~~and the Indian affairs council to ascertain their tribal~~
3.26 ~~identity. If their probable tribal identity can be determined,~~
3.27 ~~such the~~ remains shall ~~at the discretion of the state~~
3.28 ~~archaeologist and Indian affairs council, be turned over to~~
3.29 ~~contemporary tribal leaders for disposition. If it is deemed~~
3.30 ~~desirable by the state archaeologist or the Indian affairs~~
3.31 ~~council, such remains shall be studied by a qualified~~
3.32 ~~professional archaeologist before being delivered to the tribal~~
3.33 ~~leaders. If tribal identity cannot be determined, the Indian~~
3.34 ~~remains must be dealt with in accordance with provisions~~
3.35 ~~established by the state archaeologist and the Indian affairs~~
3.36 ~~council.~~

4.1 Subd. 8. No ~~authenticated and identified~~ Indian burial
4.2 ground may be relocated unless the request to relocate is
4.3 approved by the Indian affairs ~~intertribal board~~ council. When
4.4 the Indian burial ground is located on public lands or waters,
4.5 the cost of removal is the responsibility of and shall be paid
4.6 by the state or political subdivision controlling the lands or
4.7 waters. If large Indian burial grounds are involved, efforts
4.8 shall be made by the state to purchase and protect them instead
4.9 of removing them to another location.

4.10 Subd. 9. The department of natural resources, the
4.11 department of transportation, and all other state agencies and
4.12 local governmental units whose activities may be affected, shall

4.13 cooperate with the ~~state archaeologist and the~~ Indian affairs
4.14 ~~intertribal board~~ council to carry out the provisions of this
4.15 section.

4.16 Subd. 10. When Indian burials are known or suspected to
4.17 exist, on public lands or waters, the state or political
4.18 subdivision controlling the lands or waters shall submit
4.19 construction and development plans to the ~~state archaeologist~~
4.20 ~~and the Indian affairs intertribal board~~ council for review
4.21 prior to the time bids are advertised. The ~~state archaeologist~~
4.22 ~~and the Indian affairs intertribal board~~ council shall promptly
4.23 review the plans and make recommendations for the preservation
4.24 or removal of the human burials or remains, which may be
4.25 endangered by construction or development activities.

4.26 Sec. 2. Minnesota Statutes 1996, section 307.082,
4.27 subdivision 2, is amended to read:

4.28 Subd. 2. [ACTION.] A person or entity listed in
4.29 subdivision 1 may maintain a civil action seeking a temporary or
4.30 permanent injunction, damages, or other appropriate relief
4.31 against a person who is alleged to have committed a violation of
4.32 section 307.08, subdivision 2. The action must be brought
4.33 within two years after the alleged violation is discovered and
4.34 reported to the ~~state archaeologist~~ attorney general or the
4.35 Indian affairs council. The action must be filed in either the
4.36 district court of the county in which the subject burial ground
5.1 is located or in which the defendant resides.