

## Alaska Indian Burial Laws

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### ALASKA

**Citation:** Alaska Historic Preservation Act (Alaska Stat. Â§41.35.010 through Â§41.35.240).

**Dates Enacted :** 1971, amended 1988 and 1993

**Summary:** Alaska has no specific laws dealing with reburial or repatriation of prehistoric human remains or an unmarked graves law, Â§41.35.190(c) of the Alaska Historic Preservation Act does state that "No person may unlawfully destroy, mutilate, deface, injure, remove or excavate a gravesite or a tomb, monument, gravestone or other structure or object at a gravesite, even though the gravesite appears to be abandoned, lost or neglected." Native Alaskan consent is required for excavation of native sites and landowner consent is required for excavation on private lands. The Alaska Historical Commission has responsibility for managing and protecting all prehistoric and historic sites in the state and issues permits for excavations. Nothing may diminish cultural rights or responsibilities of persons of aboriginal decent or infringe upon their right of possession, and use of those resources and local cultural groups may obtain from the state resources of respective cultural if meet certain criteria. Violations of the Historic Preservation Act provisions are considered a class A misdemeanor and civil penalties may be assessed up to \$100,000 per violation and up to one year in jail.

**Jurisdiction:** All state lands.

**Statute of Limitations:** Not specified.

**Areas Covered Under Act:** All structures, ruins, sites, buildings, graves, artifacts or other objects of antiquities.

**Ownership:** State owns all archaeological sites and resources on state lands. **Review/Consultation Committee:** The Historic Sites Advisory Committee includes 2 persons representing ethnic groups indigenous to Alaska.

**Liable:** Anyone who excavates without a permit or anyone who removes, injures, destroys, any historic, prehistoric or archaeological resources of the state.

**Penalties:** Violations are considered a Class A misdemeanor with fines up to \$5,000 and up to one year in jail. Civil penalties may be assessed up to \$100,000.

**Exemptions:** Nothing may diminish cultural rights or responsibilities of persons of aboriginal decent or infringe upon their right of possession, and use of those resources and local cultural groups may obtain from the state resources of respective cultural if meet certain criteria. **Permitting:** The Alaska Historical Commission issues permits for archaeological and historical site excavation.

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