

DNR

Indiana Department of Natural Resources



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August 12, 2008

Building Department
114 West Michigan Street
Lagrange, IN 46761

Dear Building Department Head:

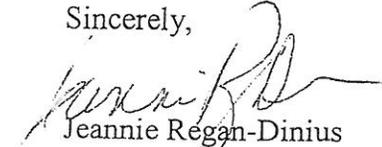
The Division of Historic Preservation and Archaeology (DHPA) has always worked closely with building departments to help implement cemetery protection laws and to educate landowners about laws regarding construction near cemeteries. I am writing to inform you of new changes in current Indiana law that went into affect July 1, 2008. These changes affect construction near cemeteries and when artifacts are found.

IC 14-21-1-2 defines an artifact. In the past, an artifact was any "object made or shaped by human workmanship before December 11, 1816." In general, this usually meant Native American objects and very early settlement pieces. With the law changes, the definition of object broadens to include more pieces of our built past. The new definition describes an artifact as "a feature that is nonportable evidence of past human behavior or activity; found on or in the ground, including structural remains; and formed before **December 31, 1870.**" This new definition catches more of Indiana's pioneer history. If artifacts are found during a construction project, work must stop and we must be notified in two business days.

IC 14-21-1-26.5 helps protect cemeteries from development within 100 feet of them. Previously, the law only required a development plan approval through DHPA if the work would involve the "erection, alteration, or repair of any structure." This never included grading for landscaping, gravel pit operations, or other activities not considered a structure. Under the new law, the wording "to excavate or cover over the ground" has been included, allowing for the review of various types of projects that might impact graves. As in the past, the law does not state a person or company cannot do this activity within 100 feet of a cemetery, only that before work begins that a development plan must be approved by the DHPA.

If you have any questions regarding this matter, please do not hesitate in contacting me.

Sincerely,


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