

**SECOND REVISED PROPOSED REGULATION OF THE
MUSEUM DIRECTOR OF THE
NEVADA STATE MUSEUM**

LCB File No. R061-19

October 9, 2021

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§ 1-11 and 14, NRS 381.0069; § 12, NRS 381.0069, 381.207 and 381.223; §§ 13 and 23, NRS 381.196 and 381.203; §§ 15-22, NRS 381.196; § 25, NRS 381.203.

A REGULATION relating to historic preservation; requiring the Museum Director of the Nevada State Museum to provide notice to and consult with certain Indian tribes in certain situations; requiring the Museum Director to seek to ensure that the values, beliefs and traditions of Indian tribes are fully considered and incorporated when consulting with each applicable Indian tribe and when repatriating prehistoric native Indian human remains or funerary objects; authorizing the Museum Director to issue a permit to excavate a prehistoric Indian burial site on private land if certain conditions are satisfied; requiring the Museum Director to submit certain information to certain Indian tribes and to the Office of Historic Preservation of the State Department of Conservation and Natural Resources in certain situations; providing the notice and consultation requirements for a permit to excavate a prehistoric Indian burial site on private land; providing the process for obtaining and renewing a permit to excavate a prehistoric Indian burial site on private land, including the qualifications an applicant must satisfy for a permit to excavate a prehistoric Indian burial site on private land; providing terms and conditions that apply to such permits; providing for the enforcement of provisions relating to a permit to excavate a prehistoric Indian burial site on private land; providing certain requirements for the issuance or renewal of a permit to investigate, explore or excavate historic or prehistoric sites on federal or state land; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Museum Director of the Nevada State Museum to adopt regulations as necessary to carry out certain provisions relating to the required notice to and consultation with certain Indian tribes culturally affiliated with particular artifacts or sites, the repatriation of certain artifacts to an Indian tribe and the preservation of prehistoric and historic sites, including prehistoric Indian burial sites. (NRS 381.0069)

Existing law provides that if articles, implements or materials found or discovered during the investigation, exploration or excavation of a historic or prehistoric site on federal or state lands or any object of antiquity or collection taken from a historic or prehistoric site on federal or state lands without a permit is prehistoric native Indian human remains or funerary objects, such remains or objects must

be repatriated to the closest culturally affiliated Indian tribe. Before repatriating such remains or objects, notice and consultation with each applicable Indian tribe must occur. (NRS 381.207, 381.223) **Section 12** of this regulation requires the Museum Director or his or her designee to: (1) provide notice to and consult with each applicable Indian tribe; and (2) seek to ensure that the values, beliefs and traditions of the applicable Indian tribe are fully considered and incorporated in the consultation and repatriation process.

Existing law requires a person to obtain a permit issued by the Museum Director before he or she excavates a site on private lands within this State that the person knows is a prehistoric Indian burial site. (NRS 381.196) **Section 13** of this regulation provides that the Museum Director may issue a Nevada Indian Burial Site Permit for excavations on sites that are located on private lands within this State.

Existing law requires the Office of Historic Preservation of the State Department of Conservation and Natural Resources to compile and maintain an inventory of any objects, sites or information of historic, prehistoric, archeological, architectural or paleontological significance in Nevada that are deemed significant by the Administrator of the Office. (NRS 383.021) **Section 14** of this regulation requires the Museum Director or his or her designee to submit information concerning a prehistoric Indian burial site to the closest culturally affiliated Indian tribe and to the Office for the Office's consideration to include the site in the inventory if the prehistoric Indian burial site is not recorded in the inventory.

Existing law requires the Museum Director to adopt regulations governing a permit issued for the excavation of a site on private lands within this State that the person knows is a prehistoric Indian burial site. Such regulations must require notice and consultation with the applicable Indian tribes throughout the permitting process. (NRS 381.0066, 381.196) Upon receiving an application for a Nevada Indian Burial Site Permit, when renewing the Nevada Indian Burial Site Permit and throughout the process of obtaining and renewing the Nevada Indian Burial Site Permit, **section 15** of this regulation requires: (1) such notice and consultation to occur; and (2) the Museum Director to seek to ensure that the values, beliefs and traditions of the applicable Indian tribes are fully considered and incorporated in the permitting process. **Section 15** requires such notice and consultation to occur even if the applicable Indian tribes are located in a neighboring state or have ancestral land located in a neighboring state. **Section 15** provides that such consultation may vary based on the Indian tribe and the preferences of the Indian tribe and further authorizes an authorized tribal representative to act on behalf of the Indian tribe and the Museum Director to act on behalf of this State. **Section 15** provides that the authorized tribal representative is: (1) the Tribal Historic Preservation Officer of the Indian tribe; or (2) if there is no Tribal Historic Preservation Officer or if the Tribal Historic Preservation Officer is unavailable to act as such a representative, then a person who is authorized by the Indian tribe to act as such a representative and who is identified as the authorized tribal representative by the Museum Director. **Section 15** further: (1) prohibits the Museum Director from construing an applicable Indian tribe's failure to respond to such notice as consent to the issuance or renewal of the Nevada Indian Burial Site Permit; and (2) clarifies that such a failure to respond does not require the Museum Director to issue or renew the Nevada Indian Burial Site Permit.

Existing law also requires the regulations which govern the excavation of a site on private land within this State that the person knows is a prehistoric Indian burial site to: (1) set forth the process for obtaining and renewing a permit; (2) set forth the qualifications of an applicant for such a permit; (3) provide for the enforcement of the provisions relating to such a permit; and (4) fully protect the constitutional rights of property owners. (NRS 381.196) **Section 16** of this regulation authorizes the Museum Director to issue a Nevada Indian Burial Site Permit to a person who: (1) submits an application

on the form provided by the Museum Director; (2) possesses sufficient knowledge and scientific training to excavate a prehistoric Indian burial site; and (3) possesses an approved archaeological treatment plan for the proposed excavation of the prehistoric Indian burial site. **Section 16** prohibits a Nevada Indian Burial Site Permit from being issued unless the owner of the private land on which the prehistoric Indian burial site is located consents to the excavation. **Section 17** of this regulation provides certain terms and conditions that apply to: (1) the person who holds the Nevada Indian Burial Site Permit; (2) the authorized tribal representative; and (3) the applicable Indian tribe. **Section 18** of this regulation authorizes the Museum Director to impose additional terms and conditions that are adopted by the applicable Indian tribe if the excavation of the prehistoric Indian burial site involves the excavation of native Indian human remains or other cultural item of the applicable Indian tribe. **Section 19** of this regulation provides that a Nevada Indian Burial Site Permit may not be issued for a period of more than 1 year. **Section 19** authorizes a Nevada Indian Burial Site Permit to be renewed after the Museum Director or his or her designee consults with the applicable Indian tribe. **Section 20** of this regulation provides that a Nevada Indian Burial Site Permit must be voided if the permit holder fails to begin work under the Nevada Indian Burial Site Permit within 6 months after the effective date of the permit. **Section 21** of this regulation requires the Museum Director or his or her designee to report an excavation to certain entities and authorities if the Museum Director or his or her designee receives evidence that a person is excavating a prehistoric Indian burial site without having obtained a Nevada Indian Burial Site Permit so that an investigation or enforcement action may be initiated. **Section 22** of this regulation authorizes the owner of the private land on which the prehistoric Indian burial site is located or the applicant, if different than the owner of the private land, to appeal the denial of a Nevada Indian Burial Site Permit. **Section 22** additionally authorizes an applicable Indian tribe to appeal the issuance or denial of a Nevada Indian Burial Site Permit. **Section 23** of this regulation sets forth the procedure for notice and hearing with which the Museum Director must comply if the Museum Director or his or her designee has evidence that a permit holder has failed to comply with the terms and conditions set forth in **section 17** or in applicable existing law. **Section 23** authorizes the Museum Director to recover from such a permit holder reasonable attorney's fees and costs that were incurred by the Museum Director or the Division of Museums and History as part of the notice and hearing process.

Existing law requires a person to hold a valid and current permit before investigating, exploring or excavating a historic or prehistoric site on federal or state lands. (NRS 381.197)**Section 24** of this regulation provides that the Museum Director may issue a Nevada Antiquities Permit for investigations, explorations or excavations on sites that are located on federal or state lands.

Existing law authorizes the Museum Director to prescribe reasonable regulations for carrying out the investigation, exploration or excavation of a historic or prehistoric site on federal or state land. (NRS 381.203) **Sections 8 and 25** of this regulation require an applicant for a Nevada Antiquities Permit to investigate, explore or excavate a historic or prehistoric site on federal or state lands to submit an application on the form provided by the Museum Director and include a copy of the curriculum vitae for each principal investigator and each field director. **Section 25** provides the requirements with which a potential principal investigator or field director must comply to be designated as a principal investigator or field director. **Section 25** requires an applicant for the renewal of a Nevada Antiquities Permit to submit a new application on the form provided by the Museum Director and include an updated copy of the curriculum vitae for the principal investigator and field director. **Section 25** requires the Museum Director or his or her designee to complete his or her review of an application for such a permit within 30 days after receiving the completed application.

Section 1. Chapter 381 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 25, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Authorized tribal representative” means:*

- 1.** *The Tribal Historic Preservation Officer, if applicable; or*
- 2.** *If there is no Tribal Historic Preservation Officer or if the Tribal Historic Preservation Officer is unavailable to serve as the authorized tribal representative, a person who is:*
 - (a)** *Authorized by the government of the Indian tribe to engage in consultation with the Museum Director; and*
 - (b)** *Identified by the Museum Director or his or her designee pursuant to subsection 6 of section 15 of this regulation.*

Sec. 4. 1. *Except as otherwise provided in section 11 of LCB File No. R116-19, “cultural item” means human remains, associated funerary objects, unassociated funerary objects, sacred objects or objects of cultural patrimony.*

2. *As used in this section:*

- (a)** *“Associated funerary objects” has the meaning ascribed to it in 25 U.S.C. § 3001(3)(A).*
- (b)** *“Cultural patrimony” has the meaning ascribed to it in 25 U.S.C. § 3001(3)(D).*
- (c)** *“Sacred objects” has the meaning ascribed to it in 25 U.S.C. § 3001(3)(C).*
- (d)** *“Unassociated funerary objects” has the meaning ascribed to it in 25 U.S.C. § 3001(3)(B).*

Sec. 5. *“Destructive analysis” means an analysis performed using scientific or technological techniques to evaluate the properties of a material, component or system that may cause damage to the material, component or system. Such analysis includes, without limitation, a test that uses deoxyribonucleic acid extracted from the cells of a person.*

Sec. 6. *“Indian tribe” has the meaning ascribed to it in NRS 383.011.*

Sec. 7. *“Museum Director” has the meaning ascribed to it in NRS 381.195.*

Sec. 8. *“Nevada Antiquities Permit” means the permit required pursuant to NRS 381.197 to investigate, explore or excavate a historic or prehistoric site on federal or state lands or remove any object therefrom.*

Sec. 9. “Nevada Indian Burial Site Permit” means the permit required pursuant to NRS 381.196 to excavate a prehistoric Indian burial site on private lands located within this State.

Sec. 10. “Tribal Historic Preservation Officer” means the tribal preservation official who is designated by the Indian tribe pursuant to the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq., to work on issues related to the historic preservation of items or sites relating to the Indian tribe, including, without limitation, prehistoric Indian burial sites.

Sec. 11. “Values, beliefs and traditions of the applicable Indian tribe” means the values, beliefs and traditions of the applicable Indian tribe, as defined by the applicable Indian tribe.

Sec. 12. 1. For the purpose of establishing a repatriation process to carry out the provisions of paragraph (c) of subsection 4 of NRS 381.207, if any of the articles, implements or materials found or discovered during the work described in NRS 381.207 are prehistoric native Indian human remains or funerary objects, the Museum Director or his or her designee will:

(a) Provide notice to and consult with each applicable Indian tribe as required pursuant to NRS 381.207; and

(b) Seek to ensure that the values, beliefs and traditions of the applicable Indian tribe are fully considered and incorporated in the consultation and repatriation process.

2. For the purpose of establishing a repatriation process to carry out the provisions of paragraph (c) of subsection 2 of NRS 381.223, if any object of antiquity or collection seized pursuant to NRS 381.223 is prehistoric native Indian human remains or a funerary object, the Museum Director or his or her designee will:

(a) Provide notice to and consultation with each applicable Indian tribe as required pursuant to NRS 381.223; and

(b) Seek to ensure that the values, beliefs and traditions of the applicable Indian tribe are fully considered and incorporated in the consultation and repatriation process.

3. To ensure that the values, beliefs and traditions of the applicable Indian tribe are fully considered and incorporated pursuant to paragraph (b) of subsection 1 and paragraph (b) of subsection 2, the Museum Director or his or her designee will incorporate any information or requests from the applicable Indian tribe unless a compelling circumstance prevents such incorporation. If a compelling circumstance prevents such incorporation, the Museum Director or his or her designee will:

(a) Consult with the applicable Indian tribe; and

(b) After consulting with the applicable Indian tribe pursuant to paragraph (a), provide to the applicable Indian tribe a written explanation that explains why such information or requests were not incorporated.

Sec. 13. *The Museum Director may issue a Nevada Indian Burial Site Permit if the requirements of sections 15 and 16 of this regulation are met.*

Sec. 14. *If the Museum Director receives an application for a Nevada Indian Burial Site Permit that is for a prehistoric Indian burial site that is not recorded on the inventory of cultural resources which is compiled and maintained by the Office of Historic Preservation of the State Department of Conservation and Natural Resources pursuant to NRS 383.021, the Museum Director or his or her designee will submit information regarding the site to:*

1. *The closest culturally affiliated Indian tribe, as determined in the manner set forth in NRS 381.0067; and*

2. *The Office for consideration to include the site in the inventory.*

Sec. 15. 1. *Upon receiving an application for a Nevada Indian Burial Site Permit or for the renewal of a Nevada Indian Burial Site Permit and before issuing a Nevada Indian Burial Site Permit pursuant to section 16 of this regulation or renewing a Nevada Indian Burial Site Permit pursuant to section 19 of this regulation and, at the discretion of the Museum Director, throughout the process for obtaining or renewing a Nevada Indian Burial Site Permit, as applicable, the Museum Director will:*

(a) *Provide notice to and consult with each applicable Indian tribe in the manner provided by NRS 381.0066; and*

(b) *Seek to ensure that the values, beliefs and traditions of the applicable Indian tribe are fully considered and incorporated in the permitting process, including, without limitation, providing a disclosure to the applicable Indian tribe which indicates that each tribe has the right to have their values, beliefs and traditions fully considered in the permitting process.*

2. *To determine if an Indian tribe is an applicable Indian tribe for the purposes of subsection 1, the Museum Director will determine which Indian tribe or Indian tribes have the closest cultural affiliation to the site in the manner provided by NRS 381.0067.*

3. *If the Indian tribes that have the closest cultural affiliation are located in a neighboring state or have ancestral land located in a neighboring state, the Museum Director will:*

(a) *Provide notice to and consult with each applicable Indian tribe in the manner provided by NRS 381.0066; and*

(b) *Seek to ensure that the values, beliefs and traditions of each applicable Indian tribe are fully considered and incorporated in the permitting process, including, without limitation, providing a disclosure to each applicable Indian tribe which indicates that each tribe has the right to have their values, beliefs and traditions fully considered in the permitting process.*

4. When consulting with the applicable Indian tribe pursuant to this section, the consultation may vary based on the Indian tribe and the preferences of the Indian tribe. In such consultations, the authorized tribal representative may act on behalf of the Indian tribe and the Museum Director may act on behalf of this State. When performing such consultations, the Museum Director or his or her designee will ask the applicable Indian tribe to provide to the Museum Director, the applicant and the owner of the private land on which the prehistoric Indian burial site is located:

(a) If the Indian tribe has a Tribal Historic Preservation Officer, a list that includes the Tribal Historic Preservation Officer and any other authorized tribal representatives who may act on behalf of the Indian tribe during the excavation on private land; and

(b) If the Indian tribe does not have a Tribal Historic Preservation Officer, a list of authorized tribal representatives who may act on behalf of the Indian tribe during the excavation on private land.

5. If the Indian tribe has a Tribal Historic Preservation Officer, the Tribal Historic Preservation Officer is the authorized tribal representative for the Indian tribe. If the Indian tribe does not have a Tribal Historic Preservation Officer or if the Tribal Historic Preservation Officer is unavailable to act as the authorized tribal representative, the authorized tribal representative is the person who is:

(a) Included on the list provided in subsection 4; and

(b) Identified by the Museum Director pursuant to subsection 6.

6. If the Indian tribe does not have a Tribal Historic Preservation Officer or if the Tribal Historic Preservation Officer is unavailable to act as the authorized tribal representative, the Museum Director or his or her designee will identify the person from the list provided pursuant to subsection 4 who will act as the authorized tribal representative for the excavation for which a Nevada Indian Burial Site Permit is issued. If the person who is identified to act as the authorized tribal representative becomes unavailable during the excavation for which a Nevada Indian Burial Site Permit is issued, the Museum Director or his or her designee will identify another person from the list who will act as the authorized tribal representative. Upon identifying the person to act as the authorized tribal representative, the Museum Director will forward the information of the authorized tribal representative to the applicant and the owner of the private land on which the prehistoric Indian burial site is located.

7. To ensure that the values, beliefs and traditions of each applicable Indian tribe are fully considered and incorporated pursuant to paragraph (b) of subsection 1 and paragraph (b) of subsection 3, the Museum Director will incorporate any information or requests from each applicable Indian tribe unless a compelling circumstance prevents such incorporation. If

a compelling circumstance prevents such incorporation, the Museum Director or his or her designee will:

(a) Consult with the applicable Indian tribe; and

(b) After consulting with the applicable Indian tribe pursuant to paragraph (a), provide to each applicable Indian tribe a written explanation that explains why such information or requests were not incorporated.

8. If an applicable Indian tribe fails to respond to the Museum Director after receiving notice pursuant to this section, the Museum Director will not construe such failure to respond as consent to the issuance or renewal of a Nevada Indian Burial Site Permit. Such failure to respond does not require the Museum Director to issue or renew a Nevada Indian Burial Site Permit.

9. As used in this section, “neighboring state” means Arizona, California, Idaho, Oregon and Utah.

Sec. 16. 1. *Except as otherwise provided in subsection 3, after providing notice to and consulting with each applicable Indian tribe pursuant to section 15 of this regulation, the Museum Director may issue a Nevada Indian Burial Site Permit pursuant to NRS 381.196, as amended by section 1 of Assembly Bill No. 103, chapter 234, Statutes of Nevada 2021, at page 1087, to an archaeologist or archaeological company that:*

(a) Submits an application on the form provided by the Museum Director;

(b) Possesses sufficient knowledge and scientific training to excavate a prehistoric Indian burial site and such knowledge and training is at least as sufficient as required by paragraph (c) of subsection 1 of NRS 381.203 for a Nevada Antiquities Permit; and

(c) Possesses an archaeological treatment plan for the proposed excavation of the prehistoric Indian burial site that is approved by the Museum Director.

2. Before approving an archaeological treatment plan required pursuant to paragraph (c) of subsection 1, the Museum Director will consult with the closest culturally affiliated Indian tribe, as determined in the manner set forth in NRS 381.0067. The Indian tribe must submit any proposed changes to the archaeological treatment plan not later than 30 days after the Museum Director consults with the Indian tribe.

3. The approved archaeological treatment plan for the proposed excavation that is required pursuant to paragraph (c) of subsection 1 must include, without limitation, a plan for the repatriation of native Indian human remains or other cultural item of an Indian tribe found or discovered during the excavation and, if such items cannot be repatriated, a burial plan for the native Indian human remains. The plan for repatriation must:

(a) Follow the repatriation process set forth in 25 U.S.C. § 3001, et seq.; and

(b) Seek to ensure that the values, beliefs and traditions of the applicable Indian tribe are fully considered and incorporated in the repatriation process.

4. To ensure that the values, beliefs and traditions of the applicable Indian tribe are fully considered and incorporated in the repatriation process pursuant to paragraph (b) of subsection 3, the Museum Director will incorporate any information or requests received from the applicable Indian tribe unless a compelling circumstance prevents such incorporation. If a compelling circumstance prevents such incorporation, the Museum Director or his or her designee will:

(a) Consult with the applicable Indian tribe; and

(b) After consulting with the applicable Indian tribe pursuant to paragraph (a), provide to the applicable Indian tribe a written explanation that explains why such information or requests were not incorporated.

5. A Nevada Indian Burial Site Permit may not be issued pursuant to this section unless the owner of the private land on which the prehistoric Indian burial site is located consents to the excavation.

Sec. 17. 1. A person to whom a Nevada Indian Burial Site Permit is issued pursuant to section 16 of this regulation shall:

(a) Handle any native Indian human remains or other cultural item of an Indian tribe in the manner determined by the applicable Indian tribe pursuant to paragraph (b) of subsection 4.

(b) Ensure that during the excavation of the prehistoric Indian burial site, any native Indian human remains or other cultural item of an Indian tribe excavated at the site is treated with dignity and respect, as determined by the applicable Indian tribe, at all times.

(c) As determined by the Museum Director in consultation with the applicable Indian tribes, avoid any unnecessary disturbance, physical modification or separation of native Indian human remains or other cultural item of an Indian tribe.

(d) When native Indian human remains or other cultural item of an Indian tribe are found during the excavation and if the authorized tribal representative is not present, notify the Museum Director or his or her designee. The Museum Director, or his or her designee, will notify the authorized tribal representative and provide 7 calendar days for the authorized tribal representative to respond and notify the Museum Director, or his or her designee, whether, pursuant to subsection 3, the authorized tribal representative will inspect or review the native Indian human remains or other cultural item of the applicable Indian tribe or conduct a ceremony or other activity used to express condolences at the excavation site, in accordance with the values, beliefs and traditions of the applicable Indian tribe, or both.

(e) Ensure that the excavation site is secured and not disturbed by the public during the excavation.

(f) Pursuant to the approved archaeological treatment plan for the proposed excavation of the prehistoric Indian burial site required by paragraph (c) of subsection 1 of section 16 of this regulation, repatriate to the closest culturally affiliated Indian tribe, as determined in the manner set forth in NRS 381.0067, any native Indian human remains or other cultural item of an Indian tribe as soon as possible after the remains or item is excavated. If the remains or item cannot be repatriated, the person to whom a Nevada Indian Burial Site Permit is issued pursuant to section 16 of this regulation shall ensure that any native Indian human remains are buried pursuant to the burial plan for native Indian human remains required by subsection 3 of section 16 of this regulation.

2. The person to whom a Nevada Indian Burial Site Permit is issued pursuant to section 16 of this regulation shall not:

(a) Unless otherwise requested by the authorized tribal representative, collect any sediments in direct contact with native Indian human remains or any soil samples from the excavation site.

(b) Unless otherwise requested by the authorized tribal representative, use destructive analysis on any native Indian human remains or other cultural item of an Indian tribe.

(c) Violate paragraph (b) of subsection 3 of NRS 383.180 by publicly displaying or exhibiting native Indian human remains, except during a funeral ceremony.

(d) Unless disclosure is otherwise authorized pursuant to 16 U.S.C. § 470hh(a) or disclosure is necessary to conduct the excavation, as determined by the Museum Director in consultation with the applicable Indian tribe, make available to the public information concerning the nature and location of the excavation site or any native Indian human remains or other cultural item of an Indian tribe found at the excavation site.

3. The authorized tribal representative, upon receiving the notification pursuant to paragraph (d) of subsection 1, may:

(a) Inspect and review native Indian human remains or other cultural item of an Indian tribe at the excavation site in situ for the purpose of identifying native Indian human remains or other cultural item of an Indian tribe.

(b) Notify the Museum Director, or his or her designee, that the authorized tribal representative wishes to conduct a ceremony or other activity used to express condolences, in accordance with the values, beliefs and traditions of the Indian tribe. The Museum Director, or his or her designee, will notify the owner of the private land on which the prehistoric Indian burial site is located and, upon obtaining the consent of the owner of the private land on which the excavation is being conducted, notify the authorized tribal representative that he

or she may conduct the ceremony or other activity at the excavation site, in accordance with the values, beliefs and traditions of the applicable Indian tribe.

4. The applicable Indian tribe:

(a) May, with the consent of the owner of the private land on which the prehistoric Indian burial site is located, station an observer at the excavation site during the excavation of the prehistoric Indian burial site. If the owner of the land on which the prehistoric Indian burial site is located consents, the applicable Indian tribe may charge the owner of the land for the costs incurred by the applicable Indian tribe to pay the observer.

(b) Shall, before the excavation begins, determine, in consultation with the person to whom a Nevada Indian Burial Site Permit is issued pursuant to section 16 of this regulation, how native Indian human remains or other cultural item of an Indian tribe are to be handled during the excavation.

Sec. 18. *In addition to the terms and conditions set forth in section 17 of this regulation, the Museum Director may impose terms and conditions adopted by the applicable Indian tribe if the excavation of the prehistoric burial Indian site involves the excavation of native Indian human remains or other cultural item of the applicable Indian tribe.*

Sec. 19. 1. *A Nevada Indian Burial Site Permit may not be issued for a period of more than 1 year.*

2. *A Nevada Indian Burial Site Permit may be renewed for an additional period of time upon application by the person to whom the Nevada Indian Burial Site Permit was issued. Before renewing a Nevada Indian Burial Site Permit pursuant to this subsection, the Museum Director or his or her designee will consult with the applicable Indian tribe.*

Sec. 20. *Failure to begin work under a Nevada Indian Burial Site Permit within 6 months after the effective date of the Nevada Indian Burial Site Permit shall render the permit void without any order or action from the Museum Director.*

Sec. 21. *If the Museum Director or his or her designee receives evidence that a person is excavating a prehistoric Indian burial site without having obtained a Nevada Indian Burial Site Permit, the Museum Director or his or her designee will report the excavation to the Division of State Parks of the State Department of Conservation and Natural Resources, and personnel thereof, the sheriffs in their respective counties, the Nevada Highway Patrol or any other peace officer, as applicable, so that an investigation or enforcement action may be initiated pursuant to NRS 381.221.*

Sec. 22. 1. *The owner of the private land on which a prehistoric Indian burial site is located or the applicant for the Nevada Indian Burial Site Permit, if different than the owner of the private land, may appeal the denial of a Nevada Indian Burial Site Permit. Such an appeal must be filed with the Administrator within 10 business days after the denial of the*

Nevada Indian Burial Site Permit. The Administrator will notify the applicable Indian tribe of an appeal made pursuant to this subsection.

2. The applicable Indian tribe may appeal the issuance or denial of a Nevada Indian Burial Site Permit. Such an appeal must be filed with the Administrator within 10 business days after the issuance or denial. If an appeal of an issuance of a permit is filed pursuant to this subsection, the excavation of the prehistoric Indian burial site must be stayed until the appeal is resolved.

Sec. 23. 1. *If the Museum Director or his or her designee has evidence that is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs that a person to whom a Nevada Indian Burial Site Permit or a Nevada Antiquities Permit is issued has failed to comply with the provisions of section 17 of this regulation or with NRS 381.195 to 381.227, inclusive, as applicable, the Museum Director may schedule a permit revocation hearing.*

2. The Museum Director or his or her designee will provide written notice to the person described in subsection 1 pursuant to NRS 233B.121 and 241.034.

3. After providing written notice pursuant to subsection 2, the Museum Director will hold a permit revocation hearing pursuant to NRS 233B.121 to 233B.150, inclusive.

4. Unless otherwise directed by the Museum Director, upon receiving written notice pursuant to subsection 2, the person who is described in subsection 1 shall cease all work on the investigation, exploration or excavation, as applicable.

5. If, after the permit revocation hearing is held and any appeals are considered, it is determined that the person described in subsection 1 failed to comply with the provisions of section 17 of this regulation or with NRS 381.195 to 381.227, inclusive, as applicable, the Museum Director:

(a) Will revoke the Nevada Indian Burial Site Permit or Nevada Antiquities Permit, as applicable.

(b) May recover from the person reasonable attorney's fees and costs that were incurred by the Museum Director or the Division as part of carrying out the provisions of this section.

6. As used in this section, "costs" means:

(a) Costs of an investigation.

(b) Costs for photocopies, facsimiles, long distance telephone calls and postage and delivery.

(c) Fees for court reporters at any depositions or hearings.

(d) Fees for expert witnesses and other witnesses at any depositions or hearings.

(e) Fees for necessary interpreters at any depositions or hearings.

(f) Fees for service and delivery of process and subpoenas.

(g) Expenses for research, including, without limitation, reasonable and necessary expenses for computerized services for legal research.

Sec. 24. *The Museum Director may issue a Nevada Antiquities Permit if the applicant for such a permit meets the requirements of section 25 of this regulation.*

Sec. 25. 1. *An applicant for a Nevada Antiquities Permit must submit an application on the form provided by the Museum Director and include, without limitation, a copy of the curriculum vitae for each principal investigator and each field director.*

2. An applicant may designate more than one person for the roles of principal investigator and field director.

3. Before being designated as a principal investigator by the applicant, the person whom the applicant is considering to be a principal investigator:

(a) Must satisfy the applicable Professional Qualifications Standards promulgated by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation that are available at the Internet address http://www.nps.gov/history/local-law/arch_stnds_9.htm.

(b) Must have experience in archaeology in the Great Basin region or in the Southwest region of the United States.

(c) Must have experience in or knowledge of the region or county where he or she may work under the Nevada Antiquities Permit.

(d) Must have experience working with Indian tribes.

4. Before being designated as a field director by the applicant, the person whom the applicant is considering to be a field director:

(a) Must demonstrate experience as a field director of a project in which he or she oversaw the day-to-day conduct of fieldwork, including, without limitation, the supervision of crew chiefs.

(b) Must have experience in archaeology in the Great Basin region or in the Southwest region of the United States.

(c) Must have experience in or knowledge of the region or county where he or she may work under the Nevada Antiquities Permit.

(d) Must have experience working with Indian tribes.

(e) May be registered with the Register of Professional Archaeologists.

5. To renew a Nevada Antiquities Permit pursuant to NRS 381.211, the applicant must submit a new application on the form provided by the Museum Director and include, without limitation, an updated copy of the curriculum vitae for each principal investigator and each field director.

6. The Museum Director, or his or her designee, will complete his or her review of an application for the issuance or renewal of a Nevada Antiquities Permit within 30 days after receiving a completed application.

7. As used in this section:

(a) "Field director" means a person who is responsible for the day-to-day conduct of fieldwork at a historic or prehistoric site.

(b) "Principal investigator" means a person who is in charge of the investigation, exploration or excavation of a historic or prehistoric site.