

INFORMATIONAL STATEMENT**LCB File No. R061-19 & R116-19**

1. The purpose of these regulations (LCB File No. R061-19) is to provide a process for the Nevada State Museum (NSM), in consultation with the closest affiliated tribe(s), to permit excavations of Known Indian Burial sites on private land in the State of Nevada. The regulations (LCB File No. R116-19) also provide the agencies within the Division of Museums and History (DMH), a process for the repatriation of Native American human remains or other NAGPRA related cultural items, defined in 25 U.S.C. § 3001(3)(D), deemed abandoned property. The NSM was mandated by the State to write these regulations in consultation with the 27 Federally recognized tribes in Nevada, and any tribes located in neighboring states such as California, Arizona, Utah, and Oregon.

LCB File No. R061-19 and R116-19 was distributed to the public through the NSM Tribal and Antiquities Permit listservs, and the Nevada Indian Commission's (NIC) listserv. The regulations were posted in accordance with the Nevada's Open Meeting Law (NRS Chapter 241) along with Public Workshop and Public Hearing announcements and agendas were submitted to the Legislative Council Bureau, the State's official website, the DMH, and NSM webpages.

2. Public comment was solicited throughout the regulation drafting process, through planned meetings with tribal members and government, and the distribution of the regulations through two Anthropology listservs (Tribal and Antiquities Permit holders). One listserv includes Tribal Chairs, THPOs, and Tribal Cultural representatives for the 27 Federally recognized Nevada tribes, federally recognized tribes in adjacent states (i.e., Arizona, California, Oregon, and Utah) and interested members of the public. The second listserv includes all individuals and Cultural Resource Management companies who have a Nevada Antiquities permit. Meeting announcements and regulations were also distributed through the Nevada Indian Commission's (NIC) tribal listserv. Public comment was gathered throughout the regulation process, and when possible, comments were incorporated into the amended regulations.

Comments were received in writing during and following the Public Hearing on March 14, 2022. Comments were read during the public comment section by Mervin Wright Jr., Pyramid Lake Paiute tribal member and Environmental Manager. Mervin's comments included statements regarding issues of ownership of Native American human remains and cultural items as related to the Native American Graves Protection and Repatriation Act (NAGPRA), and a statement regarding how these objects should be respectfully treated. Other comments were received from Marla McDade Williams (Nevada tribal member and past Reno Sparks Indian Colony [RSIC] lobbyist) and in summary, seeks tribal input before a permit is issued. Her written comments also suggested the consulting tribe be notified early in the decision to revoke a permit and notified of any hearings where a private property owner can appeal this decision.

A summary of the public comments and response can be obtained from NSM's Anthropology program by emailing Anna Camp at acamp@nevadaculture.org or calling 775-687-4810 ext. 26.

3. Consultation between Nevada's 27 federally recognized tribes, the DMH, and NSM was initiated in June 2018. Please find the list below, of meetings where NSM sought input on the regulations throughout the drafting process. DMH and NSM also held three public workshops (December 13, 2018, January 24, 2019, May 25, 2019). Drafts of these workshops with comments were posted on the DMH and NSM website. Contact information for some meeting attendees can be found following the timeline of meetings. Also, please find the attached Tribal Contact list from the Nevada Indian Commission webpage and Division of Museums & History internal phone list. These documents should provide supplemental contact information.

Meeting June 5, 2018:

NSM held informal public meeting at the Nevada State Museum.

Tribes/Tribal entities present:

Warren Graham (Chairman/Tribal Historic Preservation Officer [THPO] DWST*), Betty Aleck (THPO PLPT), Mervin Wright Jr. (Environmental Manager PLPT), Michon Ebon (THPO, RSIC), Scott Nebesky (Former Planning Director, RSIC), Marla McDade Williams (Former Lobbyist, RSIC, Strategies 360), Laurie Thom (Former Chairwoman, YPT), Sherry Rupert (Former Executive Director, Nevada Indian Commission [NIC]).

Public present:

Chaunsey Chau Duong (Lobbyist Las Vegas Valley Water District [LVVWD])
Nathan Harper (Archaeologist, Springs Preserve)
Dietrick McGinnis (Owner of McGinnis and Associates)

DMS, NSM, NSMLV staff present:

Anna Camp (NAGPRA Coordinator/Tribal Liaison, NSM)
Peter Barton (Former DMH Administrator)
Rachel Delovio (Collections Manager, NSM)
Myron Freedman (Administrator, DMH/Acting Director NSM)
Gene Hattori (Curator of Anthropology, NSM)
Dennis McBride (Former Director, NSMLV)
McDonough, Maureen (Administrative Assistant, Nevada State Museum, Las Vegas)
Timm, Mary Beth (Director, Lost City Museum)

Key Input and Comments:

Tribes asked the museum to take time and do more outreach and consultation with the tribes. We were asked to get out and visit the tribes, not just tribal leaders, and ask for input. Following this meeting NSM staff began a plan of action to initiate consultation and input for the Nevada Administrative Code (NAC).

June 19, 2018:

Anna Camp met with Darrel Cruz (THPO, Washoe Tribe).

Key Input and Comments:

Consultation can sometimes be one-on-one discussions. Mr. Cruz provided a map of Washoe tribal territory and Declaration of Washoe Descendance and Cultural Affiliation.

June 25, 2018:

Anna Camp and Gene Hattori met with Michon Eben (THPO, RSIC), Marla McDade Williams (Lobbyist, RSIC, Strategies 360), and RSIC Cultural Committee, at Ms. Eben's office.

Key Input Comments:

NSM needs to better understand the Tribal worldview. NSM needs to listen more and not speak, especially to tribal elders. RSIC would like all objects returned to the tribes. RSIC objects to science, archaeology, Federal Cultural Resources laws, and SB 244 limitations. RSIC represents all Nevada Tribes. Every object is sacred to Native people. The regulations need to incorporate the values, beliefs, and traditions of the tribes.

June 28, 2018:

Anna Camp and Myron Freedman met with Pyramid Lake Paiute Tribal (PLPT) members, Betty Aleck (THPO) and Mervin Wright, Jr. (Environmental Manager) at Tribal headquarters in Nixon, NV.

Key Input and Comments:

Consultation may mean government to government contact, and some affiliated tribes might not want to engage. We need to meet with each tribe to determine consultation preferences. The PLPT prefer that the THPO be contacted first and then the Chairman/woman if necessary. Several or all tribes should be notified of findings. There was some concern that property owners will excavate without obtaining a permit. There is a need for a research design before the excavation. There should be some best practices for excavation of Known Indian Burial Sites.

July 26, 2018:

Anna Camp met with Ely Shoshone Tribal representatives, Jill Perez (Environmental Grant Administrator), Brianna Hedges (Environmental Protection Specialist), Synthia Stark (Student Intern/Ely Tribal Member) at Environmental office in Ely, NV.

Key Input and Comments:

Consultation is government to government interactions. The Ely Shoshone Tribe prefers to receive notification by mail. The notification of a permit should be sent to all the tribes in the area. DNA can be useful for determining lineal descent.

August 9, 2018:

Anna Camp held a regional meeting at NSM Las Vegas.

Tribes/Tribal entities present:

Katherine Hasbrouck (Tribal Council member – Winnemucca Indian Colony [WIC]), Judy Rojo (Tribal Council member, WIC), and Misty Alvery (Tribal Council member, WIC).

Note: No contact information was shared

Public present:

Helen Mortenson (Ice Age Park Foundation), Paul Aizley (Ice Age Park Foundation), and Chaunsey Chau-Duong (Lobbyist, LVVWD).

DMS, NSM, NSMLV staff present:

Anna Camp, Gene Hattori, Myron Freedman, Sali Underwood, and Dennis McBride.

Key Input and Comments:

Katherine, Judy, and Misty believe that consultation is a back-and-forth conversation between the museum and the tribes. They had concern that excavation without a burial permit is only a misdemeanor. They suggested having a meeting with law enforcement. They mentioned that Winnemucca Indian Colony does not have the ability to rebury remains at this time, due to the lack of tribal organization.

August 16, 2018:

Regional meeting held by NSM staff at Western Nevada College, Elko, NV.

Tribes/Tribal entities present:

Hope Jackson (Confederated Tribes of the Goshute Reservation [CTGR]), Rupert Steele (Chairman CTGR), Joseph Holley (former Battle Mountain Band [BMBC] Chairman, current Te-Moak Chairman), Tanya Reynolds (South Fork Band Council [SFBC] tribal member), Dallas Smales (Tribal Member, SFBC), and Rupert Steele (Chairman, Confederated Tribes of the Goshute).

NSM staff present:

Gene Hattori (Curator of Anthropology, NSM), Myron Freedman (DMH Administrator, former NSM Director), Anna Camp (Tribal Liaison/NAGPRA Coordinator).

Key Input and Comments:

The tribal attendees wanted to know why all the tribes had not heard of SB 244 before it passed in the legislature. They believe there is a lack of respect between government agencies and tribes during consultation. There was a concern that SB 244 only represents the concerns of urban rather than rural tribes that work with mining companies. They believe that private landowners should register known burial sites. There was concern with what a known burial sites means. The tribal attendees think that landowners will avoid informing authorities and will excavate without a permit. They think that the research plan should include a

respectful way to move burials. They think that Tribal Monitors should be called Cultural Specialists. They think there needs to be two points of contact for each tribe, and that all tribes should be notified before issuing a permit.

August 27, 2018:

Anna Camp traveled to Lovelock, NV to presented information on SB 244, tribal consultation for regulations, traveled with the Nevada Indian Commission during their annual tribal visits.

Tribes/Tribal entities present:

Stephanie Rhodes (Lovelock Paiute Tribe [LPT], former Chairwoman), Sherry Rupert (Former Executive Director, NIC), Kelly Krolicki (Commissioner NIC), Richard Arnold (Commissioner NIC), Kostan Lathouris (Commissioner NIC), Sari Nichols (Program Officer NIC)

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM)

Key Input and Comments:

The main concerns of the tribe are related to health and safety. They are working on access to better healthcare and education. No questions were asked of Anna Camp when SB 244 information was provided.

August 27, 2018:

Anna Camp traveled to Fort McDermitt, NV to presented information on SB 244, tribal consultation for regulations, traveled with the NIC during their annual tribal visits.

Tribes/Tribal entities present:

Tildon Smart (Chairman Fort McDermitt Tribe), Sherry Rupert (Former Executive Director, NIC), Kelly Krolicki (Commissioner NIC), Richard Arnold (Commissioner NIC), Kostan Lathouris (Commissioner NIC), Sari Nichols (Program Officer NIC)

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

The tribe was dealing with water rights issues and lacking educational specialists, housing, and job opportunities. No questions were asked of Anna Camp when SB 244 information was provided.

August 28, 2018:

Anna Camp traveled with the NIC to Owyhee (Duck Valley Shoshone Paiute Tribal Headquarters) for the NIC quarterly meeting to present information on SB 244, and consultation for the regulations.

Tribes/Tribal entities present:

Mike Rodney (Chairman for Duck Valley Shoshone Paiute Tribe), Sherry Rupert (Former Executive Director, NIC), Kelly Krolicki (Commissioner NIC), Richard Arnold (Commissioner NIC), Kostan Lathouris (Commissioner NIC), and Sari Nichols (Program Officer NIC).

Public present:

There were over twenty members of the public present for this meeting, including many tribal members in the audience, but there was no sign-in sheet.

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

The main concerns for members of the Duck Valley Tribe were issues pertaining to schools, contaminated water from mining in the area, and a need for each tribe to have consultation protocols. No questions were asked of Anna Camp regarding her presentation on SB 244 and the regulations.

August 29, 2018:

Anna Camp traveled to Elko, NV to the Elko Band Council Tribal Headquarters to meet with the Chairman and Davis Gonzales (former Tribal Council member, current Chairman)

Tribes/Tribal entities present:

David Decker (Chairman for Chairman, Elko Shoshone Tribe), Sherry Rupert (Former Executive Director, NIC), and Sari Nichols (Program Officer NIC).

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

Davis Gonzales provided input that archaeological sites need to be recorded in the area. He knew where they were located and would be happy to share the information.

August 29, 2018:

Anna Camp traveled to Wells, NV to the Wells Band Council Tribal Headquarters to meet with Tribal Council members, and Heather Martinez (Administrative Assistant).

Tribes/Tribal entities present:

Heather Martinez (Administrative Assistant, Wells Band Council), Sherry Rupert (Former Executive Director, NIC), and Sari Nichols (Program Officer NIC).

NSM staff present: Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

No key input or comments provided.

August 30, 2018:

Anna Camp traveled with NIC staff to Battle Mountain, NV to meet with Battle Mountain Tribal Chairwoman and Tribal Council members.

Tribes/Tribal entities present: Lydia Johnson (Former Tribal Chairwoman, BMBC), Joseph Holly (Former Tribal Council member with BMBC, current Tribal Chairman of the Te-Moak tribes), Sherry Rupert (Former Executive Director, NIC), and Sari Nichols (Program Officer NIC).

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

The Battle Mountain Tribe inquired about the Towsawih Mine and asked about display cases for their Community Center (NSM provided cases on 12/13/2018 at Public Workshop). No questions were asked regarding SB 244 and no comments were given at that time regarding the regulations.

September 13, 2018:

Anna Camp traveled with NIC staff to Fallon, to the Fallon Paiute Shoshone Tribal Headquarters and to solicit information about regulations, and to provide the tribe with contact information if they were interested in providing comments.

Tribes/Tribal entities present:

Len George (Chairman, Fallon Paiute Shoshone Tribe [FPST]), Gayle Miles (Council member, FPST), Natalie Pacheco (Council member, FPST), Sherry Rupert (Former Executive Director, NIC), and Sari Nichols (Former Program Officer NIC).

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

No key input or comments provided.

September 13, 2018:

Anna Camp traveled with NIC staff to Schurz, NV to the Walker River Paiute Tribal Headquarters and to solicit information about regulations, and to provide the tribe with contact information if they were interested in providing comments.

Tribes/Tribal entities present:

Amber Torres (Chairwomen, Walker River Paiute Tribe [WRPT]), Genia Williams (Treasurer, WRPT), Sherry Rupert (Former Executive Director, NIC), and Sari Nichols (Former Program Officer NIC).

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

No key input or comments provided.

September 13, 2018:

Anna Camp traveled with NIC staff to Yerington, NV to the Yerington Paiute Tribal Headquarters and to solicit information about regulations, and to provide the tribe with contact information if they were interested in providing comments.

Tribes/Tribal entities present:

Laurie Thom (Former Chairwomen, Yerington Paiute Tribe [YPT]), Sherry Rupert (Former Executive Director, NIC), and Sari Nichols (Former Program Officer NIC).

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

Chairwoman Thom asked if Anna Camp would work with the tribe to come up with a list of known burial sites that were not recorded. The Chairwoman suggested we come up with a tribal burial plan. They also asked about assisting with the training of tribal monitors for archaeological excavation. The NSM will be holding the first tribal monitor training in September 2022. This plan was prolonged due to the pandemic.

September 14, 2018:

Anna Camp traveled with NIC staff to Sparks, NV to the Summit Lake Paiute Tribal Headquarters to solicit information about regulations, and to provide the tribe with contact information if they were interested in providing comments.

Tribes/Tribal entities present:

Donna Komar (Tribal Coordinator, Summit Lake Paiute Tribe [SLPT]), Philip Frank (Council Member, SLPT), Linda Quinn (Council Member, SLPT), Eugene Mace (Council Member, SLPT), Sherry Rupert (Former Executive Director, NIC), and Sari Nichols (Former Program Officer NIC).

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

No key input or comments provided.

October 11, 2018: Anna Camp traveled to, Still Water in Fallon, NV to the Fallon Paiute Shoshone Tribal Education Office to meet with Rochanne Downs, and to solicit information about regulations, and to provide the tribe with contact information if they were interested in providing comments.

Tribes/Tribal entities present:

Rochanne Downs (Cultural contact, FPST).

NSM staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM).

Key Input and Comments:

Rochanne Dons expressed the difficulty of compiling a cohesive burial and/or consultation plan. She suggested the regulations state “the State will request guidance on the disposition of dealing with human remains”. She also mentioned that tribes do not have the time or staffing to write regulations, and that they deal with multiple government agencies daily.

December 13, 2018:

Public Workshop held at the Nevada State Museum, Carson City with video conferencing at the Nevada State Museum, Las Vegas. Workshop was to solicit input on Regulations.

Tribes/Tribal entities present:

Betty Aleck (THPO, PLPT), Warren Graham (THPO, DWST), Michon Ebon (THPO, RSIC), Scott Nebesky (Former City Planner, RSIC), Dorothy McCloud (Cultural Committee member, Washoe Tribe), Joseph Lent (THPO, Bridgeport Indian Reservation), Lana Hicks (Cultural Committee member, Washoe Tribe), JoAnn Nevers (Cultural Committee member, Washoe Tribe), Melba Rakow (Cultural Committee member, Washoe Tribe), Joseph Holley (Chairman, Te-Moak Tribes), David Carrera (Chairman, BMBC), Tashima Jim (Environmental Department, WRPT), Misty Benner (THPO, WRPT), Sarah Peters (McGinnis & Associates/Representing WRPT), Marla McDade Williams (Former Lobbyist, RSIC, Strategies 360)

NSM staff present:

Peter Barton (former Administrator DMH)

Myron Freedman (Administrator Museums & History, former Director, NSM), Eugene Hattori (Curator of Anthropology, NSM), Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM), Sarah Bradley (Deputy Attorney General, DM&H), Denise McBride (Former Director, NSMLV), Sally Underwood (Curator, NSMLV), Virginia Lucas (Curator LCM), Zachary White (DTCA)

Key Input and Comments:

Reno Sparks Indian Colony (RSIC) expressed that the Regulations did not include the values, belief, and traditions of the tribes. RSIC expressed that human remains should not be excavated despite the desire of property owner. There was general tribal concern with the use of the word “Indian” in the Regulations. RSIC expressed that tribes need to be involved in Antiquities Permit processing. RSIC expressed that the draft Regulations were not good enough and more time was needed before they become law. RSIC suggested more time was needed to consult with tribes, not just tribal leadership, but also tribal members.

January 24, 2019:

Public Workshop held at the Nevada State Museum, Carson City with video conferencing at the Nevada State Museum, Las Vegas. Workshop was to solicit input on Regulations.

Tribes/Tribal entities present:

Warren Graham (DWST), Michon Ebon (THPO, RSIC)
Scott Nebesky (former City Planner, RSIC), Darrel Cruz (THPO, Washoe Tribe), Jordan Ackley (Tribal member, WRPT), Donna Cossette (Tribal member, FPST/Registrar, Churchill County Museum), Sarah Peters (McGinnis & Associates/WRPT), Marla McDade Williams (former Lobbyist, RSIC, Strategies 360), Sherry Rupert (former Director, NIC), Bobbi Rahder (Director, Stewart Indian School Museum and Cultural Center)

NSM staff present:

Peter Barton (former Administrator DMH)
Myron Freedman (Administrator, DMH/ former Director NSM)
Eugene Hattori (Curator of Anthropology, NSM), Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM), Sarah Bradley (former Deputy Attorney General, DMH), Dennis McBride (former Director NSMLV), Christine Johnson (former Curator, NHS), Mary Beth Timm (Director LCM)

Members of the Public:

Wella Travaceli (Intern, NHS/student UNR) and Jared Smith (student UNR)

Key Input and Comments:

RSIC stated Regulations did not include tribal values, belief, and traditions. RSIC thought the State was more concerned with the rights of private property owners than of the tribes. RSIC took issue with definitions (e.g., Abandoned Property). Washoe Tribe stated that "Aboriginal Territory" should determine Cultural Affiliation. RSIC wants Known Burial Site permit to be the last resort. RSIC would like to be included before a Permit is issued. There was confusion about who is exempt from the Known Burial Site Permit. RSIC again expressed the need for more time to write Regulations.

January 31, 2019:

Anna Camp met with the Washoe Tribe to discuss determination of tribal affiliation.

Tribes/Tribal entities present:

Darrel Cruz (THPO, Washoe Tribe), Lana Hicks (WCRAC), JoAnn Nevers (WCRAC)

NSM Staff present:

Myron Freedman (Administrator, DMH and former Director NSM), Sarah Bradley (former Deputy Attorney General DMH), Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM)

Key Input and Comments:

There is only one Washoe Tribe, and they represent the Washoe Tribe. They expressed concern with other tribes trying to lay claim to things within the Washoe territory. Darrel

Cruz provided an explanation of how Washoe territory has been determined by the Federal government. They would like the Regulations to say, “aboriginal tribe”, instead of “present-day tribe”, in provision 19.

February 15, 2019:

Anna Camp met with Walker River Paiute Tribal members at McGinnis & Associates office in Reno, NV.

Tribes/Tribal entities present:

Sara Smith (McGinnis & Associates), Misty Benner (THPO, WRPT), Tashina Jim (Environmental Office, WRPT)

NSM Staff present:

Myron Freedman (Administrator, DMH and former Director NSM) and Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM)

Key Input and Comments:

Meeting with the elders would be a good way to gather ideas about values, beliefs, and traditions (Senior Center). There is an etiquette for returning human remains that needs to be followed. It varies depending on the tribe. It is important to continue to have ongoing conversations with people outside of the Tribal Council.

February 20, 2019:

Anna Camp (Tribal Liaison/NAGPRA Coordinator) met with the Battle Mountain Tribe in Battle Mountain, NV to solicit comments on the regulations.

Tribes/Tribal entities present:

David Carrera (Chairman BMBC) and Joseph Holley (Chairman Te-Moak)

NSM Staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM)

Key Input and Comments:

They are flexible as to how to deal with human remains and associated objects if we are respectful. They would like to have open conversations that are cooperative and thoughtful. We plan to work together in the future to train Tribal member in archaeological processes. The tribe would like to teach the archaeologists about how they interpret the land and sacred places.

March 5, 2019:

Anna Camp (Tribal Liaison/NAGPRA Coordinator) met with the Washoe Cultural Resource Advisory Committee (WCRAC) in Gardnerville, NV to solicit comments on the regulations.

Tribes/Tribal entities present:

Joanne Nevers (WCRAC), Lana Hicks (WCRAC), Floyd Wade (WCRAC), Darrel Cruz (THPO, Washoe Tribe)

NSM Staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM)

Key Input and Comments:

No comments were made at this time.

March 15, 2019:

Visit from Battle Mountain Tribe at NSM, Carson City to view Tosawihi collection and a behind the scenes' tour of the basketry vault. Comments were solicited regarding the regulations.

Tribes/Tribal entities present:

Dave Pratt (Tribal member, BMBC) Kathleen Holley (Elder, Battle Mountain Band Council) Charlene Burton (Elder, Battle Mountain Band Council), Delbert Holley (Elder, BMBC), Duane Garcia (Tribal Member, BMBC), Tanya Reynolds (Environmental Planner, South Fork Band Council), Joseph Holley (Te-Moak, Chairman), Johnnie Bobb (Western Shoshone Tribal member), Jennifer Wasson (Te-Moak Tribal Member)

NSM Staff present:

Eugene Hattori (Curator of Anthropology), Anna Camp (Tribal Liaison/NAGPRA Coordinator), Maggie Brown (Curator in Anthropology)

Key Input and Comments:

The Battle Mountain Tribe did a Behind the Scenes Tour of basketry Vault and Tosawihi Collection at the Annex. They would like the Tosawihi collection returned so that they can rebury. There were no comments made regarding the regulations.

April 2, 2019:

Anna Camp (Tribal Liaison/NAGPRA Coordinator) met with Washoe Cultural Resource Advisory Committee (WCRAC) to provide update on the regulations.

Tribes/Tribal entities present:

Darrel Cruz (THPO, Washoe Tribe), Joanne Nevers (WCRAC), Lana Hicks (WCRAC), Floyd Wade (WCRAC)

NSM Staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM)

Key Input and Comments:

No comments were provided.

May 1, 2019:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM) met with Pyramid Lake Paiute Cultural Committee at Tribal Headquarters in Nixon, NV.

Tribes/Tribal entities present:

Betty Aleck, (THPO, PLPT), Buck Sampson (Cultural Committee member, PLPT), Obe Barlese (Cultural Committee member, PLPT), Dean Barlese (Cultural Committee member, PLPT).

NSM Staff present:

Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM)

Key Input and Comments:

There was a brief presentation and discussion of the regulations and future tribal monitor training.

May 23, 2019:

Public Workshop held at the Nevada State Museum, Carson City with video conferencing at the Nevada State Museum, Las Vegas. Workshop was to solicit input on Regulations.

Tribes/Tribal entities present:

Betty Aleck (THPO, PLPT), Michon Ebon (THPO, RSIC), Scott Nebesky (City Planner, RSIC), Marla McDade-Williams (Lobbyist, RSIC, Strategies 360), Sara Smith (McGinnis & Associates, representing WRPT and YPT), Sherry Rupert (Director NIC) Bobbi Rahder (Director, Stewart Museum Indian School and Cultural Center).

NSM Staff present:

Peter Barton (former Administrator DMH), Myron Freedman (Administrator DMH and former Director NSM), Eugene Hattori (Curator NSM), Anna Camp (Tribal Liaison/NAGPRA Coordinator, NSM), Sarah Bradley (former Deputy Attorney General, DMH), Dennis McBride (former Director NSMLV), Christine Johnson (former Curator NHS), Mary Beth Timm (Director LCM).

Key Input and Comments:

RSIC was still unhappy with several aspects of the regulations, including how values, beliefs, and traditions would be upheld. Also concern for the definition of Cultural items. They plan to provide written comments for the next draft.

Comments were provided by email from Darrel Cruz on April 2, 2019, and included:

- Provision 20, we support the affiliated tribe statement for joint use area.

- #3 Observer costs: Why would the landowner be responsible for the observer? Would the tribe share costs to have an observer?
- #5 communication between landowner and tribe; will the tribe be given the private property landowner contact information?
- #7 excavation: who is the responsible party, the permit holder, landowner, coroner? Who will hold the items until tribe is ready to receive?
- Who pays for the work if located on private land?
- Provision #2: What if there is emergency work and human remains are discovered? Does the 10-day rule apply?

June 10, 2019: The amended Draft Regulations were redistributed through the Tribal Listserv.

Key Input and Comments: See attachment of comments from Betty Aleck (THPO, PLPT) on July 22, 2019

August 13, 2019: Draft Regulations were amended and submitted to LCB

January 15, 2020: The NSM received Draft Regulations from LCB and made them available for review.

November 10, 2020: Email was sent through Tribal Listserv describing how the regulations had been split by LCB. The Abandoned Property portion of the regulations would become the responsibility of DMH and the Burial Site permitting would be the responsibility of the NSM.

Key Input and Comments: Please see attachment of Comments from Reno Sparks Indian Colony Lobbyist, Marla McDade William (Strategies 360), November 24, 2020.

December 2020: Regulations were sent back to LCB for edits

February 8, 2021: AB 103 was passed during the 2021 Legislative session, amended NRS 381.196 to include subsection 2, “A person is not required to obtain a permit pursuant to subsection 1 to engage in lawful activity on private lands, including, without limitation, construction, mining, mineral exploration, logging, farming, ranching or a federally authorized activity conducted in compliance with the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq., if that activity is engaged in exclusively for purposes other than the excavation of prehistoric Indian burial site[.] ***and the activity occurs only on a portion of the private lands that does not contain the known prehistoric burial site.***”

October 9, 2021: Revised regulations received by NSM & DMH from LCB

October 26, 2021: Revised regulations sent out through Listservs for comments. NO COMMENTS RECEIVED

December 21, 2021: Legislative Commission Meeting NSM & DMH asked for extension for Public Hearing.

February 14, 2022: Public Hearing notice posted

February 15, 2021: Hearing Announcement sent through Listservs

4. Pursuant to NRS 233B.0608(2)(a), the NSM solicited information regarding the impacts on small businesses in Nevada that may be negatively affected by the regulations. Currently the NSM has received no response that indicates negative impacts on small businesses.

The Nevada State Museum solicited information about the impacts of this regulations on small businesses in several ways. We determined that Cultural Resources Management (CRM) companies permitted to do archaeology in Nevada are considered small businesses. The regulations require that private property owners who have knowledge of burial sites on their property would first obtain an Indian Burial Site Permit before legally doing groundbreaking work on their property. The regulations also uphold the rights of the private property owner during this process. To obtain an Indian Burial Site permit, the property owner must first apply with the Museum Director and demonstrate that the person(s) conducting work on the private property owner's land, possesses sufficient knowledge and scientific training to excavate a prehistoric burial site. In turn, the property owner is required to hire a CRM company to meet these requirements.

To further our outreach to private property owners potentially affected by these regulations, we contacted Rebecca Palmer, Administrator/State Historic Preservation Officer (SHPO) on October 26, 2021, to inquire about a list of private property owners with known burial sites on their land. According to Ms. Palmer while SHPO maintains a geographical database (i.e., Nevada Cultural Resource Information System [NVCRIS]) containing archaeological site locations, NVCRIS does not contain burial site locations, therefore no list of private property containing known burial sites exists.

A Small Business Impact Questionnaire was provided along with a copy of the proposed regulations and was sent through the Nevada State Museum's listserv, which includes 72 active Nevada Antiquities Permit holders. The response period for the questionnaire was from December 17, 2021, to December 27, 2021. The Questionnaire asked:

1. Have you reviewed and do you understand the Indian Burial Site permit regulations?
2. Do you think these regulations will have an impact on your business?

3. Do you believe the impact of these regulations will be positive or negative? Please explain.

We received three returned surveys, all stating that the regulations would have no negative impact on their businesses, but instead positive impacts due to the requirement that property owners would hire CRM companies or individuals with required credentials and knowledge. One survey expressed concern about the costs to the private property owners. On December 29, 2021, we contacted the U.S. Small Business Administration. Deputy District Director for the Nevada District Office, Saul Ramos responded, and referred us to Elizabeth Hill, Native American Liaison. I have not been contacted since this initial email.

Any other person interested in obtaining a copy of the summary may mail in a request to:

Nevada State Museum, Carson City
Anthropology Program
Anna J. Camp
600 North Carson Street
Carson City, NV 89701

5. After consideration of public comment, Myron Freedman (DMS Administrator/Acting Director of NSM) determined that the regulations would be adopted without changing any part of the proposed regulations. Written and verbal comment was received during the public comment portion of the Public Hearing, on March 4, 2022, from Mervin Wright Jr. (Environmental Planner, Pyramid Lake Paiute Tribe). His comments addressed issues on ownership of Native American human remains and cultural items as related to the Native American Graves Protection and Repatriation Act (NAGPRA), and a statement regarding how these objects should be respectfully treated. DMH and NSM staff determined that the Nevada Burial Law (NRS 383.150-190), which was passed by the Nevada legislature in 1989, protects Native American graves on all public and private land in Nevada. Under Nevada law it is illegal to find a Native American burial and not report it, even if on private property. It is also illegal to possess or sell a Native American burial or artifact from a Native American grave (<https://shpo.nv.gov/welcome-to-review-and-compliance/indian-burial-laws>). Comments were also received from Marla McDade William (former RSIC Lobbyist, Strategies 360). These comments were minor and were determined to have overlap with other portions of the regulations. RSIC was not interested in prolonging the process any further, and therefore DMH and NSM staff decided to exclude these changes from the final adoption.
6. There are no estimated economic effects of the regulations for the DMH or NSM. We also determined there are no estimated economic effects of the regulations on the public. There are no adverse or beneficial effects for the DMH or NSM, and there are no adverse or beneficial effects on the public. There are no immediate and/or long-term effects for DMH or NSM, and there are no immediate and/or long-term effects on the public.
7. There are no estimated costs to DMH or NSM for the enforcement of the proposed regulations.

8. The proposed regulation (LCB File No. R116-19), which includes the treatment of Abandoned Property does not include provisions which duplicate or are more stringent than federal, state, or local standards.

The proposed regulations (LCB File No. R061-19), which includes the treatment of Native American burial sites on private land, does include provisions that duplicate the Native American Graves Protection and Repatriation Act (NAGPRA). The difference is, NAGPRA applies only to federal lands. State and private lands in Nevada are exempt from NAGPRA compliance. These regulations require a NAGPRA-like process for excavation of known burial sites on private and state lands.

The proposed regulations also include provisions that duplicate or overlap NRS 383.150 – 383.190. While the NSM regulations include a process for the excavation of known burial sites on private land in Nevada, if however, any unanticipated discoveries of human remains made, then NRS 383.150 – 383.190 goes into effect.

9. The regulations (LCB File No. R116-19 and LCB File No. R061-19) do not include provisions that are more stringent than federal regulations which regulates the same activity.
10. The regulations (LCB File No. R116-19 and LCB File No. R061-19) does not establish a new fee or increase an existing fee.

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- * DWST (Duckwater Shoshone Tribe)
- *RSIC (Reno Sparks Indian Colony)
- *YPT (Yerington Paiute Tribe)
- * NIC (Nevada Indian Commission)
- *LVVWD (Las Vegas Valley Water District)
- * WIC (Winnemucca Indian Colony)
- *CTGR (Confederated Tribes of the Goshute Indian Reservation)
- *BMBC (Battle Mountain Band Council)
- *SFBC (South Fork Band Council)
- * FPST (Fallon Paiute Shoshone Tribe)
- *WRPT (Walker River Paiute)
- *SLPT (Summit Lake Paiute Tribe)