

Appendix D

Human remains and associated grave goods on private land will be handled according to the provisions of Nevada statute NRS 383.170 as follows:

NRS 383.170 Procedure upon discovery of Indian burial site; permissible excavation.

1. A person who disturbs the cairn or grave of a native Indian through inadvertence while engaged in a lawful activity such as construction, mining, logging or farming or any other person who discovers the cairn or grave of a native Indian that has not been previously reported to the Office shall immediately report the discovery and the location of the Indian burial site to the Office. The Office shall immediately consult with the Nevada Indian Commission and notify the appropriate Indian tribe. The Indian tribe may, with the permission of the landowner, inspect the site and recommend an appropriate means for the treatment and disposition of the site and all artifacts and human remains associated with the site.

2. If the Indian burial site is located on private land and:

(a) The Indian tribe fails to make a recommendation within 48 hours after it receives notification pursuant to subsection 1; or

(b) The landowner rejects the recommendation and mediation conducted pursuant to [NRS 383.160](#) fails to provide measures acceptable to the landowner, the landowner shall, at his or her own expense, reinter with appropriate dignity all artifacts and human remains associated with the site in a location not subject to further disturbance.

3. If the Indian burial site is located on public land and action is necessary to protect the burial site from immediate destruction, the Office may cause a professional archeologist to excavate the site and remove all artifacts and human remains associated with the site for subsequent reinterment, following scientific study, under the supervision of the Indian tribe.

4. Any other excavation of an Indian burial site may be conducted only:

(a) By a professional archeologist;

(b) After written notification to the Administrator; and

(c) With the prior written consent of the appropriate Indian tribe. Failure of a tribe to respond to a request for permission within 60 days after its mailing by certified mail, return receipt requested, shall be deemed consent to the excavation.

5. All artifacts and human remains removed during such an excavation must, following scientific study, be reinterred under the supervision of the Indian tribe, except that the Indian tribe may, by explicit written consent, authorize the public display of a particular artifact. The archeologist, Indian tribe and landowner shall negotiate an agreement to determine who will pay the expenses related to the interment.

(Added to NRS by 1989, 574; A 1993, 928, 1594; 1995, 579)