8CCR 1504-7
Rules and Procedures

Historical, Prehistorical, and Archaeological Resources Act
(revised 09/11)

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SECTION 1. Statement of basis and purpose

The Historical, Prehistorical, and Archaeological Resources Act of 1973 (CRS 24-80-401 to 410) created the office of the state archaeologist (OSAC) in the State Historical Society of Colorado to coordinate, encourage, and preserve the full understanding of Colorado's archaeological and paleontological resources for the benefit of Colorado's citizens. The 1973 Act gave the office and the society explicit authority to promulgate rules and regulations defining how the duties prescribed by the Act were to be carried out. The 1990 Act enumerates the types of entities that are "political subdivisions" of the state, adds a new duty for the state archaeologist in regard to out-of-state loans of resources belonging to the state of Colorado, stipulates that the society shall undertake certain powers when requested to do so, and adds a new statutory section, part 13, pertaining to unmarked human graves. The state archaeologist is authorized to adopt rules and regulations to implement part 13 in accordance with the State Administrative Procedures Act (CRS 24-4-101ff).

These regulations are being promulgated to implement the duties of the office of the state archaeologist, and to advise the public as to the standards and requirements for archaeological and paleontological work in Colorado.

SECTION 2. Definitions

As used in these regulations,

A. "**The Act**" means the Historical, Prehistorical, and Archaeological Resources Act of 1973 (CRS 24-80-401 to 411, and 24-80-1301 to 1305);

B. "**Ancillary samples**" are organic or inorganic specimens, other than human remains or artifacts, gathered by scientists for the purpose of analysis to provide information on past environments, diets, chronology, or material source areas. Ancillary samples may include, but are not limited to, charcoal, wood, soil, coprolites, and floral or faunal specimens.

C. "**Archaeological resources**" means all sites, deposits, structures, or objects which are at least 100 years of age and which provide information pertaining to the historical or prehistorical culture of people within the boundaries of the state of Colorado;

D. "**Artifacts**" are portable items made, used, or transported by humans;

E. "**Curation**" means permanent maintenance, storage, preservation, documentation, and the ability to retrieve from storage collected archaeological, historical, prehistorical, and paleontological specimens and records;

F. "**Excavation**" means subsurface sampling or removal of specimens by hand or with mechanized equipment, including test excavation;

G. "**File search**" means an examination of the automated inventory of historical and archaeological sites maintained at the State Historical Society of Colorado for the area in which work is proposed to be conducted;

H. "**Fossil**" means the remains or traces of an organism or assemblage of organisms preserved by natural processes in or on the earth's crust, exclusive of organisms that have been buried in recent times. Materials such as oil and gas, coal, oil shale, bitumen, lignite, asphaltum, tar sands, phosphate, limestone, diatomaceous earth, uranium, and vanadium, while they may be of biologic origin, are not here considered fossils;

I. "**Funerary objects**" means objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later.

J. "**Historical**" means older than 50 years of age and during the period that written records have been used to document events in Colorado.

K. "**Historical resources**" means all sites, deposits, structures, buildings, or objects which provide information pertaining to the culture of people during the historical period;

L. "**Investigation**" means the scientific study of archaeological or paleontological resources.

M. "**Museum**" means a scientific or educational institution that agrees to permanently curate archaeological or paleontological materials collected under the authorization of a permit issued by the society, including specimens, documents, and photographs (Section 9 of these regulations);

N. "**Paleontological resources**" means fossils and other remains of prehistoric animals, plants, insects, and other objects of natural history within Colorado that do not show evidence of human association;

O. "**Permit**" means a written authorization issued by the society that allows the investigation, excavation, gathering, or removal of historical, archaeological or paleontological resources from lands within the state of Colorado;

P. "**Prehistorical**" means before the period that written records were used to document events in Colorado. Prehistorical resources may be archaeological or paleontological;

Q. "**The society**" means the State Historical Society of Colorado;

R. "**State archaeologist**" means the individual appointed by the board of directors of the State Historical Society of Colorado to carry out the duties prescribed in the Act;

S. "**State monument**" means any historic or prehistoric structure, deposit, site or other object of scientific or historic interest situated on lands owned by the state of Colorado and duly designated by the governor as such;

T. "**Survey**" means the search for, inventorying of, and documentation of archaeological or paleontological resources in the field by non-destructive means in accordance with established standards for the purpose of recording such remains on official Colorado inventory forms, and of preparing reports that meet guidelines published by the society.

SECTION 3. Objectives and duties of the state archaeologist

The state archaeologist's duties are to fulfill the objectives of the Act particularly those outlined in part 405 of the Act. This work will be performed to the standards required of permittees in these regulations.

SECTION 4. The permit system

Anyone desiring to perform archaeological or paleontological survey or excavation on any lands owned by the state of Colorado must obtain a permit from the society. Any state agency wishing to perform such work on state land must obtain a permit in the same manner as private applicants. Permits are issued by the society through the office of the state archaeologist on behalf of the society.

The permit system may apply to lands belonging to political subdivisions of the state or to private landowners, at the request of the owner and the concurrence of the state archaeologist, except that the excavation of any unmarked human burial older than 100 years regardless of ethnic affiliation shall require a permit if such burial is situated within any nonfederal land in Colorado.

Four classes of permits are issued:

A. Survey only (archaeology or paleontology)
"Survey only" permits authorize the search for, inventorying of and documentation of archaeological or paleontological resources in the field by non-destructive means in accordance with established standards for the purpose of recording such remains on official Colorado inventory forms and of preparing reports that meet guidelines published by the society. No specimens are authorized to be collected, except artifacts exposed on the surface of the ground. Such permits may be statewide in scope, and are issued for a period of one year or less.

B. Non-collection survey only (archaeology or paleontology)
“Non-collection survey” permits authorize the search for, inventorying of and documentation of archaeological or paleontological resources in the field by non-destructive means in accordance with established standards for the purpose of recording such remains on official Colorado inventory forms and of preparing reports. Absolutely no specimens, artifacts, or fossils are authorized to be collected. Such permits may be statewide in scope, and are issued for a period of one year or less.

C. Survey and test excavation (archaeology or paleontology)
"Survey and test excavation" permits authorize limited excavation of noncontiguous units (totaling less than 10 square meters), gathering and removal of specimens, sufficient to evaluate the cultural significance of identified archaeological or paleontological properties. Such permits may be statewide in scope, and are issued for a period of 14 months or less.

D. Excavation (archaeology or paleontology)
"Excavation" permits authorize subsurface investigations of a specified historical, archaeological or paleontological resource(s), or an unmarked human burial, in accordance with a research design or statement of objectives that has been approved for the specific resource(s) described in the application, and may be issued for a period not to exceed 14 months.

SECTION 5. Permit application

Application for a permit to investigate, excavate, gather, or remove archaeological or paleontological resources must be made on the official application form (Exhibit 1), and must include the following information:

A. For "survey only" and "survey and test excavation" permits:
   1. Name(s) of principal investigator and project archaeologists or project paleontologists;
   2. Institutional affiliation and mailing address;

3. Location where work will be performed;
4. Vita(e) of principal investigator and project archaeologist(s) or project paleontologist(s);
5. Agreement with an approved museum (as defined in Section 9) for curation of specimens, documents, photographs and other materials and records resulting from the proposed work. This agreement must be dated within five years of the date of the permit application.

B. For “non-collection survey only” permits:
1. Name(s) of principal investigator and project archaeologists or project paleontologists;
2. Institutional affiliation and mailing address;
3. Location where work will be performed;
4. Vita(e) of principal investigator and project archaeologist(s) or project paleontologist(s);

C. For "excavation" permits, the following information is required:
1. Name(s) of Principal Investigator and Project Archaeologist or Project Paleontologist;
2. Institutional affiliation and mailing address;
3. Location where work will be performed, and name, address, and telephone number of landowner;
4. Vita(e) of principal investigator and project archaeologist or project paleontologist, with documentation of completed professional projects.
5. Agreement with an approved museum (as defined in Section 9) for curation of specimens, documents, photographs and other materials and records resulting from the proposed work. This agreement must be dated within five years of the date of the permit application.
6. Research design for proposed excavation.

D. Qualifications of applicants for archaeological permits Applicants for permits to conduct archaeological work must meet the following minimum qualifications, as documented in the application:
1. Principal investigator:
   a) Graduate degree in anthropology or archaeology or history with demonstrated experience in Colorado prehistoric or historic archaeology, or in related topical, geographic or cultural areas; and
   b) At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management; and
   c) At least four months of supervised field and analytic experience in general North American archaeology; and
   d) Demonstrated ability to carry research to completion.

2. Project Archaeologist:
   a) Bachelor's degree in Anthropology or Archaeology; and
   b) At least six months of full-time professional experience or equivalent specialized training in archaeological research, administration or management; and
   c) At least four months of supervised field and analytic experience in general North American archaeology; and
   d) Demonstrated experience in Colorado prehistoric or historic archaeology, or in related topical, geographic or cultural areas.

E. Qualifications of applicants for paleontological permits
Applicants for permits to conduct paleontological work must meet the following minimum qualifications as documented in the application:
1. Principal investigator:
   a) Graduate degree in geology, zoology, paleobotany, botany, or related fields, with demonstrated experience in the vertebrate or invertebrate paleontology of Colorado or related topical or geographical areas; or
   b) At least one year of full-time professional experience or equivalent specialized training in paleontological research, administration, or management; and
   c) At least four months of supervised field and analytic experience in general North American paleontology; and
   d) Demonstrated ability to carry research to completion.

2. Project paleontologist:
   a) Bachelor's degree in geology, zoology, paleobotany, botany, or related fields, and
   b) At least six months of full-time professional experience or equivalent specialized training in paleontological research, administration or management; and
   c) At least four months' supervised paleontological field experience in North America; and
   d) Demonstrated experience in Colorado paleontology or related areas.

F. Waiver of qualifications

Applicants who do not meet the minimum qualifications listed in Section 5C or 5D may apply for a waiver. Such written application for waiver must include the following information:

1. Current (less than three years old) curriculum vitae of individual applying for waiver;
2. A statement of the reasons why the applicant believes he/she is qualified to undertake the proposed work;
3. Written examples of similar or related work.

G. Oath.

The applicant shall sign an oath attesting that information provided on the application is true, in accordance with CRS 24-4-104(13)(a).

SECTION 6. Permit issuance and denial

A. Application and permit schedule

The society through the state archaeologist will review complete applications within 10 working days of receipt and immediately notify the applicant of the results of the review by mail.

B. Criteria for issuance

Applications must be complete. The applicant is responsible for the completeness and quality of information submitted.

C. Criteria for permit denial

1. The society through the state archaeologist may deny a permit to an applicant:
   a) If he/she does not meet the qualifications outlined above;
   b) If he/she gives false information on the application;
   c) If he/she gives fails to adhere to any of the terms and conditions of prior permits;
   d) If he/she has previously been denied a federal permit for work on the same project;
   e) If he/she has been convicted of a violation of the Act;
   f) If he/she has a record of violating any law applicable to archaeological or paleontological resources protection. Violation of said law shall include civil sanctions as well as criminal conviction (which shall include a plea of *nolo contendere* or acceptance of a deferred sentence);
   g) If he/she has a record of unacceptable reports;
   h) If he/she submits a research design or documentation plan that does not meet the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register 48(190), September 29, 1983);
   i) If he/she has not arranged for funding sufficient to complete the proposed work;
   j) If the landowner or land manager objects; or
   k) For other just cause.
2. The society through the state archaeologist will provide an applicant who is denied a permit a written explanation of the reasons for the denial. The applicant, within 60 days, may request a hearing before the president of the society or an administrative law judge pursuant to CRS 24-4-105. The society will notify the applicant of the time and place of the hearing at least 20 days prior to said hearing.

SECTION 7. Permit terms and conditions

Permits are issued subject to the following terms and conditions:

A. Permittees must adhere to the following standards for survey work carried out on state lands:
   1) All areas in which ground disturbance is anticipated will be surveyed for cultural resources.
   2) Routine survey work for well pads, highways, and other specific projects will adhere to the following standards:
      a) A minimum of 10 acres will be investigated for each well pad location.
      b) Linear projects will be investigated by spacing surveyors no wider than 30 meters apart.
      c) A minimum of 70 percent ground visibility is required for all projects surveyed with snow cover.
   3. All archaeological permittees must perform a file search at the society or pay the society to do so prior to beginning field work.
   4. All newly documented historical, prehistorical and archaeological resources will be recorded on standard Colorado inventory forms, available from the society.
   5. Permittees will obtain an official Colorado site number, based on the Smithsonian trinomial system, from the society for each newly documented historical, prehistorical or archaeological resource.
   6. Original, typed inventory forms and photographs must be submitted for review and acceptance by the society within three months of resource discovery.

B. All archaeological or paleontological excavation under a permit issued by the society shall be undertaken with an objective of increasing knowledge.
   1. Recovered specimens, except human remains and associated funerary objects, shall be preserved, either on the site or in museums, open to the public and available to qualified students. The permit shall specify the name of the museum in which the recovered materials shall be deposited.
   2. Permittees shall take measures to assure the security of the excavation project site.
   3. Excavated human remains and associated funerary objects may be retained by the permitted archaeologist for a period not to exceed one year from the date of disinterment, for the purpose of study. Studies should be completed as soon as possible. At the end of the one-year study period, the state archaeologist shall receive the remains and confer with the Colorado Commission of Indian Affairs regarding disposition. A permittee's request for an extension of time shall be addressed in writing to the Colorado Commission of Indian Affairs, with a copy provided to the state archaeologist.

C. A copy of an approved permit must be in the possession of the permittee at all times when on state land. An individual named on the permit must be present at all times. Permittees shall not begin work exceeding 10m2 on any site until a permit for that site has been issued, nor shall a permittee excavate human remains until a permit specifically authorizing this has been issued.

D. Permittees must obtain separate permission to enter on state lands from the state agency which administers said land, including but not limited to the State Land Board and its current lessee(s) if any, the Division of Wildlife, and the Division of Parks and Outdoor Recreation.

E. Permittees must file all required reports in a timely manner (as defined in Section 7.J. and 7.K.)

F. Permittees shall not be released from requirements of a permit until all outstanding obligations have been satisfied, whether or not the term of the permit has expired.

G. All issued permits will become part of the public record.

H. Any permit may be suspended by the society through the state archaeologist at any time if there is evidence that the activity authorized by the permit is being unlawfully or improperly conducted, if any of the criteria for permit denial applies, or if the permit holder does not honor the conditions of the permit.
   1. Permits may be suspended or revoked in accordance with the procedures outlined in the State Administrative Procedures Act, CRS 24-4-104 and 105.
   2. When a permit is revoked, all recovered materials, catalogues, maps, field notes, and other records necessary to identify the same shall be surrendered immediately to the society.

I. Permittees must allow inspection of excavation projects and recovered materials by the state archaeologist or his/her designee.

J. Reports required
   1. The permittee shall submit an end-of-year report detailing activities conducted under the permit during the previous calendar year. This end-of-year report is required by December 31, and shall include the following:
      a) A bibliography of reports on all projects conducted partially or wholly on state lands, and on projects conducted on private land under state permit. Each bibliographic entry shall indicate the county in which field work took place.
      b) A listing of all sites and isolated finds recorded on state lands; a catalog of all materials collected on state lands and the name of the repository in which the materials are curated.
      c) A brief summary of work in progress.
   2. The permittee shall submit report(s) detailing the results of investigations on state land, and on private land under state permit.
      a) Preliminary report
      A preliminary or progress report is required by December 31 of the year in which the investigations begin, and annually thereafter for multi-year projects.
      b) Final report
      A final report must be submitted within three years after the conclusion of field work. Final reports should meet the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register 48(190), September 29, 1983).
   3. All reports will be reviewed by the state archaeologist, or his/her staff designee, who will notify the permittee in writing of the acceptance or rejection of the report. End-of-year reports and preliminary reports will be reviewed by January 31; final reports will be reviewed within 90 days of receipt. Rejected reports will be returned to the permittee for correction and resubmission. The society through the state archaeologist will consider reporting requirements not satisfied until all reports are accepted.
   4. Should a permittee challenge the rejection of a report, the society through the state archaeologist shall convene an advisory peer panel to review the report in questions, shall take into account the panel's recommendations, and shall provide the permittee with written results of the peer review. After such review, the society through the state archaeologist has the option of upholding or altering a previous determination, and shall notify the permittee accordingly.
   5. Within 60 days, subsequent to the notice specified above, a permittee may request a hearing before the society or an administrative law judge, as provided in Section 24-4-105.

K. Permit calendar and duration
   1. The usual duration of "Survey only" and "Survey and Test Excavation" permits will be from March 1 through February 28 (29) of the following year; however, applicants may apply for permits at any time. All such permits will expire on February 28 (29). Excavation permits may be issued at any time for a period not to exceed 14 months.
   2. All permittees shall submit the required reports on work conducted under permit by December 31. No permittee who has failed to submit a report, or whose report has been rejected, shall receive a new permit until conditions of the prior permit have been met.
   3. On January 31, the society through the state archaeologist shall notify all permittees as to whether reports have been received and, if so, whether they have been accepted. Permittees whose reports are rejected shall be notified of a deadline for resubmission.

L. The state of Colorado, including its agencies and employees, shall be held harmless for any and all events, deeds or mishaps resulting from the activities of the permittee, regardless of whether or not they arise from operations authorized under the permit.

M. Permit infraction
   1. Failure to adhere to any of the terms and conditions specified in Section 7 is cause for revoking the permit at any time.
   2. Permits will be suspended or revoked in accordance with CRS 24-4-104.

3. No revocation shall be lawful unless the society has given the permittee notice in writing of facts or conduct that may warrant such action, afforded the permittee opportunity to submit written data, views, and arguments with respect to such facts or conduct, and, except in cases of deliberate and willful violation, given the permittee a reasonable opportunity to comply with all lawful requirements.

SECTION 8. Violations

A. The society may obtain a temporary restraining order and/or an injunction against an individual, corporation, unincorporated association, partnership, proprietorship, or governmental entity that appears to be committing a misdemeanor on public land, as defined in 24-80-409.

B. In the event that any materials are surrendered or forfeited to the society pursuant to part 409 of the Act, the society shall secure for law enforcement officials all said materials so as to guarantee their condition as of the time of their receipt by the society.

SECTION 9. Curation of collections in approved museums

A. The state of Colorado holds title to all historical, prehistorical and archaeological materials collected from areas owned by the state or any of its political subdivisions.

B. All materials, except human remains and associated funerary objects, collected from state lands or political subdivisions must be curated in a museum, unless a reputable museum, university, college or other recognized scientific or educational institution can assure permanent preservation on the site.
   1. Historical, archaeological, prehistorical, and paleontological collections made under permit may include ceramic, lithic, glass, metal, faunal, floral, and synthetic materials, as well as documents, photographs, organic samples (such as coprolites or soil samples), fossils, and human remains and associated funerary objects.
   2. Permittees proposing to transport collections out of Colorado must secure a loan agreement between an out-of-state facility and a permanent in-state museum, subject to the approval of the society, except that ancillary samples may be transported and analyzed without such a loan agreement. Out-of-state analysis of human remains and associated funerary objects is subject to the approval of the society.
   3. Proposed analysis of artifacts which would cause their destruction or damage, such as trace-element analysis of materials, may be performed only with the written consent of the society through the state archaeologist, who shall consider whether such artifacts are unique or duplicated in state-owned collections. The society will supply notification of consent to the affected museum.

C. Reburial or repatriation of human remains may supersede their placement in an approved museum.

D. Responsibilities and requirements of an approved museum
   Museums must be open to the public. They must agree to provide curation of archaeological or paleontological resources in a systematic and accessible manner, and to make them available for study by qualified students.
   1. Arrangements for study, or in-state exhibit, of items collected under state permit shall be made at the discretion of the approved museum.
   2. Approved museums have the right to refuse a potential permittee's request for a curation agreement, but shall honor existing agreements.

E. Procedures for approving museums
   1. An institution wishing to serve as a museum for collections from state lands or produced as a result of work carried out under a permit issued under authority of this Act shall apply to the society through the state archaeologist for approval.
   2. The application shall be in the form of a letter, signed by the director of the institution with accompanying documentation to support the requirements listed in Section 9.D.
   3. The society has sole discretion to approve or not approve a museum's application.

4. Museums may be inspected by the state archaeologist or his/her designee for the purpose of determining whether the requirements for approval are met.
5. Approval may be withdrawn by the society through the state archaeologist if deficiencies appear. Approval will be suspended or revoked in accordance with CRS 24-4-104.

F. Responsibilities of permittee submitting collection
1. In choosing a museum, permittees should attempt to keep the collection in its area of origin and to keep materials from the same site and the same project together. Permittees should confer with staff of the selected museum and have a written agreement prior to collecting materials in the field.
2. They should follow the guidance of museum staff in regard to collecting procedures and sampling strategies. The permittee should adhere to any specific methods of labeling, packaging, and shipment required by the museum.
3. In accordance with the museum's instructions, permittees should include the following documentation with any collection submitted to an approved museum:
   a) Copy of Colorado inventory form for site from which materials were collected;
   b) Field notes or copies;
   c) Photographs (negatives, prints, slides, etc.) and photographic log;
   d) Analytical reports;
   e) Description of field and laboratory cataloging system;
   f) Complete catalogue of items submitted;
   g) Letter specifying ownership of items submitted.
4. In accordance with museum instructions, the permittee also may submit documentation on microfilm, microfiche, computer printouts, transcripts, or tapes; copies of historic documents; bibliographic records; newspaper clippings and other miscellaneous published materials. The museum may determine which of these materials to retain.

SECTION 10. Obligations of state agencies with respect to state activities.

A. Any archaeological or paleontological survey or excavation performed by a state agency on lands owned by the state of Colorado or its political subdivisions shall be subject to the permit system described in these regulations.

B. Consultation requirements.
1. Project proponents who anticipate applying for state funding assistance or entitlements of use may request the society's determinations regarding the project's potential effects on archaeological or historic resources in advance of, or simultaneously with, submittal of their applications. The society shall respond to such request within 10 business days.
2. In the event that any location of proposed state action includes properties listed on or nominated for the State Register of Historic Places, the state agency initiating the action shall request a determination of effect on such properties from the society pursuant to Section 24-80.1-104 CRS
3. In the event that historical, prehistorical or archaeological resources are discovered in the course of an agency action, the agency and/or project proponent(s) should refrain from knowingly damaging such resources and should notify the society.
   a) To knowingly disturb historical, prehistorical or archaeological resources on public land is a misdemeanor; to knowingly disturb human remains on public or private lands is also a misdemeanor.
   b) On private lands subject to state actions, the landowner or project proponent(s) should make reasonable efforts to avoid or minimize harm to newly discovered historical, prehistorical or archaeological resources. The landowner or project proponent(s) should notify the funding or permitting agency and the society as soon as possible after such a discovery. The agency, society, and landowner or project proponent(s) shall jointly develop a plan for the evaluation and treatment of the resource.
   c) In the event that an adverse effect is anticipated, the agency, landowner, and project proponent(s) may enter into an agreement with the society on how to mitigate the effect.

SECTION 11. Lands not owned by the state of Colorado

Upon the request of any municipality, county, or governmental agency, the state archaeologist shall undertake the powers provided for in Sections 24-80-405 to 24-80-407 of the Act, with respect to historical, prehistorical, or archaeological resources on private or public lands, owned by the entity so requesting, within the boundaries of Colorado. Upon the request of any corporation or private individual, the state archaeologist may at his/her discretion undertake these powers with respect to archaeological or paleontological resources on private lands, except that the excavation of unmarked human burials requires a permit on all nonfederal lands in Colorado.

A. Costs and logistics shall be negotiated between the requesting person and the society.

B. When such a request has been made to the state archaeologist, and the society through the state archaeologist has agreed to undertake such powers, these regulations govern the exercise of those powers.

C. At the request of the landowner, such sites may be marked with a sign identifying them as places protected by the Act and which require a permit for investigation, excavation, gathering or removal.

D. The society may enter into agreements pursuant to Section 24-80- 407 of the Act.

SECTION 12. Use of federal funds by the office of the state archaeologist

The office of the state archaeologist is authorized to accept and, through the department of administration and the society, to use, disburse, and administer federal funds derived from grants or contracts in support of the Act, and in accordance with the specific terms of the grant or contract and applicable federal and state fiscal rules.

SECTION 13. Unmarked human graves

A. On all nonfederal lands in Colorado, the discovery of unmarked human graves more than 100 years old shall cause the procedures defined in part 13 of the Act to take effect. Disinterment of human remains from such graves will require an excavation permit as provided for in Sections 4 through 8 of these regulations.

B. Upon notification of suspected human skeletal remains, the coroner, sheriff, police chief and/or land managing agency official shall coordinate their actions and share information.

C. Whenever possible, on-site inquiries under 24-80-1302(2) shall proceed in a manner which does not remove the human skeletal remains from the ground.

D. In the event that the Colorado Bureau of Investigation (C.B.I.) is requested to determine the forensic value of skeletal remains, C.B.I. shall report its findings to the county coroner, who shall notify the state archaeologist if the remains are human but of no forensic value.

E. Any concerned individual may notify the state archaeologist of a discovery, but it is the coroner's responsibility to determine forensic value.

F. Upon notification that human remains are Native American, the state archaeologist or his/her designee should determine the wishes of the landowner and the commission, and document this consultation with an official form to be signed by the concerned parties. The landowner's desires regarding his ability to protect the remains in situ, arrangements for exhumation when appropriate, and ultimate disposition shall be documented.

G. Pursuant to 24-80-1302(4)(e), the physical anthropological study of human remains shall be conducted by a qualified physical anthropologist with credentials comparable to those required for principal investigators, as set forth in Section 5 of these regulations.

H. The provisions of 24-80-1303 allow an anthropologist to expedite his/her work by arranging for the necessary permit in advance. In the case of planned anthropological investigations, a person applying for a permit under provisions of 24-80-1303 must agree to bear the costs of scientific study of human remains as a condition of such permit.

I. The criminal violation specified in 24-80-1303(1) pertains to knowingly disturbing unmarked human burials as defined in 24-80-1301, and not to inadvertent actions affecting human remains.

The state archaeologist, in consultation with the Colorado Commission of Indian Affairs, will determine if, when, and how Native American human remains and associated funerary objects collected under state permit are reinterred or repatriated in keeping with CRS 24-80-1302 and 1304 and the federal Native American Graves Protection and Repatriation Act (P.L. 101-601, 104 Stat. 3048).