

THPO Cultural Resource Protection Permit Application

Permit Requirements:

No archeological investigation work or studies relating to the Winnebago Tribe of Nebraska's cultural resource may be conducted on tribal trust lands within the exterior boundaries of the reservation without prior authorization to perform such studies via the THPO permitting process; excluding the Bureau of Indian Affairs (BIA).

In the event a consulting Archeologist is hired to perform such studies within the exterior boundaries of the reservation, the Primary Investigator (and only the Primary Investigator) must obtain an ARPA permit from the BIA.

A non-refundable fee of \$100.00 must be paid to obtaining a THPO permit. The fee will cover costs associated with the permit administration. All work being conducted shall be pursuant to the terms and conditions of the permit.

Any person who intends to conduct any archeological investigation within the exterior boundaries of the Winnebago Tribe of Nebraska's reservation must submit an application for a permit prior to the start of any fieldwork.

All application shall include, but not limited to the following:

1. Location map, including legal description
2. A specific description of the project
3. The purpose of the project and need for this project
4. Project dates and length of the project; 48 hour notice to start of field work
5. A definite outline of the proposed work, indicating the name of the individuals or group making the request, the date proposed for beginning the field work, the length of time proposed to be devoted to it and the person who will have immediate charge of the work
6. Each application shall be signed by the applicant and verified upon oath or affirmation, and shall contain the promise of the applicant to abide and be bound by all of the provisions of these Policies & Procedures and by all other tribal laws
7. Name, address and telephone number of the Principal Investigator
8. The BIA ARPA permit number will need to be included on the application
9. Any other information that is deemed necessary.

After all of the above information is given the THPO office, the THPO or its designee will issue a THPO permit. The Principal Investigator will need to carry the THPO permit on them at all times during fields work.

Terms and Conditions of the Permit:

Any permit may contain such terms and conditions that the THPO deems necessary on a case-by-case basis to carry out the purposes of this Code.

Each permit shall identify that Principal Investigator as to who will be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Code and other laws applicable to the permitted activity. The permittee is required to have a Winnebago Tribe of Nebraska Tribal Monitor on site during the investigation/study. During the investigation/study, should an Inadvertent Discovery occur, as defined in the Winnebago Tribal Code Title 8 § 3.9, the Inadvertent Discovery should be immediately brought to the Winnebago Tribe of Nebraska Tribal Monitor's attention. The Monitor may use his or her discretion to halt further investigation/study until the THPO office has provided guidance.

Every permit shall be issued in the name of the Principal Investigator. No permit shall be transferable; nor shall the holder of any permit allow any other person to use the permit. The sensitivity of the location of the undertaking and any other criteria knowledge that is determined by the THPO is going to be treated as confidential.

Upon completion of the investigation/study, a final report must be submitted to the Bureau of Indian Affairs Regional Office in Aberdeen SD to the Division of Environment, Safety and Cultural Resources Management.

Modification or Revocation of Permit:

Any permit issued under this Code may be modified, suspended or revoked by the THPO in accordance with the procedures as set forth herein upon determination by the THPO that the permittee has violated any provision of the permit, this Code, or other applicable law.

Hearing. Upon written notice specifying the alleged grounds for revocation or suspension, filed by the permittee with the THPO's supervisor. The THPO's supervisor or designee shall schedule a hearing to determine the matter, which hearing shall be not less than five days or more than thirty days after the service of such notice upon the permittee.

The permittee shall be entitled to an opportunity to appear at such hearing and present an argument and/or evidence as to why the permit should not be revoked or suspended.

Stop Work Orders:

Upon finding that a delay in suspending or revoking a permit for the period required by a hearing would be contrary to the tribal interest in preserving archaeological or historic properties, THPO may issue a written stop work order, directing the permittee immediately to cease and desist all excavation, removal or other activity pursuant to the permit.

It shall be unlawful for any person to disobey a stop work order. In all cases where a stop work order has been issued, the THPO's supervisor or designee shall immediately schedule a hearing

to determine the matter, which hearing shall not be less than two days nor more than ten days after the date of the stop work order, unless continued by the THPO upon motion of the permittee.

Confidentiality and Disclosure:

A determination regarding the nature and cultural significance of cultural resource may involve the use of sensitive and confidential information regarding Tribal customs, beliefs, practices and location which are to be treated as confidential; such information should not be made, shared, given or used for personal or public use of the undertaking and any other criteria knowledge that is determined by the THPO is going to be treated as confidential.