request, and, if appropriate, shall re-
view the Federal land manager’s deter-
mination and its supporting docu-
mentation. Based on this review, the
Departmental Consulting Archeologist
shall prepare a final professional rec-
mendation, and shall transmit the
recommendation and the basis therefor
to the head of the bureau for further
consideration within 60 days of the re-
cipient of the request.

(g) Any determination made pursu-
ant to this section shall in no way af-
fect the Federal land manager’s obliga-
tions under other applicable laws or
regulations.

§ 7.34 Procedural information for se-
curing permits.

Information about procedures to se-
cure a permit to excavate or remove
archaeological resources from public
lands or Indian lands can be obtained
from the appropriate Indian tribal au-
thorities, the Federal land manager of
the bureau that administers the spe-
cific area of the public lands or Indian
lands for which a permit is desired, or
from the state, regional, or national of-

cice of that bureau.

§ 7.35 Permitting procedures for In-
dian lands.

(a) If the lands involved in a permit
application are Indian lands, the con-
sent of the appropriate Indian tribal
authority or individual Indian land-

owner is required by the Act and these
regulations.

(b) When Indian tribal lands are in-
volved in an application for a permit or
a request for extension or modification
of a permit, the consent of the Indian
tribal government must be obtained.
For Indian allotted lands outside res-
ervation boundaries, consent from only
the individual landowner is needed.
When multiple-owner allotted lands
are involved, consent by more than 50
percent of the ownership interest is
sufficient. For Indian allotted lands
within reservation boundaries, consent
must be obtained from the Indian trib-
al government and the individual land-


cier(s).

(c) The applicant should consult with
the Bureau of Indian Affairs con-
cerning procedures for obtaining con-
sent from the appropriate Indian tribal
authorities and submit the permit ap-
lication to the area office of the Bu-
reau of Indian Affairs that is respon-
sible for the administration of the
lands in question. The Bureau of Indian
Affairs shall insure that consultation
with the appropriate Indian tribal au-
thority or individual Indian landowner
regarding terms and conditions of the
permit occurs prior to detailed evalu-
ation of the application. Permits shall
include terms and conditions requested
by the Indian tribe or Indian landowner
pursuant to §7.9 of this part.

(d) The issuance of a permit under
this part does not remove the require-
ment for any other permit required by
Indian tribal law.

§ 7.36 Permit reviews and disputes.

(a) Any affected person disputing the
decision of a Federal land manager
with respect to the issuance or denial
of a permit, the inclusion of specific
terms and conditions in a permit, or
the modification, suspension, or rev-
ocation of a permit may request the
Federal land manager to review the
disputed decision and may request a
conference to discuss the decision and
its basis.

(b) The disputant, if unsatisfied with
the outcome of the review or con-
ference, may request that the decision
be reviewed by the head of the bureau
involved.

(c) Any disputant unsatisfied with
the higher level review, and desiring to
appeal the decision, pursuant to §7.11
of this part, should consult with the
appropriate Federal land manager re-
garding the existence of published bu-
reau appeal procedures. In the absence
of published bureau appeal procedures,
the review by the head of the bureau
involved will constitute the final deci-
sion.

(d) Any affected person may request
a review by the Departmental Con-
sulting Archeologist of any profes-
sional issues involved in a bureau per-
mitting decision, such as professional
qualifications, research design, or
other professional archaeological mat-
ters. The Departmental Consulting Ar-
cheologist shall make a final profes-
sional recommendation to the head of
the bureau involved. The head of the

181