

07 NCAC 04R .1613 CUSTODY OF RESOURCES UNDER TERMS OF PERMITS

(a) The archaeological resources that are collected, excavated, or removed from State lands or Abandoned shipwrecks and related records and data shall remain the property of the State of North Carolina.

(b) The location of all records, artifacts, or other materials shall not be changed from that approved in the permit without prior approval of the State Archaeologist and, in the case of Specific Permits, the land-controlling agency. This restriction shall not apply to the temporary removal and relocation of artifacts or records for the purposes of scientific, historical, or educational research or for purposes of public display or education, so long as the artifacts or records remain:

(1) In the case of General Permits, under the custody or control of the Principal Investigator Archaeologist or the land-controlling agency; or

(2) In the case of Specific Permits, under the custody or control of the museum, university, or scientific or educational institution approved in the permit.

(c) Transfers of records and artifacts between universities, museums, and scientific or educational institutions shall be approved by the State Archaeologist. In the case of General Permits this Paragraph shall not apply to the movement of artifacts in the custody of a land-controlling agency so long as the artifacts remain under the control of the Principal Investigator Archaeologist and the land-controlling agency.

(d) All requests to relocate or transfer records, artifacts, or other materials related to a permit issued under this Section shall be in writing to the State Archaeologist. The requests shall include:

(1) the permittee's name, address, and telephone number;

(2) a copy of the permit;

(3) a statement specifying whether the request is for relocation or transfer;

(4) a description of items being relocated or transferred;

(5) a statement describing the reason needed for the relocation or transfer;

(6) the name, address, and telephone number of the institution where the items will be relocated or transferred; and

(7) a letter from the permittee certifying that the receiving institution meets the qualifications for curation and preservation of the items as set forth in 36 C.F.R. 79

(e) Following a review of the application materials, the State Archaeologist shall notify the permittee in writing of its decision to approve or deny the request. Requests for relocation or transfer may be denied by the State Archaeologist if it:

(1) would harm the safety of the item, such as by theft, vandalism, or risk of accidental damage; or

(2) result in damage to the item, such as fading, breaking or, cracking due to overexposure from light, air, moisture, or additional movement.

History Note: Authority G.S. 70-13; 70-14; 121-23; 121-25; 143B-10; 143B-62(1)(h); Eff. June 1, 2017.