

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 370
THE PROTECTION OF ARCHAEOLOGICAL RESOURCES

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AUTHORITY: Implementing and authorized by the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], Section 2 of the Illinois Historic Preservation Act [20 ILCS 3410/2], Sections 1-70 and 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/1-70 and 5-15], the Civil Administrative Code of Illinois [20 ILCS 805] and the State Parks Act [20 ILCS 835].

SOURCE: Adopted and codified at 6 Ill. Reg. 871, effective January 13, 1982; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 28 Ill. Reg. 8030, effective May 26, 2004.

Section 370.10 Purpose

This article provides essential definitions and guidelines to land managers and the public so that protection of Department of Natural Resources managed archaeological resources can be improved through the judicious and rational enforcement of the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435] and the federal Archaeological Resources Protection Act of 1979 (16 USC 470aa).

(Source: Amended at 28 Ill. Reg. 8030, effective May 26, 2004.)

Section 370.20 Definitions

- a) "Archaeological resource" refers to any material remains of past human life or activities that are of archaeological interest and at least forty (40) years of age, as well as the physical site, location, or context in which those remains are found.
- b) "Archaeological interest" refers to any object, site or other material remains that, as a result of its study and analysis, may provide information or knowledge about human life and activities in the past.
- c) "Materials remains of past human life or activities" refers to any physical evidence of human habitation, occupation, use or activity. Such items of evidence include, but are not limited to:

- 1) surface or subsurface structures,
 - 2) shelters,
 - 3) facilities,
 - 4) features (specific examples include, but are not limited to: domestic structures, human-made mounds, earthworks, canals, reservoirs, horticultural garden areas, rock alignments, cairns, kilns, and post moulds),
 - 5) surface or subsurface concentrations or scatters or artifacts,
 - 6) whole or fragmentary tools, implements, containers, weapon projectiles, clothing and ornaments (specific examples of these include, but are not limited to: pottery and other ceramics, basketry, cordage, weavings, coins, bullets, bottles, and other glassware, flaked stone, bone, metal, wood, hide, feathers, and pigments),
 - 7) by-products of manufacture or use of human-made or natural materials,
 - 8) organic waste (specific examples include, but are not limited to: vegetal and animal remains, coproloites),
 - 9) rock carvings, rock paintings, intaglios, and other works of artistic or symbolic representation,
 - 10) rockshelters or caves containing any of the foregoing materials,
 - 11) they physical site or location of any of the foregoing.
 - 12) any portion or piece of any of the foregoing.
- d) "Person" refers to any individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, or department or recognized political unit or subdivision.

Section 370.30**Prohibitions**

No person shall:

- a) Excavate or remove any archaeological resource located on Department of Natural Resources lands; i.e., lands owned, managed, licensed, or leased by the Department except as provided for in a permit issued jointly by the Department of Natural Resources and the Illinois Historic Preservation Agency.

AGENCY NOTE: Procedures for the issuance of the joint permit are set forth in 17 Ill. Adm. Code 390.

- b) Collect or remove from the surface any archaeological resource located on Department of Natural Resources land, except as provided for in a permit issued by the Department of Natural Resources and the Illinois Historic Preservation Agency.
- c) Alter, deface, vandalize, destroy, or otherwise damage any archaeological resource located on Department of Natural Resources lands; i.e., property owned, leased, or licensed by the Department of Natural Resources.

(Source: Amended at 28 Ill. Reg. 8030, effective May 26, 2004.)