

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

PART 390
NON-DEPARTMENTAL ARCHAEOLOGICAL RESEARCH ON
DEPARTMENT OF NATURAL RESOURCES MANAGED LANDS

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AUTHORITY: Implementing and authorized by Sections 1, 3, 4, and 6 of the Illinois Historic Preservation Act [20 ILCS 3410/1, 3, 4, and 6], Sections 1-70 and 5-15(a)(2) of the Illinois Administrative Procedure Act [5 ILCS 100/1-70 and 5-15(a)(2)], the Civil Administrative Code of Illinois [20 ILCS 805], the State Parks Act [20 ILCS 835], and the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435].

SOURCE: Adopted at 5 Ill. Reg. 7654, effective July 15, 1981; codified at 5 Ill. Reg. 10632; 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. 8034, effective May 26, 2004.

Section 390.10 Purpose

This article sets forth the conditions under which archaeological research by organizations and individuals outside of the Department (who are not operating as "agents" of the Department) may be permitted.

Section 390.20 Application

In order to obtain permission from the Department of Natural Resources to undertake archaeological investigations on Department managed lands the proposer of the research must apply to the Division of Resource Review and Coordination, Cultural Resource Coordinator at least 6 months before the starting date of the proposed project. The proposer must submit a detailed research proposal:

- a) This proposal must detail the significant archaeological/scientific research questions that the research will investigate, why such investigations can only be undertaken at the Department of Natural Resources managed site in question or why that site is the optimum choice for those investigations. The proposal must be sufficiently detailed to allow the Cultural Resource Coordinator to arrive at an objective evaluation of the research design, field methodology, and techniques. The proposal must include

detailed resumes of key project personnel (e.g., principal investigator, field director, and staff directing any specialized analyses proposed).

- b) An acknowledgment in writing that all materials recovered and documentary evidence generated by the research project remain the property of the State of Illinois.
- c) The proposal must indicate what plans the proposer has for publication of results and for the final disposition of the materials. All materials (artifacts, floral and faunal remains, C-14 samples, notes, maps, photographs, profiles, etc.) must be permanently curated at the Illinois State Museum.

(Source: Amended at 28 Ill. Reg. 8034, effective May 26, 2004.)

Section 390.30 Review Criteria

The research proposal will be reviewed by the Cultural Resource Coordinator who shall not recommend the approval of an archaeological investigation to the DNR director if:

- a) The Department of Natural Resources field management personnel (affected Site Superintendent, Regional Land Manager or Regional Historian) indicate that the proposed project will interfere with general site management, or is in conflict with established objectives for the site; or
- b) The research is not deemed to be scientifically significant; or
- c) Funding level is not sufficient to complete the proposed investigation, or
- d) The research proposal is inadequate, or if any part of the proposal is found to be deficient; or
- e) There is any question as to the ownership of the resulting materials; or
- f) The key project personnel are not adequately trained or lack sufficient experience to successfully complete the proposed project; or
- g) The facilities and institutional support for the proposer are inadequate to successfully complete the project.

(Source: Amended at 28 Ill. Reg. 8034, effective May 26, 2004)

Section 390.40 Conditional Permit Issuance

- a) All permits for archaeological investigations issued by the Department of Natural Resources are conditional on the applicant demonstrating to the Cultural Resource Coordinator, at least 30 days before initiation of fieldwork, that the project is fully

and adequately funded and that the applicant is in receipt of a permit from the Historic Preservation Agency.

- b) The applicant must detail in writing the amount and source of all funding.

(Source: Amended at 28 Ill. Reg. 8034, effective May 26, 2004)

Section 390.50 Suspension or Revocation of Permits

- a) Suspension of Permits. The Director of the Department of Natural Resources shall suspend a permit, until conditions leading to the suspension are rectified, if there are indications that:
- 1) Any facts in the proposal were misrepresented, or
 - 2) The research design and/or methodology has been changed without authorization from the Director, or
 - 3) There are violations of the permit conditions, or
 - 4) The archaeological investigation is interfering unnecessarily with normal management of the Departmental property.
- b) Revocation of Permit. The Director shall permanently revoke a permit if, after investigation, it is clear that:
- 1) Facts in the permit proposal were willfully misrepresented, or
 - 2) The permittee refuses to conform to research design/methodology requirements set forth in the proposal, or as specified by the Director, or
 - 3) The archaeologists are willfully interfering with Departmental management practices.

Section 390.60 Hearings and Appeals

Hearings and appeals will be dealt with following standard departmental procedures as set forth in 17 Ill. Adm. Code 2530.