

## PART 7—PROTECTION OF ARCHAEOLOGICAL RESOURCES

### Subpart A—Uniform Regulations

#### Sec.

- 7.1 Purpose.
- 7.2 Authority.
- 7.3 Definitions.
- 7.4 Prohibited acts and criminal penalties.
- 7.5 Permit requirements and exceptions.
- 7.6 Application for permits and information collection.
- 7.7 Notification to Indian tribes of possible harm to, or destruction of, sites on public lands having religious or cultural importance.
- 7.8 Issuance of permits.
- 7.9 Terms and conditions of permits.
- 7.10 Suspension and revocation of permits.
- 7.11 Appeals relating to permits.
- 7.12 Relationship to section 106 of the National Historic Preservation Act.
- 7.13 Custody of archaeological resources.
- 7.14 Determination of archaeological or commercial value and cost of restoration and repair.
- 7.15 Assessment of civil penalties.
- 7.16 Civil penalty amounts.
- 7.17 Other penalties and rewards.
- 7.18 Confidentiality of archaeological resource information.
- 7.19 Report.
- 7.20 Public awareness programs.
- 7.21 Surveys and schedules.

### Subpart B—Department of the Interior Supplemental Regulations

- 7.31 Scope and authority.
- 7.32 Supplemental definitions.
- 7.33 Determination of loss or absence of archaeological interest.
- 7.34 Procedural information for securing permits.
- 7.35 Permitting procedures for Indian lands.
- 7.36 Permit reviews and disputes.
- 7.37 Civil penalty hearings procedures.

AUTHORITY: Pub. L. 96-95, 93 Stat. 721, as amended; 102 Stat. 2983 (16 U.S.C. 470aa-mm) (Sec. 10(a)). Related authority: Pub. L. 59-209, 34 Stat. 225 (16 U.S.C. 432,433); Pub. L. 86-523; 74 Stat. 220, 221 (16 U.S.C. 469), as amended; 88 Stat. 174 (1974); Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470a-t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95-341, 92 Stat. 469 (42 U.S.C. 1996).

### Subpart A—Uniform Regulations

SOURCE: 49 FR 1027, Jan. 6, 1984, unless otherwise noted.

#### § 7.1 Purpose.

(a) The regulations in this part implement provisions of the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm) by establishing the uniform definitions, standards, and procedures to be followed by all Federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States. These regulations enable Federal land managers to protect archaeological resources, taking into consideration provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996), through permits authorizing excavation and/or removal of archaeological resources, through civil penalties for unauthorized excavation and/or removal, through provisions for the preservation of archaeological resource collections and data, and through provisions for ensuring confidentiality of information about archaeological resources when disclosure would threaten the archaeological resources.

(b) The regulations in this part do not impose any new restrictions on activities permitted under other laws, authorities, and regulations relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

[49 FR 1027, Jan. 6, 1984, as amended at 60 FR 5260, Jan. 26, 1995]

#### § 7.2 Authority.

(a) The regulations in this part are promulgated pursuant to section 10(a) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ii), which requires that the Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority jointly develop uniform rules and regulations for carrying out the purposes of the Act.

(b) In addition to the regulations in this part, section 10(b) of the Act (16 U.S.C. 470ii) provides that each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations in this part, as may be necessary for carrying out the purposes of the Act.