

Forest Service, USDA

§ 296.1

Line No.	Colorado roadless area name	Includes upper tier acres
313	Little Grand Mesa	X
314	Lower Piney.	
315	Mamm Peak.	
316	Maroon East.	
317	Maryland Creek.	
318	McClure Pass.	
319	McFarlane.	
320	Meadow Mountain A.	
321	Meadow Mountain B.	
322	Morapos A.	
323	Morapos B.	
324	Mormon Creek	X
325	No Name.	
326	North Elk.	
327	North Independent A	X
328	North Independent B.	
329	North Woody.	
330	Pagoda Peak.	
331	Piney Lake.	
332	Porcupine Peak	X
333	Ptarmigan A.	
334	Ptarmigan B	X
335	Ptarmigan C	X
336	Ptarmigan Hill A.	
337	Ptarmigan Hill B.	
338	Red Dirt A.	
339	Red Dirt B.	
340	Red Mountain.	
341	Red Table	X
342	Reno Mountain.	
343	Ripple Creek Pass-Trappers Lake	X
344	Ryan Gulch.	
345	Salt Creek.	
346	Sloan Peak	X
347	Spraddle Creek A	X
348	Spraddle Creek B.	
349	Sweetwater A	X
350	Sweetwater B.	
351	Tenderfoot Mountain	X
352	Tenmile.	
353	Thompson Creek.	
354	Tigiwon	X
355	Treasure Mountain	X
356	West Brush Creek.	
357	West Lake Creek.	
358	Wildcat Mountain.	
359	Wildcat Mountain B.	
360	Wildcat Mountain C.	
361	Williams Fork.	
362	Willow.	
363	Woods Lake	X

- 296.8 Issuance of permits.
- 296.9 Terms and conditions of permits.
- 296.10 Suspension and revocation of permits.
- 296.11 Appeals relating to permits.
- 296.12 Relationship to section 106 of the National Historic Preservation Act.
- 296.13 Custody of archaeological resources.
- 296.14 Determination of archaeological or commercial value and cost of restoration and repair.
- 296.15 Assessment of civil penalties.
- 296.16 Civil penalty amounts.
- 296.17 Other penalties and rewards.
- 296.18 Confidentiality of archaeological resource information.
- 296.19 Report.
- 296.20 Public awareness programs.
- 296.21 Surveys and schedules.

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).

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

§ 296.1 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.

PART 296—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

- Sec.
- 296.1 Purpose.
- 296.2 Authority.
- 296.3 Definitions.
- 296.4 Prohibited acts and criminal penalties.
- 296.5 Permit requirements and exceptions.
- 296.6 Application for permits and information collection.
- 296.7 Notification to Indian tribes of possible harm to, or destruction of, sites on public lands having religious or cultural importance.

§ 296.2

(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]

§ 296.2 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.

§ 296.3 Definitions.

As used for purposes of this part:

(a) *Archaeological resource* means any material remains of human life or activities which are at least 100 years of age, and which are of archaeological interest.

(1) *Of archaeological interest* means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation.

(2) *Material remains* means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.

(3) The following classes of material remains (and illustrative examples), if they are at least 100 years of age, are of archaeological interest and shall be considered archaeological resources unless determined otherwise pursuant

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to paragraph (a)(4) or (a)(5) of this section:

(i) Surface or subsurface structures, shelters, facilities, or features (including, but not limited to, domestic structures, storage structures, cooking structures, ceremonial structures, artificial mounds, earthworks, fortifications, canals, reservoirs, horticultural/agricultural gardens or fields, bedrock mortars or grinding surfaces, rock alignments, cairns, trails, borrow pits, cooking pits, refuse pits, burial pits or graves, hearths, kilns, post molds, wall trenches, middens);

(ii) Surface or subsurface artifact concentrations or scatters;

(iii) Whole or fragmentary tools, implements, containers, weapons and weapon projectiles, clothing, and ornaments (including, but not limited to, pottery and other ceramics, cordage, basketry and other weaving, bottles and other glassware, bone, ivory, shell, metal, wood, hide, feathers, pigments, and flaked, ground, or pecked stone);

(iv) By-products, waste products, or debris resulting from manufacture or use of human-made or natural materials;

(v) Organic waste (including, but not limited to, vegetal and animal remains, coprolites);

(vi) Human remains (including, but not limited to, bone, teeth, mummified flesh, burials, cremations);

(vii) Rock carvings, rock paintings, intaglios and other works of artistic or symbolic representation;

(viii) Rockshelters and caves or portions thereof containing any of the above material remains;

(ix) All portions of shipwrecks (including, but not limited to, armaments, apparel, tackle, cargo);

(x) Any portion or piece of any of the foregoing.

(4) The following material remains shall not be considered of archaeological interest, and shall not be considered to be archaeological resources for purposes of the Act and this part, unless found in a direct physical relationship with archaeological resources as defined in this section:

(i) Paleontological remains;

(ii) Coins, bullets, and unworked minerals and rocks.