**Section 4190.104 Unexpected Discovery of Archaeological and Paleontological Resources on Public Lands**

a) Notification of Department. Any person knowing or having reasonable grounds to believe that archaeological or paleontological resources protected by the Act are being disturbed, destroyed, defaced, mutilated, removed, excavated or exposed shall, as soon as possible, notify the Director and a local representative of the responsible land-managing agency.

b) Discovery of an Unregistered Grave Over 100 Years Old or an Unmarked Burial Site. Pursuant to the Human Skeletal Remains Protection Act [20 ILCS 3440], any activity that has disturbed or may disturb burial remains, a grave, any grave marker (including a mound), or any grave artifacts shall cease immediately upon discovery. The land managing agency and the Illinois Department of Natural Resources shall be contacted immediately. If human skeletal remains have been disturbed or discovered, the county coroner must be notified within 48 hours. If the coroner determines the site is not a crime scene, then jurisdiction shall be under the Human Skeletal Remains Protection Act and under 17 Ill. Adm. Code 4170, as applicable. No activity that affects the location of burial remains, a grave, a grave marker (including a mound), or grave artifacts may resume without authorization.

c) Notification of Owner of Record of Statutory Requirements.

1) If a disturbance or impending disturbance of archaeological or paleontological resources is reported to the Director by a person other than the owner of record, the Director shall notify the owner of record of the site, by telephone or other telecommunications media if possible and by letter with delivery receipt service, of the reported or impending disturbance of the archaeological and paleontological resources, the requirement that a permit be obtained prior to such disturbance and the liabilities and penalties upon the owner of record for any violation of the Act.

2) In instances where the disturbance or impending disturbance of an archaeological or paleontological site for which specific legal boundaries have not been determined is reported to the Director, the Director may require all activity that may disturb the site to cease until the type of resources and specific legal boundaries can be determined in a method approved by the Director. Such activities shall not resume unless specifically authorized by the Director.