**Section 4190.103 Coordination With Other Statutes**

Exceptions to the need to acquire a permit do not constitute a release from ownership, curation, or other Sections of the Act or other Parts of this Chapter. However, archeologists or paleontologists conducting projects under other laws as listed in Section 8 of the Act or in this Section below, do not need to meet the certification requirements or need a permit under this Act. Persons conducting projects under those laws or exceptions shall meet the authorization and professional qualification requirements of those laws. The following is a list of those other laws and activities:

a) Work is not required to be conducted by a certified archaeologist or paleontologist, or under a permit issued pursuant to the Act or this Part, if:

1) the proposed work consists of archaeological survey and/or data recovery undertaken and agreed to in writing by the Department pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470) or the activities are permitted pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. 1201 et seq.) or the rules and regulations promulgated thereunder or under any law, rule or regulation adopted by the State of Illinois thereunder.

2) the proposed work consists of archaeological survey and/or data recovery undertaken and agreed to in writing by the Department pursuant to the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420]. However, when a State agency's monies are used to support an archaeological research project, a permit and these services of a certified archaeologist or paleontologist shall be required if there is no impending or planned development or construction.

3) the person conducting the activities is conducting activities under other permits, leases, licenses, or entitlements for use, when those activities are exclusively for purposes other than the excavation and/or removal of archaeological or paleontological resources. However, if during the course of such work, archaeological or paleontological resources are discovered, the provisions of Section 4190.104 of this Part are applicable.

4) the person is collecting on private lands.

5) the person is visiting, diving on, viewing, electronically recording, photographing, mapping, drawing, or otherwise recording archaeological or paleontological resources provided that such activities do not result in the disturbance of or unauthorized collection of these resources.

6) the work consists of surface collecting of aerially exposed paleontological resources that are not covered by the primary rock body or sedimentary unit that has preserved the paleontological resources or removal of common invertebrate fossils with a small hand tool, such as a rock hammer, unless otherwise prohibited. Items collected under this exemption are not subject to claim by the State.

b) No permit is required for the research, service, or educational activities of certified paleontologists or licensed geologists, including persons under their supervision, employed by the Illinois State Geological Survey and Illinois State Museum of the Illinois Department of Natural Resources. Both the Museum and State Geological Survey are legislatively mandated to conduct geological research and educational programs.

c) No permit is required for the research, service, or educational activities of certified archaeologists employed at the Museum when conducting non-ground disturbing Phase I archaeological surveys on public lands. However, they shall comply with the notification and documentation requirements in Sections 6(c) and 8(a) of the Act.

d) Investigations by Department Personnel. No permit is required for any certified archeologist carrying out official Department duties under the Act or this Part. However, the Department shall comply with the notification and documentation requirements in Section 6(c) of the Act.

e) No Release from Requirements or Restrictions Under Other Laws. Under federal and other Illinois statutory, regulatory, or administrative authorities governing the use of public lands, authorizations may be required for activities which do not require a permit from the Department. Any person wishing to conduct on public lands any activities related to, but believed to fall outside the scope of, the Act and this Part should consult the Department or the unit of government believed to have authority with respect to such activity for the purpose of determining whether any authorization is required. No release from the need to acquire permission of any public land managing agency to conduct work on their land is granted by any authorization or exemption under the Act or this Part.

f) If the proposed work consists of archeological survey, testing or excavations undertaken and agreed to in writing by the Department pursuant to the Human Skeletal Remains Protection Act [20 ILCS 3440], certification may be required.