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State Archaeological Preserves

Sec. 10-384-1. Designation criteria

(a) The following criteria shall constitute an adequate basis for evaluating and determining the eligibility of properties for designation as state archaeological preserves:

(1) Listing on the National Register of Historic Places in accordance with the provisions set forth in 36 CFR 60, as amended from time to time, and nominated as being of state or national significance; or

(2) Listing in the state register of historic places in accordance with section 10-321-4 and nominated as being of state or national archaeological significance; or

(3) Designation of state lands by the Commissioner of Environmental Protection as a site set aside for the reburial of Native American skeletal remains in accordance with section 10-389(b) of the Connecticut General Statutes.

(b) The boundaries of the subject property shall be determined by the Connecticut Historical Commission.

(c) The Connecticut Historical Commission may require additional information from the applicant to assist in its determination of designation, and the information shall be submitted by the applicant.

(Adopted effective April 11, 2000)

Sec. 10-384-2. Special conditions

(a) The State Archaeologist, the Native American Heritage Advisory Council, and owners of property under consideration for designation as state archaeological preserves shall be notified of the implications of such proposed designation via certified mail by the Connecticut Historical Commission at least 45 days prior to final consideration by the Connecticut Historical Commission of such a designation.

(b) No privately owned site or land shall be designated without the written consent of each property owner of record as shown in the tax assessment lists and land records of the relevant municipality.

(c) The State Archaeologist and, if there is evidence of Native American archaeological remains, the Native American Heritage Advisory Council shall provide written recommendations concerning each property under consideration as a state archaeological preserve to the Connecticut Historical Commission no later than 30 days after the date of the certified notification provided under subsection (a) of this section.

(Adopted effective April 11, 2000)

Sec. 10-384-3. Designation

(a) The Connecticut Historical Commission shall designate any site which meets the designation criteria and the administrative requirements set forth in sections 10-384-1 and 10-384-2 of the Regulations of Connecticut State Agencies as a state archaeological preserve.

(b) Certified notification of the designation shall be conveyed by the Connecticut Historical Commission to the owner and any occupant of the property. Written notification of the designation shall be conveyed by the Connecticut Historical Commission to the State Archaeologist and the Native American Heritage Council. The Connecticut Historical Commission shall cause notice of such designation to be filed on the land records in the town where such preserve is located.

(c) The Connecticut Historical Commission shall maintain a list of all designated state archaeological preserves.

(Adopted effective April 11, 2000)

Sec. 10-384-4. Effects of designation

(a) No person without a permit shall excavate, damage or otherwise alter or deface the archaeological integrity or sacred importance of a designated state archaeological preserve. Activities which continue existing uses and do not involve further ground disturbance are not deemed to destroy, alter, disturb or impair such sites.

(b) Any person proposing any activity on property that has been designated a state archaeological preserve shall file written notification of such proposed activity with the Connecticut Historical Commission at least 60 days before initiation of such activity. The notification must include a detailed description of the proposed activity and a site plan showing its location in relation to the designated site.

(c) The applicant shall have the burden of proving that the proposed activity will not excavate, damage or otherwise alter or deface the existing condition of the designated site. The Connecticut Historical Commission reserves the right to deny any proposed activity.

(d) No person shall collect, gather or otherwise remove any artifact or other archaeological material from a designated state archaeological preserve or conduct any archaeological field investigations without securing a permit to do so from the Connecticut Historical Commission in accordance with section 10-386 of the Connecticut General Statutes.

(e) The Connecticut Historical Commission, in cooperation with the State Archaeologist, shall develop guidelines for the care and use of state archaeological preserves.

(f) The Connecticut Historical Commission shall revoke the designation from any site if it deems such site no longer possesses archaeological significance.

(Adopted effective April 11, 2000)