**Section 4170.110 Definitions**

"Act" means the Human Remains Protection Act [20 ILCS 3440].

"Adequate historical documentation" is information verifiable through the following types of independent sources: church records, deeds, treaties, atlases, maps, Tribal knowledge, and any other written and oral sources.

"Archaeological materials" means any remains of past human life or activities, as well as the physical site, location, or context in which those remains are found.

"Attorney General" means the Attorney General of the State of Illinois.

"Coroner" has the same meaning and duties as defined in Division 3-3 of the Counties Code [55 ILCS 5/Art. 3, Div. 3-3].

"Cultural-historical affiliation" means an association with a recognized historical age and cultural group.

"Department" or "DNR" means the Illinois Department of Natural Resources.

"Department archaeologist" means the chief of the Department archeology program.

"Director" means the Director of the Department of Natural Resources.

*"Disturb" or "disturbance" includes excavating, removing, exposing, probing, defacing, mutilating, destroying, molesting, or desecrating in any way human remains, unregistered graves, grave artifacts, and grave markers.*

*"Encounter" means to come upon human remains, grave artifacts, grave markers, or unregistered graves at a location where such viewing was not expected or anticipated.* [20 ILCS 3440/1]

"Field investigation" means the examination by a professional archaeologist of the traces of human culture at any land or water location by means of surveying, sampling, excavating, or removing subsurface objects or going on a site with that intent.

*"Grave artifacts" means any item of human manufacture or use that is associated with human remains in any unregistered grave.* [20 ILCS 3440/1]

"Grave contents" means human remains, grave artifacts, or grave markers.

*"Grave markers" means any tombs, monuments, stones, ornaments, mounds, or other item of human manufacture that are associated with an unregistered grave.* [20 ILCS 3440/1]

*"Human remains"* *include the bones and decomposed fleshy parts of a deceased human body.* [20 ILCS 3440/1]

"Kinship" or "kin" means lineal, affinal or legal relationship, whose biological, legal or affinal relationship can be demonstrated by genealogy, legal documentation, or forensic methods.

"Owner of record" means the person in whose name the real property appears on the records of the county Recorder of Deeds.

"Permit" means a permit issued by the Department pursuant to the Act.

*"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, limited-liability company, corporation or a receiver, trustee, guardian or other representatives appointed by order of the court, the Federal and State governments including State universities*, *created by statute or any city, town, county or other political subdivision of this State*. [20 ILCS 3440/1]

"Professional archaeologist" shall be those archaeologists that are certified pursuant to 17 Ill. Adm. Code 4190, Subsection D.

"Public lands" means any land owned or administered by the State, a State university, a municipality or a unit of local government.

"Related Group" means the governmental body or recognized leaders of a Tribal Nation, religious organization, ethnic affiliate, or any other group that can make a claim based on adequate historical documentation of the human remains, unregistered graves, and/or grave markers.

"Repatriation" for the purposes of this Part, means that the Department has recognized a claim regarding grave contents by a lineal descendant, Tribal Nation, or any other entity or related group through the presentation of adequate historical documentation and the process by which such grave contents are returned to the claimant.

"Site" means all mounds, forts, earthworks, village locations, burial grounds, ruins, mines, caves, or locations of past human life or activities which are the physical location of archaeological materials or may be the source of grave artifacts.

"Treatment plan" means a plan for the avoidance, removal, reburial, disposition, curation, or repatriation of grave contents that has been approved by the Department.

"Tribal" or "Tribal Nation" means a Native American or Alaska Native entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs.

*"Tribal consultation" means a form of communication centered in trust, respect and shared responsibility that upholds Tribal sovereignty. It is a free and open process where the exchange of information and opinions are shared among the participating parties.* [20 ILCS 3440/1]

"Tribal knowledge" means the generational sum of experiences, wisdom, or research present in a tribal Nation as a result of their existence and relationship with the land.

*"Undertaking" means any project, activity, or construction that can result in changes to, disturbance of, moving, or destruction of human remains, grave artifacts, grave markers or unregistered graves.* [20 ILCS 3440/1]

*"Unregistered grave" means any grave or location where a human body has been buried or deposited, is over 100 years old and is not in a cemetery registered with or licensed by the State Comptroller under the Cemetery Care Act or under the authority of the Illinois Department of Financial and Professional Regulation pursuant to the Cemetery Oversight Act, whichever is applicable*. [20 ILCS 3440/1]

(Source: Amended at 48 Ill. Reg. 2189, effective January 25, 2024)