**Section 4170.220 Tribal Consultation**

When an unregistered grave, human remains or grave contents are encountered and believed to be Native American in origin, the Department will use adequate historical documentation to determine the contemporary Tribal Nations that have an affiliation with the unregistered grave, human remains or grave contents. The Department will create a contact list of affiliated Tribal Nations. The Department's notice to the contact list shall include: details regarding the materials that have been encountered; a report of their condition; information about how the encounter occurred; which affiliated Tribal Nations have been identified; and an invitation to attend a consultation meeting that shall occur no sooner than 45 days after notification. Notice may be by letter or electronic communication. If a Tribal Nation intends to participate in the consultation meeting, then a response indicating attendance must be sent to the Department within 30 days after the notice is issued. Tribal Nations may attend the consultation in person, attend virtually, or submit written comments to the Department. The Department shall gather information related to the history of the location, details regarding the encounter and a proposed draft treatment plan for discussion with the Tribal Nations during the consultation. If an emergency exists, pursuant to Section 4170.300(c), Tribal consultation may occur sooner than this Section requires if all Tribal Nations that indicated they wish to participate and the Department agree that Tribal consultation shall occur on an expedited basis.

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