**Section 4170.300 Permit Application**

a) Application for Preservation Work to Unregistered Graves. Those wishing to probe the ground to locate and recover buried grave markers and to clean, repair or reset grave markers in an unregistered cemetery must obtain a permit from the Department. The application shall be on a form provided by the Department. The application shall provide the following information:

1) The applicant's name and address;

2) The proposed cemetery preservation plan, including, but not limited to the location and address of the cemetery;

3) The applicant's knowledge of the nature of the remains;

4) The rationale for the proposed disturbance;

5) Proof of ownership of the applicant of the land that the proposed cemetery preservation undertaking is occurring on or written permission from the landowner granting permission for the proposed cemetery preservation undertaking to occur; and

6) Any additional information or documentation that the Department requests to ensure the preservation or protection of unregistered graves and grave contents.

b) Application for Undertaking.

*If an undertaking will occur on property that the property owner has been notified in writing by the Department that the land is likely to contain human remains, unregistered graves, grave markers, or grave artifacts, a permit shall be obtained by the landowner from the Department. If human remains, unregistered graves, grave markers, or grave artifacts were unknown and were encountered by any person, a permit shall be obtained from the Department before any work on the undertaking may continue.* [20 ILCS 3440/13(a) and (b)] The application shall be on a form provided by the Department. The applicant shall provide the following information:

1) The name, address, email address and telephone number of the applicant and the owner or record.

2) The nature and extent of the undertaking.

3) The origin of the unregistered grave and grave contents that is known to the applicant and owner of record.

4) The location, address, and locational maps of the undertaking, including GPS coordinates.

5) A proposed time schedule for the undertaking, including the proposed schedule for excavation or avoidance.

6) Proof of ownership of the land that the undertaking is occurring on, or written permission from the landowner granting permission for the undertaking to occur.

7) A statement regarding whether preservation in place of the human remains, unregistered graves or grave contents is or is not feasible. If preservation in place is not feasible, then additional information outlining economic, construction, or social needs (e.g., contemporaneous construction or development of the property, agricultural activity, mining) requiring expedition in the removal of unregistered graves or grave contents is required.

8) If preservation in place is not feasible in the opinion of the permit applicant, the applicant’s proposed funding source, timetable, and available professional expertise for removal of unregistered graves or grave contents.

9) A draft treatment plan.

10) Any and all information detailing whether the undertaking involves either State or Federal funding, licenses, permits, or approvals.

11) The names, addresses, email addresses, and telephone numbers of the individuals proposed to be responsible for conducting the removal or excavation, including those people proposed to be responsible for carrying out any terms or conditions of the permit, including detailed resumes of the key project personnel (e.g., the principal investigator, field director, and staff directing any specialized analysis proposed), institutional affiliation, if any, and evidence of education.

12) Evidence that personnel named as responsible for site excavations in subsection (b)(11) of this Section are certified as Field Archaeologists Level II or III, under the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435] and 17 Ill. Adm. Code 4190.

13) Evidence that all excavations and analysis of unregistered graves and grave contents will be performed under the supervision of a human osteologist certified under subsection (e) of this Section.

14) Evidence of the ability of the applicant or those individuals listed pursuant to subsection (b)(12) of this Section to initiate, conduct, and complete the proposed work within the proposed timeframe, including evidence of funding, logistical support, laboratory facilities and evidence of past timely and successful completion of similar scale projects.

15) Evidence that an adequate program of site security to protect unregistered graves and grave contents from theft, vandalism, or inclement weather will be maintained during all work performed under this permit.

16) If known, the specific boundaries of an unregistered grave.

17) If the draft treatment plan involves removal of grave contents and those items cannot be transferred to the Department immediately upon excavation, the university, museum, funeral home, government agency, or other scientific or educational institution proposed as a temporary repository of materials and proof that the temporary repository entity possesses adequate curatorial capability for safeguarding and preserving the grave contents and all associated records during such temporary repository.

18) The applicant has certified that, not later than 60 days after the date the report of investigation is submitted to the Department, all grave contents and copies of records, data, photographs, and other documents resulting from work conducted under the requested permit will be delivered to the Department in compliance with the Department's curation and recordation policy regarding human remains, unregistered graves, grave artifacts, and grave markers.

c) Emergency Excavations.

In instances where unregistered graves or grave contents are encountered and the Department determines that it is not feasible to leave the unregistered grave or grave contents in place, and there is a high likelihood that the current conditions of the encounter, that are outside the control of the person or entity encountering the remains, may lead to destruction or irreparable damage to the unregistered grave or grave contents, or an emergency exists affecting public health, safety, or property, the Department shall authorize the excavation and analysis of the unregistered graves or grave contents at no cost to the owner of record by a professional archaeologist or human osteologist approved by the Department. All costs related thereto shall be borne by the professional archaeologist or skeletal analyst or other person employing or authorizing such excavation and analysis.

d) Excavation by Department Personnel. Department employees carrying out official Department duties required under the Act need not follow the permit application procedures of this Section. However, the Department shall comply with all other requirements of this Part and the Act.

e) Certification of Human Osteologist. The following are the minimum standards of education and experience to be certified as a human osteologist for the purpose of conducting activities under the Act and this Part. The applicant must:

1) Have designed and executed a human osteological study as evidenced by a graduate thesis or dissertation, or a report equivalent in scope and quality and been awarded a graduate degree, from an accredited institution, in archaeology, anthropology, or another germane discipline with a specialization in human osteology. It is recognized that in some cases an individual may have prepared several small reports that, cumulatively, may be comparable to a graduate thesis;

2) Possess six months of supervised analytical training/experience in the identification, analysis, and interpretation of human osteological remains, which may be accumulated on a part-time basis; and

3) Agree in writing to conduct research in accordance with currently accepted scientific standards as outlined in the Society for Professional Archaeologists "Standards of Research Performance" and to know and comply with the Department's curation and recordation policy regarding human remains, unregistered graves, grave artifacts, and grave markers.

f) Application for Certification. Any individual wishing to apply for certification under this Section and the Act as a human osteologist shall submit a letter of request with appropriate documentation to the Department. Documentation must be sufficient to demonstrate the applicant fulfills the requirements of subsection (e)(1), (2) and (3).

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