BURIAL PRESERVATION BOARD
The Burial Preservation Board was created in 1991 under the Human Skeletal Remains and Burial Site Protection Act. The purpose of the Board is to protect human skeletal remains, burial sites, and burial materials, found on state and private lands in Montana, from disturbance or destruction. It is also to resolve claims for repatriation of human skeletal remains and funerary objects.

BOARD MEMBERS
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Flathead Reservation
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406-353-2933

Fort Peck Reservation
406-768-5565

Northern Cheyenne Reservation
406-477-8249

Rocky Boy’s Reservation
406-395-4184

Little Shell Tribe Historic Preservation Office
406-315-2400

This information will be made available in alternate formats upon request.
If Human Remains, a Burial Site, or Burial Materials are Discovered:

- Cease all activity at the site and immediately call the Coroner.
- The Coroner may seize the remains if a criminal inquiry or inquest is warranted.
- If the Coroner determines an inquiry or inquest is not warranted, the Coroner shall call the State Historic Preservation Office (SHPO) within 24 hours. If SHPO cannot be contacted, the Coroner will call the nearest member of the State Burial Preservation Board or law enforcement at the nearest reservation.
- Unless there is suspicion of a crime scene or the Board has made another finding, burial sites and human remains must be protected and preserved in place regardless of ethnic origin, burial context, or age of burial site.
- All burial sites must be avoided and not physically disturbed. Montana Code Annotated, Title 46, Chapter 4 does not authorize removal of remains solely for documentation of ethnicity or age or other study.

Removal or disturbance of human remains other than in a coroner’s inquiry or inquest should occur only after other alternatives (primarily preservation in place) have been considered by the Board.

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**Human Skeletal Remains and Burial Site Protection Act Procedures**

**NOTE:** A person may be subject to criminal and civil penalties for violating the Human Skeletal Remains and Burial Protection Act [22-3-808, MCA]

If you discover human remains, a burial site, or burial material on state or private land:

**DO NOT DISTURB THE SITE.**

Contact Coroner.

[22-3-805(1), MCA]

After notification, Coroner has 2 working days to determine if the site is a crime scene and whether Title 46 MCA applies.

[22-3-805(2), MCA]

If not a crime scene and no forensic examination is necessary, the site should not be disturbed and the Coroner contacts SHPO within 24 hours.

[22-3-805(4), MCA]

Upon Coroner contact, SHPO has 1 day to contact (a) Landowner and the Board; or (b) Landowner and the Board member representing nearest reservation.

[22-3-805(4), MCA]

Board has 36 hours after notification to designate representative to conduct (with landowner permission) an initial field review.

[22-3-805(6), MCA]

Board’s representative and landowner agree to disposition/resolution.

[22-3-805(7), MCA]

If you discover human remains, a burial site, or burial material on federal land: NO STATE JURISDICTION

NAGPRA (Native American Graves Protection and Repatriation Act) applies. Call NAGPRA 202-354-2201 or visit nps.gov/nagpra

If a crime scene, Coroner may seize remains as evidence for criminal proceeding.

If more than 2 working days are needed to decide, Coroner notifies Board member about length of delay.

[22-3-805(2-3), MCA]

If SHPO cannot be contacted, Coroner notifies Board member or law enforcement agency of nearest reservation within 24 hours.

[22-3-805(5), MCA]

Board or law enforcement agency immediately notifies landowner and Board member representing nearest reservation.

[22-3-805(5), MCA]

If no resolution is achieved among Board representatives and the landowner within 40 days after Board notification, remains must be removed and control vested with the Board. Board gives control to descendants, tribe, or group most closely affiliated or with aboriginal or historic occupation of area.

[22-3-805(7), MCA]