

BEFORE THE BURIAL PRESERVATION BOARD  
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF ADOPTION AND
Rules I through VII, pertaining to	)	TRANSFER
repatriation of human skeletal remains	)	
and funerary objects and transfer of	)	
ARM 2.65.102 through 2.65.108	)	
pertaining to human skeletal remains	)	
and burial site protection	)	

TO: All Concerned Persons

1. On March 14, 2013, the Burial Preservation Board (board) of the state of Montana published MAR Notice No. 2-65-480 regarding a public hearing to consider the proposed adoption and transfer of the above-stated rules at page 308 of the 2013 Montana Administrative Register, Issue Number 5.

2. The board has adopted New Rules I (ARM 2.65.201), II (ARM 2.65.401), IV (ARM 2.65.403), V (ARM 2.65.404), and VII (ARM 2.65.406) and transferred ARM 2.65.102 (2.65.301), 2.65.103 (2.65.302), 2.65.104 (2.65.303), 2.65.105 (2.65.304), 2.65.106 (2.65.305), 2.65.107 (2.65.306), and 2.65.108 (2.65.307) exactly as proposed.

3. The board has adopted New Rules III (ARM 2.65.402) and VI (2.65.405) as proposed, but with the following changes, stricken matter interlined, new matter underlined:

NEW RULE III (ARM 2.65.402) DEFINITIONS In addition to the definitions found in 22-3-903, MCA, the following definitions apply in this subchapter:

- (1) through (3)(h) remain as proposed.
- (i) Pend d'Oreille, ~~Flathead~~ or Upper Kalispell (Flathead Reservation);
- (j) Salish or ~~Upper Kalispell~~ Flathead (Flathead Reservation);
- (k) through (p) remain as proposed.

AUTH: 22-3-904, MCA  
IMP: 22-3-904, 22-3-911, 22-3-912, MCA

NEW RULE VI (ARM 2.65.405) CRITERIA FOR DETERMINING LINEAL DESCENT AND CULTURAL AFFILIATION WHEN REVIEWING A REPATRIATION CLAIM (1) through (4)(b) remain as proposed.

- (c) ~~archeological~~ archaeological;
- (d) through (i) remain as proposed.

AUTH: 22-3-904, MCA  
IMP: 22-3-903, 22-3-904, 22-3-912, MCA

4. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the board's responses are as follows:

COMMENT #1: The Confederated Salish and Kootenai Tribes' Tribal Historic Preservation Office commented that proposed New Rule III(3)(i) and (j) incorrectly identified the Pend d'Oreille and Salish tribes.

RESPONSE #1: The board has corrected the names consistent with the comment. The board thanks the Confederated Salish and Kootenai Tribes for its comment and all the suggestions it has provided to the board in drafting these proposed rules.

COMMENT #2: Board member Dr. Ruthann Knudson commented that the word "archaeological" was incorrectly spelled in proposed New Rule VI(4)(c).

RESPONSE #2: The board has corrected the spelling to be consistent with the spelling in the Human Skeletal Remains and Burial Site Protection Act, 22-3-801, MCA, et seq. The board thanks Dr. Knudson for her excellent input in drafting these rules. Her participation was invaluable.

By: /s/ Reuben Mathias  
Reuben Mathias, Chair  
Burial Preservation Board

By: /s/ Michael P. Manion  
Michael P. Manion, Rule Reviewer  
Department of Administration

Certified to the Secretary of State April 29, 2013