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

- · Conrad Fisher, Chair Northern Cheyenne
- Erika Scheuring, Vice Chair

 Montana State Historic Preservation Office
- · Skye Gilham

 Physical Anthropologist
- Michael Blackwolf
 Assiniboine/Nakoda & Gros Ventre/A'aninin
- Dyan Youpee Fort Peck Assiniboine & Sioux
- · Aaron Brien
 Crow Nation
- Duane ReidLittle Shell Chippewa
- · John Murray Blackfeet
- Kevin Askan
 Confederated Salish & Kootenai
- · Vacant
 Chippewa Cree
- Weber Greiser
 Montana Archeological Society
- Andy LeBrun
 Montana Coroner's Association
- · Thomas Livoti
 Public Representative

STAFF MEMBERS

- Terri Hogan, Legal Counsel terri.hogan@mt.gov | 406-444-3447
- Jessica Bush, State Archaeologist
 jbush2@mt.gov | 406-444-0388
- Misty Kuhl, State Director of Indian Affairs misty.kuhl@mt.gov | 406-444-3862
- Administrative Support

 DOA Director's Office | 406-444-2460

TRIBAL LAW ENFORCEMENT

- Blackfeet Reservation 406-338-4000
- Crow Reservation 406-638-2957
- Flathead Reservation 406-675-4700
- Fort Belknap Reservation 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.

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STATE OF MONTANA

Burial Preservation Board



WHAT TO DO IF YOU FIND HUMAN REMAINS

A Guide for Coroners, Local Law Enforcement, and Property Owners

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.

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 If you discover human remains, a burial site, or burial material on federal land: NO STATE JURISDICTION. NAGRPA (Native American Graves Protection and or private land: DO NOT DISTURB THE SITE. Contact coroner. [22-3-805(1), MCA] Repatriation Act) applies. NAGPRA contact: 202-354-2201 or nps.gov/nagpra. After notification, coroner has 2 working days to determine if the site is If a crime scene, coroner may seize remains as evidence for criminal proceeding. a crime scene and whether Title 46 MCA applies. [22-3-805(2), MCA] 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 not a crime scene and no forensic examination is necessary, the site should not be disturbed and the coroner contacts SHPO within 24 hours. If SHPO cannot be contacted, coroner notifies board member or law enforcement [22-3-805(4), MCA] agency of nearest reservation within 24 hours. [22-3-805(5), MCA] Upon coroner contact, SHPO has 1 day to contact (a) landowner and the board; or (b) landowner and the board member representing nearest Board or law enforcement agency immediately notifies land owner and board reservation. [22-3-805(4), MCA] member representing nearest reservation. [22-3-805(5), 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] [22-3-805(6), MCA]