

Minutes
Burial Preservation Board
October 10, 2014
10:00 AM – 2:00 PM Working Lunch
State Capitol Building
Room 317
1301 East Sixth Avenue
Helena, MT 59601

1. Call meeting to order: *Dr. Ruthann Knudson, Chair*
The meeting was called to order at 10:18 a.m.
2. Introductions and opening prayer
Robert FourStar sang the opening prayer and provided the translation. Introductions of those present for the meeting followed.
3. ***Action Item***: Approve June 20, 2014 Meeting Minutes
Rosemary Caye offered a correction to the minutes. Francis Auld should be described as the Tribal Historical Preservation Officer for the Confederated Salish Kootenai tribes. A motion to accept the minutes as corrected was offered by Morris Belgard with Robert seconding. The motion passed unanimously.
4. Sunny Slope Cemetery: *Patricia "Donnie" Smith*
Patricia (Donnie) Smith retired from the U. S. Forest Service, where she had been an archaeologist in Oregon and northern California, and wanted to live in the Flathead Lake area; she completed graduate work in anthropology at the University of Montana. In 2009 she made an offer on ~20 acres of land owned by the Proud Family Limited Partnership on the northeast side of Lake Mary Ronan Highway between Dayton and Proctor. When she investigated the property, she discovered that there was a historic cemetery in the northwest corner of the property she was purchasing. Her purchase of that land has never been finalized (she apparently made an offer in 2009 and was subsequently served a quitclaim on it, and has been in discussions about it through her lawyer since then). Copies of the documents she had that related to the case are attached, as are additional maps and aerial photos to locate the property.

The Cemetery of Dayton and Proctor was apparently established in 1887-1888, when a wrought iron fence and gate were installed around it; the Cemetery would probably have been on unplatted Flathead Reservation land at that time. The Cemetery was apparently included in private land in Flathead County owned by 1913 by Roy E. and Frankie June Proud, when they took out a mortgage to the Day and Hansen Security Company on the property. A plat of the Cemetery of Dayton and Proctor (*aka Sunny Slope Cemetery*) was approved by the Flathead County Commission (land became part of Lake County in 1923) on September 22, 1916. At least two bodies are known to have been interred in the Cemetery: Levi Walker in 1913 and Robert A. F. Ober in 1930. The Proud property was second-mortgaged to the Day and Hansen Security Company in 1918 and paid in 1923.

The mortgage release document states that the Proud family had all rights to the land “save and except therefrom a small tract of land, containing 1.4 acres more or less, used for cemetery purposes, according to the plan thereof on record in the office of the Auditor of Flathead County, Montana.” The Prouds apparently owned the land, but had to maintain the Cemetery.

The Cemetery wrought iron fencing and gate were apparently removed in the 1950s. In 1974 the Prouds sold a small portion of their land to the State of Montana as a highway easement, that portion apparently including the northwest corner of the platted Sunny Slope Cemetery. The Lake Mary Ronan Highway, which skirts the west side of the Proud property, was widened in 1975 or 1976, during the course of which a burial was disturbed on the west end of the Sunny Slope Cemetery (apparently within the land recently deeded by the Prouds to the State). Moseley Funeral Home of Ronan (now Shrider Funeral Home) recovered and reburied the remains somewhere.

Apparently in the 1970s the highway department had built an egress ramp from the highway to the Proud property, within the highway right-of-way. When Smith first became acquainted with the property and cemetery, there at least 13 depressions across the cemetery which she thinks were grave depressions, and there were pieces of wood scattered around that were probably cross grave markers. Cattle had been grazing in this area for years. Smith said that in the spring of 2013 from a distance she saw (and could not identify) people come out and fill in the purported grave depressions.

When Smith was first negotiating for purchase of the land in 2009, the preliminary land survey of the Proud property of concern noted a 1.25 acre Sunny Slope Cemetery; when she received the final survey map, only 0.4 acres had been designated for the cemetery. She wonders how one can diminish the size of a cemetery without any legal action.

Ruthann stated that the board does not have any jurisdiction. Mike added that until something comes up to show that it falls under the board's responsibility, he agrees that the Board has no jurisdiction in this matter.

Rosemary Caye suggested sending a copy of the law and regulations to the Proud family. Mike and Ruthann will write a letter, include the state statute, and copy the county commissioners of Lake County. Mike will contact Terry Bullis to speak with the coroner in Lake County.

The board will copy the documents for historical value. Attached are the [documents](#) for Sunny Slope.

5. New case remains: *Stan Wilmoth*

- There was discovery in Rosebud County. Conrad Fisher is working on it to have it reburied. It was Native American. Trade beads and other signs to suggest it was Native.
- Warm springs burial. Confederated Salish Kootenai Tribes are in process taking care of it.
- The Pictograph Caves remains were buried on October 7. Stan will check with Sarah Scott to see if everything was buried there. He will contact Sarah informally.
- Ruthann thanked those members that attended the Anzick burial.

- Ruthan will distribute copies of letter to Dr. Lahren to board members.

6. Old business

Virginia City update : *Skye Gilham*

Skye called to see what were there hours but they have closed for the season. She will follow-up next summer.

7. Other business

Mike showed the [Human Skeletal Remains and Burial Site Protection Act Procedures](#) flow chart that is available on our website. Rosemary and Mike will discuss to chart to ensure all possibilities are covered.

A letter was sent to the Bozeman Mineral & Gem Society regarding the remains they have on display. Mike reported that no response was received. He added the board's responsibility is over. It was suggested to send them the statutes.

A letter was sent to Dr. Lahren about the teeth he turned in to Stan. His reply was that he had no recollection where they were found. Mike will ask Terry to contact the coroner in Park County to see if he will assist in the reburial of the teeth.

Mike will ask Terry to contact Tim McCleary to rebury the skull from Hardin.

Skye was asked if the Chevalier remains were buried. Steve Platt will check with John Murray and possibly deliver the remains to John.

8. Public Comment

No public comment was offered at this meeting.

9. ***Action Item***: The board will schedule a meeting next spring to be held after the legislative session is over.

Adjourn. A motion to adjourn was offered by George Reed, Jr. with Steve Platt seconding. The meeting adjourned at 12:10 p.m.