

**Burial Preservation Board**  
**September 9, 2011**

**Attendees:** Reuben Mathias, Phyllis Mathias, Mike Manion, Steve Platt, Stan Wilmoth, Marilyn Silva, Ruthann Knudson, Robert Four Star, William Big Day, Skye Gilham, Morris Belgard, and Monica Abbott.

Reuben called the meeting to order at 9:13 a.m.

Opening Prayer: Robert Four Star opened the meeting with a prayer.

**\* ACTION ITEM**

Rueben asked for a motion to approve the November 11, 2010 Meeting Minutes. Ruthann Knudson made a motion to adopt the minutes after deleting the four words "The Native American Caucus." Marilyn Silva seconded the motion. Rueben asked for any further comments or corrections of the minutes. The motion passed unanimously.

Rueben Mathias asked for introductions from those in attendance. Attendees introduced themselves.

**1. Review of Burial Board Duties : *Mike Manion***

Mike gave a general review of the board's responsibilities. Mike explained that during the recent oil spill, the role of the board came into question. He stated remains or funerary items found on state or private land are within the board's jurisdiction. There are a series of steps. The initial contact is to the coroner in the county. If it is not a crime scene, the coroner will contact Stan Wilmoth at the Historical Society.

William Big Day related the events involving his role with the oil spill. Mike added that since no remains were located during the spill, the board was not involved.

Mike said it is up to the board to decide how to handle these situations. Mike suggested contacting him or Lesa Evers with questions for guidance. Morris asked if there should be a checklist list with contact information. Mike will put a list together.

**2. Utah remains sent to BYU: *Mike Manion***

Mike related that he spoke with Doreena Copp, who is doing an analysis of these remains. The box mailed from Augusta contained remains from three individuals with evidence of head flattening. Ms. Copp is conducting her cultural determination with completion by the end of October. She is asking our board to provide any history including oral histories to help identify the origin of the remains. She will submit her report to a committee in Utah, which apparently is similar to this Burial Board. Ruthann suggested sending a letter from the board that the board has an interest in the remains. Mike will send contact information to Skye Gilham to contact Doreena. The remains may fall under NAGPRA jurisdiction. Skye will check to see if the Utah report will go to the board or the tribes.

**Burial Preservation Board**  
**September 9, 2011**

**3. Set dates for reburial of unclaimed remains at the First Peoples Buffalo Jump**

Ruthann talked with the people from FWP about using the site for unclaimed remains. Richard Hopkins, manager of [First Peoples Buffalo Jump](#) (FPBJ), is agreeable. Morris clarified that if tribes do not claim remains, then remains will be reburied at FBPJ.

Stan referred to a letter from University of Montana (UM) about the [NAGPRA](#) inventory of their collections. The letter asked the State Historical Preservation Office (SHPO) not to repatriate any remains until they complete their study.

There are possibly as many as 12 remains at SHPO including the remains from the Pictograph Caves.

Ruthann explained the collection needs further organization. UM hopes to have the archeological collection reviewed by the end of the semester.

Stan stated the UM cases are eliminated from First Peoples Buffalo Jump until the completion of the UM study.

**\* ACTION ITEM**

Ruthann moved to send a letter to Sheila Stearns, Commissioner of Higher Education, asking for verification that there are no historical human remains (native or non-native) and associated funerary items on campuses. Morris Belgard seconded the motion. The motion passed unanimously.

**4. Revisions of Draft Rules: *Mike Manion***

The board has an obligation to draft repatriation rules. Rules were drafted and a hearing was held. Mike received written comments from Ms. Rosemary Caye of the Confederated Salish Kootenai Tribes on how our rules interact with NAGPRA. Ms. Caye wanted the draft rules to be revised. Mike asked Andy Huff of the Attorney General's office to draft an opinion regarding NAGPRA and state law. Andy provided this opinion. Mike is redrafting the rules to send to the subcommittee, taking into account Mr. Huff's opinion. The subcommittee consists of Rueben, William, Ruthann and John Murray. Mike plans to have the redraft ready within 2 weeks. The public hearing is held thirty days after posting the ARM notice of the drafted rules. Mike will send Ms. Caye's comments and the letter from Andy to the members and Tim McKeown of NAGPRA.

**5. Update on Miles City remains: *Stephen Platt***

Steve also talked to the state about Fort Keogh from where the remains came but the state declined. William said the remains might be River Crow. William will check with his tribe and respond by September 23 to see if his tribe will repatriate the remains; otherwise, Fort Peck has agreed to take them. Steve mentioned the remains came from Nebraska as part of 16 remains discovered in 1962 when highway was constructed. These specific remains came from the grandson of one of the construction workers.

Robert suggested checking the military records as a source for information on enlisted Native Americans. Steve replied that was a great idea.

**Burial Preservation Board**  
**September 9, 2011**

**6. Update on outstanding remains: *Stan Wilmoth***

**a. Mandible from 24GN1095**

A landowner is paying archeologist Daniel Comer to dig a site in the Flint Creek area near Philipsburg. He found a human mandible lower jaw with teeth at the base of the sod. He gave it to Dr. Les Davis of Montana State University. This area floods and the archeologist thinks the mandible moved with the floods. There is not any dating completed on the mandible. Rueben asked about putting the artifacts back into the ground. The artifacts belong to the landowner. Mike added that under Montana law, the board has authority over the burial. Rueben asked about burying the mandible. Ruthann suggested FPBJ or on site. Ruthann recommended the board send a letter to the landowner to bury it on site in a protected spot. A burial board member should be present for final respects. Marilyn, Steve and Stan will attend the burial.

**b. Gallatin Courthouse Display**

Bethany Campbell, an anthropologist with UM, discovered two mandibles displayed in the Gallatin County Courthouse. The display is under control of Bozeman Gem & Mineral Society.

Ruthann suggested sending a letter to county commissioners.

**\*ACTION ITEM**

Morris offered a motion send a letter to Gallatin County Commissioners and copying the Bozeman Gem & Mineral Society. Skye seconded the motion, and it passed unanimously. Diane Arnold is the contact with the Bozeman Gem & Mineral Society

Stan reported that in the city museum in Virginia City there are human remains attributed to "Clubfoot George" on display. Ruthann asked if the law states all remains have to come before the board. Mike replied we need more information regarding the remains to answer that question. Skye said if the City reports it was unearthed then, it would be under the board's jurisdiction.

**\*ACTION ITEM**

Marilyn moved to send a letter to Virginia City. Robert seconded the motion. Motion passed unanimously

**c. Eastern MT ranch discovery from Dr. Johnson**

Ann Johnson, a retired archaeologist from the Parks Service, sent Stan a letter that received a box of rocks and fossils in box. There was a jaw in the box but do not know who collected it or where. The fossils came from eastern Montana. Robert agreed to bury the remains at Fort Peck. Steve will deliver it to Robert in early October.

**\*ACTION ITEM**

Ruthann moved that we rebury at Fort Peck with Morris seconding the motion. The motion passed unanimously.

**d. Custer MT remains by way of New Jersey**

Stan received a phone call in April from a person in New Jersey with a box of bones bought in 1950's by a traveling salesman in roadside stand by

**Burial Preservation Board**  
**September 9, 2011**

the Custer battlefield outside Garryowen. It is a male adult robust around 30 years of age, most likely native. Many healed wounds but no sign of cause of death.

**\*ACTION ITEM**

Robert offered a motion, with Ruthann seconding, to give remains to William for reburial. The motion passed unanimously.

**e. Fort Shaw Skull**

Stan received a phone call on March 22 stating there was a skull of approximately 10-year-old child from near Shaw Butte. The cause of death was a gunshot to the head and was in custody of Fort Shaw police that ultimately went to state crime lab.

**\*ACTION ITEM**

Robert made a motion, which Morris seconded, to bury it at FPBJ. The motion passed unanimously.

**f. Washington State Citizen Surrender**

The King county medical examiner office sent the remains back to Montana. A doctor turned in the remains from a patient.

**\*ACTION ITEM**

Morris offered a motion for burial at FPBJ, which William seconded.

After discussion, the board decided to keep burials low key. Stan will contact Rich Hopkins regarding burials at FPBJ. Burial members may attend the burial.

Morris asked if travel reimbursement is available for reburials. Mike said it is board activity but depends on the budget.

Stan asked if reburial should occur in a common hole or two holes. Reuben replied two separate holes. Ruthann asked if there was a preference of cloth or boxes. After discussion, the board decided to bury the remains in the containers in which they came.

**7. Schedule the next meeting**

The next meeting is tentatively scheduled in Missoula on October 21. Ruthann will contact the Department of Anthropology to check on how much information will be available by that date. The meeting will be all day with a meeting in the morning and afternoon.

Mike asked the board if they would prefer direct billing for hotels. Monica will contact the hotels for direct billing for the next meeting. We will need to know who will be attending.

The Burial Preservation Board adjourned at 12:25 p.m.

Lunch followed with the prayer delivered by William Big Day.