

Burial Preservation Board Meeting

October 4, 2019 10am-12pm

Helena Capitol Building Room 137

Member Present: William Big Day, Jessica Bush, Richard Parenteau, Morris Belgard, Carl Davis, Greg Kirkwood, Conrad Fisher, Skye Gilham,

Members Excused: Tom Escarcega, Sr.

Staff Present: Mike Manion, Belinda Adams

Other Attendees: Dr. Riley Auge, Dr. Kelly Dickson

1. Call to Order

- a. Chair William Big Day called the meeting to order at 10:05 am

2. Opening Prayer and Introductions

- a. Mr. Big Day led the opening prayer.
- b. All meeting attendees introduced themselves to the group.
- c. Mr. Conrad Fisher arrived at 10:08 am

3. Previous Meeting Minutes

- a. **ACTION ITEM:** Approve May 3, 2019 Board Meeting Minutes.
 - i. Mr. Belgard moved to approve the minutes from the May 3, 2019 meeting. Mr. Richard Parenteau seconded the motion. The motion passed unanimously.

4. Old Business

- a. Montana Coroner's Association Meeting – May 2019
 - i. Mr. Greg Kirkwood, Ms. Skye Gilham, and Mr. Conrad Fisher presented at the Montana Coroner's Association meeting in May 2019. Approximately 160 people attended. Mr. Kirkwood said that law enforcement and coroners attended and that the presentation and meeting went well. Mr. Fisher heard feedback that the event was helpful for learning about different burial practices. He felt that it was a welcoming environment. He also complimented Ms. Gilham on her presentation on the Board and the laws affecting it.
 - ii. Ms. Gilham arrived at 10:19 am.
 - iii. Ms. Gilham also thought the presentation went well. She received positive feedback about people learning about the laws they need to follow. Ms. Gilham complimented Mr. Fisher for his presentation at the meeting and the examples he gave for what to look for.
 - iv. Mr. Big Day stated that is important to present this information for the new century we are in. He thanked Mr. Kirkwood for the opportunity to open the door for the tribes to share this information. Mr. Kirkwood stated the Board should also consider presenting at the new coroners' class in December 2019. He felt it would be a good opportunity to educate the incoming class about tribal burial practices. The December meeting will be an opportunity to educate the whole state.
 - v. Mr. Carl Davis and Mr. Fisher stated that it's important to not forget that remains may be found in Montana that are associated with tribes no longer residing in Montana. We all need to be alert to that potential situation. Mr. Big Day thought it would be good to have multiple tribes present to educate attendees about the different tribal practices and rituals. He has heard of complaints about farmers plowing over remains. Mr. Mike Manion said that the 1991 Human Skeletal Remains and Burial Site Protection Act provides that burial in place is the preferred policy for all burial sites, burial material and remains. This

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Act is the exclusive law governing the treatment of human remains, burial sites and burial materials. The statutory citation is 22-3-801 et seq. Montana Code Annotated. The Board agreed that this was a worthwhile event to present at.

b. Robert Taylor, Nez Perce Tribe Reburial Request

- i. Mr. Parenteau distributed a handout. He explained that he was on a conference call with Mr. Robert Taylor, NAGPRA Specialist for the Nez Perce Tribe in Idaho, who was looking for a burial site for remains initially found in Park County, but was unsure about the best place for reburial because no one knew where the remains were originally found. Refer to May 18, 2018 minutes for more information on these remains. Mr. Parenteau mentioned that the First People's Buffalo Jump near Great Falls might be a good place to bury the remains. That was brought to the Board for approval, and the Board approved. On June 25, 2019, a group met at the Buffalo Jump with the remains from the Nez Perce. In attendance were Robert Taylor; Nakia Williamson, Nez Perce Cultural Director; Nakia Sewans-Cloud, Nez Perce Cultural Committee; Stan Wilmoth, Board member; Richard Parenteau, Board member; Glenn Gopher, Chippewa Elder; Tex Damon, Little Shell Cultural Committee; Clark Carlson-Thompson, First People's Buffalo Jump Manager; and Tom Albers, First People's Buffalo Jump volunteer. Mr. Stan Wilmoth also brought additional remains for burial. The takeaway was that the two tribes—Nez Perce and Chippewa and the Board worked well together, and the tribes were able to each do their own ceremony and learn about the other's practices.

- c. Mr. Davis suggested that there needs to be a protocol among the key stakeholders for the option to rebury remains in the same place, which is the statutory preference. He felt it would be good to establish some protocols with other land managing agencies. This might be something for the Burial Board to decide or for the tribes to evaluate individually.

5. **New Business**

a. University of Montana, Human Remains Case

- i. Dr. Kelly Dixon and Dr. Riley Auge from the University of Montana presented. They began by passing out an osteological report and copies of a handwritten letter.
- ii. Dr. Auge is the recently appointed NAGPRA coordinator at the University of Montana. She wants to do work involving remains and burial materials as appropriately, timely, and respectfully as possible. Right now, they have 35 NAGPRA cases of human remains and funerary objects. One case recently came up and she was unsure how to approach so she was reaching out to the Board. The remains did not seem to fall under NAGPRA and would hopefully be within the Burial Board's jurisdiction. She provided a summary of this case:
 1. A university student was cleaning out a zoology professor's office and found a small box with handwritten letter and remains. The letter states an individual found remains near Fresno Dam. The student gave the remains to his science teacher who sent a mandible to the zoology professor in Missoula since the teacher didn't know what to do. Dr. Auge is not sure if the science teacher ever returned to the site to look for more remains. The zoology professor never did anything with them. The university student who found the box brought it to Dr. Auge.

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- iii. Dr. Auge felt that the remains do not fall under NAGPRA since they are not a part of a historical collection or an anthropology department. It was accidental that the remains were found. They appear to have been found on private land. The remains suggest a post-mortem interval of at least 50 years, perhaps over 100 years. She wanted to know from the Board what was the best way to handle the remains.
 - iv. Mr. Big Day experienced a similar situation a few years ago. He was able to identify the area where the remains were found from oral history. In that situation, he asked those who found the remains to take them back to they were found. However, this cannot be done in this case since it's been so long ago. Mr. Fisher was concerned that we don't have enough details and we don't know if there are more remains still there. We also don't know if the teacher ever returned to look for more remains. Ms. Gilham found the teacher on LinkedIn and suggested that the Board reach out to him for more information.
 - v. Mr. Fisher asked how we can make sure this wasn't someone who was murdered or properly buried and if the coroner needs to be notified. He asked Mr. Manion what the next steps should be.
 - 1. Mr. Manion answered that given the remains were found in 1992 and on private land, the board likely has jurisdiction. Mr. Manion read the statute, stating that if ground disturbing activity discloses remains, the individual who uncovered the remains must notify the local coroner. Since it appears there was no ground disturbing activity when student found them, the individual didn't need to notify coroner.
 - vi. Mr. Fisher feels that with the statute, the Board needs to get as much information as possible so that the Board can rebury the remains.
 - vii. Dr. Auge stated that the University wants to return the remains to their rightful place as soon as possible. She queried if there could be a future conversation about a group ceremony burying multiple outstanding cases where there isn't enough information regarding where the remains were found.
 - viii. Mr. Big Day says the Board will discuss and decide the best approach.
 - ix. The Board requested that Mr. Manion draft a letter to the teacher for the Board's review.
 - x. Dr. Auge provided the original letter from the science teacher to the Board.
- b. New Business: Mr. Kirkwood stated that the coroners' meeting will be December 11, 2019 at the Montana State Law Enforcement Academy in Helena. He has reserved one hour at 8 am that morning to give a Burial Preservation Board presentation. Ms. Gilham asked if it was possible to change the date to earlier in the week, before the 11th, because she will be out of town during that time. Mr. Big Day said that it is important for the Board to present there. Ms. Gilham stated that the more tribes that could present the better. Mr. Big Day suggested reaching out the Bureau about presenting.

6. Recognize Stan Wilmoth

- a. The Board recognized and thanked Mr. Stan Wilmoth for his years of service to the Board. Mr. Fisher presented a gift to Mr. Wilmoth.

7. Public Comment

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- a. Dr. Auge commented on a training at a medical legal death conference. She taught about cultural sensitivity. She stressed the importance of trainings, spreading cultural knowledge and thanked tribes for being open about sharing their practices.
- b. Mr. Kirkwood discussed an old grave outside of Malta is still there and hasn't been disturbed since there aren't any homicides or missing persons in that area. Mr. Kirkwood worked with the Phillips County coroner.

8. Next Meeting

- a. Next meeting is set for Friday, May 8, 2020.

9. Adjournment

- a. Mr. Fisher moved to adjourn. Mr. Kirkwood seconded the motion. The motion passed unanimously.
- b. Meeting was adjourned at 12:30 pm.

DRAFT