

**Minutes**  
**Burial Preservation Board**  
**April 22, 2016**  
**10:00 AM – 2:00 PM**  
**Working Lunch**  
**125 North Roberts, Mitchell Building, Room 53 (Basement)**  
**Helena, MT 59620**

Members Present: Dr. Ruthann Knudson, Marilyn Silva, John Murray, Morris "Davy" Belgard, Conrad Fisher, Stephen Platt, Skye Gilham, George Reed, Rosemary Caye, and Richard Parenteau.

Staff: Mike Manion, Stan Wilmoth, and Monica Abbott

Public: Robert Lane, Mike Lane, Ruby Peterson, Edith Reed, Cheyenne Foote, Gene Munson, David Ferguson, Dicki Peterson, Daniel Munoz, and Jaime Oeberst.

1. Call meeting to order: *Dr. Ruthann Knudson, Chair*
2. Introductions and opening prayer George Reed Jr  
George offered a prayer in his native tongue.  
Ruthann spoke of her resignation. At the next meeting, we will hold elections. Marilyn Silva will serve as acting chair when Ruthann's replacement is announced by the Governor's Office.
3. **\*Action Item\***: Approve October 9, 2015 Meeting Minutes  
Ruthann asked for any corrections. Morris Belgard offered a motion to accept the minutes, which Richard Parenteau seconded. The motion passed unanimously.
4. Smith River Remains: *Dr. Ruthann Knudson, Chair*  
A family was walking along the Smith River when the kids found a skull. The family reported it to authorities immediately.

Law enforcement cordoned off the area with crime scene tape after it was first found. Law enforcement did a wonderful job. The out-of-state landowner was contacted about the remains. The remains consist of a skull and mandible of a young 30-year-old woman.

A press release will be sent to media after this meeting of the Burial Preservation Board (Board). The press release will not include the location. Ruthann will keep the release to basic information so there would not be an increase in curiosity and possible looting.

Ruthann noted that she could not prove that it was two separate events. It is the Board's decision how to deal with remains and artifacts. Mike explained why the report is marked confidential to keep the location information private.

There was discussion of monitoring the location in the future. More discussion included whether there was a burial site located there. Ruthann explained that it was on the surface and why she thought it was washed there in a flood. The landowner is

an absent owner. It is a cultural site and is in a historic district. Stan Wilmoth mentioned concerns about the monitoring because reminders will be needed. It was suggested to collaborate with the landowner; pick a date before high water once a year; and perhaps a THPO could do the monitoring in that area. Since FWP are in that area, maybe its personnel could monitor the site. Richard and Stan volunteered to contact FWP to see if they will monitor the area. Rosemary offered a motion to recommend site monitoring and a mechanism of how to do it between now and the next meeting. Conrad Fisher seconded the motion, which passed unanimously.

It was discussed to add that the remains could have come from the top. Skye Gilham offered a motion to amend the site form to include the possibility the remains were buried above and the remains eroded down to where they were found. Rosemary Caye seconded the motion, which passed unanimously.

Disposition: John Murray reported that Bob DesRosier offered to bury the remains on his land along the Smith River. There was discussion about best location and First People's was suggested. Steve Platt offered a motion regarding the Smith River remains be buried on the DesRosier land. Marilyn seconded the motion and it passed unanimously. Ruthann will give the remains to Stan.

5. Western Energy Rosebud Remains: *Dr. Ruthann Knudson*

Ruthann introduced Dicki Peterson from Western Energy, and Dicki introduced the others attending from Western Energy. Ms. Peterson said remains were found on the surface.

Gene Munson of GCM, Services Inc. explained the timeline of the unearthing of the remains. The remains that were discovered (the left side and skull) are in the safe of the Sheriff's Office vault. The right side of the remains is still in the ground.

Western Energy would like the remains removed outside the permit area. After Western Energy receives its permit, mining would commence in 2020. Morris asked if the burial site could be cordoned off. The landowner would like the remains moved.

There was discussion of whether the landscape features also would be mined and if Bureau of Land Management (BLM) has any land there. BLM does not have any land there. Conrad asked when it would apply for the permit. Ms. Peterson replied September 2016 and within six months should have an answer on approval by September of 2019. The Department of Environmental Quality does the permitting but the federal Office of Surface Mining has oversight. Conrad asked if any federal dollars are involved. The answer was no. Mike stated that NAGPRA does not apply.

Everyone agrees these are Native remains. Western Energy wants the remains moved. The coroner makes the decision under the law. The board mediates with landowners. Conrad mentioned in the past they buried close to shale. Conrad suggested moving the remains to land that will not be mined in the future, which is why he asked about BLM land available. Traditional protocol is important Rosemary added. Western Energy wants to follow acceptable practices. The Board would like the remains removed by best practices. Conrad offered a motion to have Western Energy, the Northern Cheyenne, and GCM Services, Inc. coordinate the recovery of

the remains, and Northern Cheyenne will take the lead of the reburial. Steve seconded the motion, which passed unanimously.

Stan suggested to GPS the location so whenever remains are reburied it will come up as a location in the future.

6. Allison Family remains: *Mike Manion*

Mike Manion received an email from Walter Wetzel regarding the Allison burial plots. In the email, he noted that farm workers destroyed burial plots. Mr. Wetzel would like to know protocol. Mike did research to see if board has jurisdiction. His opinion is that the board does not have jurisdiction. This falls under NAGRPRRA. He notified Mr. Wetzel and directed him to contact John Murray.

7. Discussion Officer Elections at next meeting: *Mike Manion*

Dr. Ruthann Knudson is retiring. At the next meeting, the group will hold elections for Chair and Vice-Chair.

8. Old business

Mike and Bob Lane, family of George Lane, came to discuss Clubfoot George. The foot is on display in the Madison County Museum. The family would like the foot reburied.

John Murray offered a motion, which Davy Belgard seconded to send a letter to the Madison County museum to mediate the remains. The motion passed unanimously.

9. New business

Jaime Oeberst spoke to the board about her position in the State crime lab. She provides training to coroners who are elected and often are law enforcement with no medical knowledge.

She is tasked to bring the office accreditation through the nation accreditation academy. She oversees the entire state. She is a medical doctor not an anthropologist. She defers to anthropologists and uses the UM anthropology department.

Some standards in Montana are 15 years behind. Jaime is trying to work on training with coroners and medical professionals.

10. Public Comment

None at this time.

11. *\*Action Item\**: Set next meeting date

October 14, 2016 in Helena is the next scheduled meeting.

Marilyn Silva offered a motion to adjourn. The meeting adjourned at 2:05 p.m.