



## **Board Meeting Minutes**

November 16, 2023

10:06 AM – 2:39 PM

Board Members Present:

Erika Scheuring, Conrad Fisher, Justin Gray Hawk, Skye Gilham, Weber Greiser, Andy LeBrun, Tommy Livoti, and Duane Reid.

Staff Present: Terri Hogan, legal counsel, and Jessica Bush, State Archaeologist, State of Montana Historic Preservation Office (SHPO), Rebecca Narmore and Kenzie Baker, Department of Administration

1. Call to Order
  - a. Chairman Fisher called the meeting to order at 10:04 am. Quorum acknowledged.
2. Introductions
  - a. Chairman Fisher opened the meeting with a prayer.
  - b. Board members and staff present introduced themselves.
3. Action Items:
  - a. Motion was made by Erika Scheuring to approve the minutes of the May 12, 2023 meeting. Motion was seconded by Weber Greiser. Motion passed with unanimous vote.
4. Update on Board Member Renewal Terms/New Board Member
  - a. Questions were asked regarding the appointment of new board member Aaron Brien, Crow Tribal Historic Preservation Officer. Application received and still in progress with the Governor's office.
  - b. Board members whose terms have expired should receive the link to reapply in the next 2-3 weeks. Terri Hogan asked board members to update their contact information with Kenzie Baker. A motion was made by Erika Scheuring that all board members respond to a request from Kenzie Baker to update contact information. Motion was seconded by Andy LeBrun. Motion carried by unanimous vote.
5. University of Montana Anthropology Presentation and Proposal to Board:

The Board discussed partnering with UM Anthropology Department and the need for a memorandum of understanding. Weber Greiser moved for Terri Hogan and Jessica Bush to work on a draft MOU with UM. Motion seconded by Erika Scheuring. Erika Scheuring moved to amend the motion to state that a draft MOU be presented at the next Burial Board meeting. Andy LeBrun seconded. Amended motion to proceed with an MOU with UM carried unanimously.

Erika Scheuring moved for Terri Hogan to modify the Board's budget to allow the funds to be used to compensate UM for Dr. Snow's services. Discussion occurred among the board members on the best approach for the board to authorize use of these funds. Weber Greiser moved to reallocate \$2,000 from travel and other services, for UM services and other such as reinterment costs. More board discussion followed.

Andy Lebrun recommended authorizing the Chairman to approve a transfer of funds to cover these services up to a limit. After more discussion, Weber Greiser moved to allow expenses for DNA testing and other costs to be addressed on a case-by-case basis and to authorize the Chairman to approve payment for these services. Motion seconded by Andy LeBrun. After more discussion, Andy LeBrun moved to amend his motion to include a cap of \$2,500 in payments that the Chairman could approve without Board approval. Weber Greiser seconded the motion. Motion carried unanimously.

Erika Scheuring moved to allocate funds from travel into its own line item to help the board track the funds spent for UM services and authorized Terri Hogan to work with State accounting to finalize this. Motion died for lack of a second.

6. New Cases:

- a. PR-03- Jessica Bush updated the board on remains discovered in Powder River County. Per Jessica, the board will need to wait for the sheriff to locate the landowner, who is out-of-state. Part of the remains are in situ on the landowner's property. Part of the remains are at the Billings Crime Lab. Chairman Fisher inquired if the remains were Native American. Andy LeBrun said the remains could stay at the Billings Crime Lab until the landowner could be found and suggested that Jessica get the report from the crime lab. Conrad Fisher inquired as to how the remains were located. Jessica Bush informed the Board that a dinosaur hunter with permission from the lessee to be on the property, found a human skull. Jessica mentioned that she has not been

successful in her efforts to contact the sheriff's department and that if a Board member reached out to the sheriff's department, that might carry more weight.

Erika Scheuring moved to assign PR-03 to Andy LeBrun and have him contact the Powder River County Sheriff's Office. Motion seconded by Duane Reid. Motion carried on unanimously.

- b. TL-03: Jessica Bush updated the board on this case. A skull was found on the Marias River near Robinson's Bottom. Weber Greiser asked about the current location of the skull. Per Jessica, it is in her office. It has not been determined if the skull is Native American. Per UM, probably an adult male but no DNA analysis has been performed. Erika Scheuring suggested this case be moved to the February 2024 meeting.

- 7. Board recessed for lunch at 11:54 a.m.

Meeting resumed at 12:35 p.m. with a quorum present.

- 8. Case Update:

- a. BH-01- skull from Little Bighorn Battlefield. Jessica talked with the Little Bighorn Archaeologist, Richard Olson, in July, but is waiting for follow up from him. She would like to get the skull back to the Little Bighorn Battlefield. Jessica asked the Board for assistance if this is not resolved by the February 2024 meeting.
- b. BH-02- Tabled until the next meeting.
- c. CR-01/PR-01/PR-02. Jessica Bush informed the Board that on Tuesday, November 21, 2023, that she will be traveling to Lame Deer to deliver the remains of PR-01, PR-02 and CR-01. Jessica stated this would be the first time she has transferred remains and asked the Board for guidance on how to do this appropriately and correctly.

Conrad Fisher had previously discussed this with the Vice-President of the Northern Cheyenne Tribe and had questions about reimbursement for travel. Per Jessica, the SHPO will cover Jessica's travel costs to Lame Deer.

- d. TE-01. Skull originally discovered between Busby and \_\_\_\_\_, near the Crow Reservation. Skull found in a high school science lab in Hysham by the new science teacher.
- e. CR-02. Skye Gilham updated the Board on this case, and said she is waiting for additional analysis by the UM Anthropology department (Dr. Snow). Skye Gilham and

Jessica Bush both recommend for the board to move forward with mitochondrial DNA analysis recommended by Dr. Snow.

Erika Scheuring moved that the Board move forward with the recommendation of Skye Gilham and Jessica Bush for UM to conduct mitochondrial DNA testing and provide the Board with the results. Motion seconded by Tommy Livoti. Motion carried unanimously.

- f. FA-01: No progress to report to the Board. Case involves human remains from Fallon County (child's remains found on private property). There were burial items with the child, but Jessica does not know the current location of those. The state crime lab identified the remains as likely Native American. Law enforcement involved during recovery of the remains. Conrad Fisher expressed concern that law enforcement does not have the skills to identify funerary objects and expressed a desire to train or provide training to law enforcement. Andy LeBrun stated that they are coroners and not archaeologists and do the best they can with a situation. Conrad Fisher expressed his concern for cultural items being preserved. Case tabled until the next meeting.
- g. MO-01-/MO-02/MO-03: MO-01 and MO-02 tabled until the next meeting. Jessica provided an update on MO-03. MO-03 remains currently at UM and will be handled through the NAGPRA coordinator, per Michael Blackwolf.
- h. TL-01/TL-02: Skye Gilham called Toole County but has yet to get a call back. Skye thinks John Murray would be the best one to call, but has not seen him. Case tabled until the next meeting.
- i. FH-01/UN-08: Both skulls have damage. FH-01 is post-mortem and peri-mortem. UN-08 damage is antemortem facial fracture (not the cause of death). Insufficient information to determine ethnicity, so DNA analysis is recommended. Andy LeBrun recommends the DNA analysis so the board can learn more about the skulls. Both skulls remain at UM. After board discussion, the case was tabled until the MOU is in place.
- j. LC-01/ML-02/UN-01: All cases involve burial items. Jessica asked the board how best to distribute the large number of photos associated with these items to board members to share with their respective cultural committees for interpretation. After discussion, Jessica will send out three emails to board members, one for each set of remains with the associated photos.

- k. LC-02: John Keene's skull. Andy LeBrun updated the board on cemetery options. Lewis & Clark county does periodic burials of the indigent. Andy recommended that the board give the skull to Lewis & Clark county to rebury in 2024 at its next burial of the indigent. Per Jessica, there would be a record of the location of burial in case access to the skull is needed in the future. Andy LeBrun moved that the Board turn John Keene's skull over to Lewis & Clark County for burial and records made of the burial location. Weber Greiser seconded the motion. Motion carried unanimously.
  - l. UN-09 was tabled until Aaron Brian is appointed to the board. Remains are at the SHPO office.
  - m. UN-10: Erika Scheuring updated the board on her efforts to contact the Leech Lake tribe. Per Erka, the tribe is interested in the remains. Case is in a holding pattern until Erika hears from the TPO for Leech Lake.
  - n. UN-12: Jessica updated the Board. Remains were transferred to UM. UM just completed their analysis two weeks prior to the board meeting. Jessica will distribute the UM report to the board members.
  - o. UN-02/UN-03/UN-04/UN-05/UN-06/UN-07/UN-11: All scalp locks. Concern from Board members on how these remains should be treated. Per Duane Reid, tribal elders no longer have an interest in retaining human remains as a trophy. Duane recommended tabling this topic until there is more tribal representation at the board meeting. Conrad Fisher moved to table this until the next meeting. Erika Scheuring seconded the motion. Motion carried unanimously.
9. Proposed Case Review Protocol: Skye Gilham presented the Board with the idea of possibly utilizing Google Docs for the sharing of information, photos, etc., between Board members.
10. Other Updates: Jessica informed the board of the Association on American Indian Affairs meeting to held in Oklahoma. She will provide more info to the Board at a later board meeting. Board discussed the next meeting, a shorter meeting by Zoom.
11. Erika Scheuring moved to adjourn the meeting. Duane Reid seconded the motion to adjourn. All in favor. Meeting adjourned at 2:39 p.m.