

## **DRAFT Meeting Minutes**

Burial Preservation Board

Friday, May 14, 2010

Capitol, Room 172

10:00 a.m. – 12:00 p.m.

### **Members Present:**

Robert P. Four Star, Fort Peck Tribes Representative

Marilyn Silva, Public Representative

Morris Belgard, Fort Belknap Representative

Videl Stump, Sr., Chippewa Cree Tribe Representative

William Big Day, Crow Tribe Representative

Stephen Platt, State Historic Preservation Office Representative

Ruthann Knudson, Archaeological Society Representative

John Murray, Blackfeet Tribe Representative

Reuben Mathias, Salish-Kootenai Tribes Representative

### **Staff:**

Mike Manion, Chief Legal Counsel, Department of Administration

Shannon Lewis, Department of Administration

Stan Wilmoth, State Archaeologist, Montana Historical Society

### **Public:**

Gail Gutsche, Former Legislator who carried the Montana Repatriation Act in 2001.

**Minutes:** Shannon Lewis

### **Call to Order:**

#### **Action**

Reuben Mathias called the meeting to order at 10:09 a.m.

#### **Action**

John Murray opened the meeting with a prayer.

### **Elect chairperson for the Burial Preservation Board:**

#### **Action**

John Murray nominated Reuben Mathias as Board Chair, Steve Platt seconded.

*Motion Passed Unanimously*

#### **Action**

Morris Belgard nominated John Murray as Vice Chair, Marilyn Silva seconded.

*Motion Passed Unanimously*

## **Approve February 5, 2010 Board Meeting Minutes:**

### **Action**

Gail Gutsche moved and Robert Four Star seconded a motion to approve the February 5, 2010 meeting minutes as presented.

*Motion Passed Unanimously*

## **Burial Board Brochure Distribution:**

### **Discussion:**

Shannon Lewis prepared letters to go out to county coroners and sheriff's offices throughout the state. The letters are from the Burial Board member located on the reservation closest to the county.

In addition to the brochures going to each county, Shannon will send brochures to the following entities:

Montana Cattleman's Association  
Montana Farm Bureau  
Montana Stock Growers Association  
Conservation Districts  
Natural Resource Defense Council  
Department of Agriculture  
Department of Natural Resources and Conservation  
Montana Historical Society  
Montana Department of Environmental Quality  
Women in Farming Education (WIFE)  
Wool Growers Association  
National Rifle Association  
Montana Outfitters Association  
Montana Fish, Wildlife & Parks

## **Update on the Administrative Rules**

Mike Manion gave an update on the Administrative Rules and gave an explanation about the public hearing process. Mike explained that the Board will adopt the Attorney General's model rules for dealing with contested cases.

The Board discussed the rules at length and recommended that:

1. the Administrative Rules differentiate between Cultural Affiliation and Lineal Descent;
2. include a section addressing culturally unidentifiable remains found on aboriginal or tribal lands; and

3. include a time frame for scientific study no longer than one year, accompanied by a report of the findings.

### **Interested Persons List for Administrative Rules:**

Shannon asked that the board email her the names and addresses of anyone who should receive copies of the Administrative Rule notice.

### **Coroner's Association Report:**

Terry Bullis presented the brochures and information about the Burial Preservation Board at the annual Coroner's Association meeting in May. The information was very well received; however, coroner's had concerns about what to do when human remains are delivered to them, they've already been removed, and they are in violation of the law.

The board discussed the issue at length. Up to this point there haven't been any actions taken to enforce penalties for removing remains. It is the responsibility of the County Attorney to enforce the law, and in the past, it has been difficult to convince County Attorneys to take action on some cases. If a coroner receives the remains, he should contact law enforcement, a board member and the County Attorney in order to decide what the next steps should be.

### **Neutral Location for Unclaimed Remains:**

**Background:** Stan Wilmoth gave the board the background information on why the board originally started discussing the possibility of a neutral location for unclaimed remains. Years ago, Stan first made an effort to remove approximately 30 sets of remains from the University of Montana. The burial board assigned and repatriated many of the remains; however, there were still several unclaimed remains. At the time, the board agreed that there should be a permanent location where unclaimed remains could reside.

The Department of Natural Resources and Conservation will provide state land to place the remains. In addition, there are designated locations at many cemeteries designated as locations to bury unclaimed remains. There are a few options if the board is interested in pursuing this option for remains.

**Recommendation:** The board would like Stan to provide a list of outstanding cases. From that list, the board will decide what action should be taken to resolve the open cases. In addition, Stan will meet with Mike Manion to review the open cases and make a recommendation to the board on potential cases that the board may wish to pursue with legal action.

**Richland County:**

Stan has been working with the Richland County Coroner regarding remains that were illegally removed turned in to the coroner's office. The remains are currently in his possession and have not been reburied and the coroner has not contacted the board.

**Motion:** Robert Four Star Moved and Ruthann Knudson seconded a motion that Stan will contact the Richland County coroner on behalf of the board and ask that they rebury the remains.

*Motion passed unanimously.*

Next meeting: Friday, August 13. 9:00 a.m.