

Burial Preservation Board

Draft Meeting Minutes

September 19, 2008

9:00 a.m. – 12:00 p.m.

Members Present: Carl Fourstar, Chairperson, Fort Peck Assiniboine & Sioux Tribes Representative

Mickey Nelson, Coroner's Association Representative

Randy Skelton, Physical Anthropologist

Reuben Mathias, Confederated Salish-Kootenai Tribe Representative

Sherri Deaver, Archeological Society Representative

Members Absent: George Reed Sr., Crow Tribe Representative

Stephen Platt, Historical Preservation Office Representative

Rufus Spear, Northern Cheyenne Tribe Representative

Loren "Bum" Stiffarm, Fort Belknap Tribes Representative

Sara Young, Public Representative

Staff: Michael P. Manion, Chief Legal Counsel, Department of Administration

Shannon Lewis, Department of Administration

Andrew Huff, Legal Counsel, Governor's Budget & Program Planning Office

Jennifer Perez Cole, Governor's Office of Indian Affairs

Stan Wilmoth, State Archeologist, Montana Historical Society

Minutes: Shannon Lewis

*****NOTE: NO QUORUM WAS PRESENT AT THIS MEETING, NO OFFICIAL ACTIONS WERE TAKEN*****

Call to Order:

Action

Carl Fourstar called the meeting to order at 9:10 a.m.

Action

Reuben Mathias opened the meeting with a prayer.

Review Burial Preservation Board Statutory Obligations:

Discussion

Mike Manion discussed the statutory obligations of the Burial Preservation Board focusing on the timeline and procedure outlined in 22-3-802, MCA. The Board discussed the statutory process and timeline at length and the statute may need amended in the 2011 session to make the process and timelines more realistic. According to Stan Wilmoth there are many finds that don't fit into the process outlined in statute and the statutory process only works for about 10% of the remains discovered or turned in to the Historical Preservation Office. Mickey Nelson noted that

there are ambiguities in how to handle non-Indian remains. There are also some Tribes that traditionally don't handle remains, which make it difficult to follow the process. Sherri Deaver stated that the statutory process worked better in the mid 90's when there was a network of archeologists working together that were immediately available to offer their expertise when remains were discovered. Further, Stan noted that county/local museums have not been particularly responsive in terms of assembling inventories of their collections for the purpose of potential tribal repatriation.

As part of the immediate solution, Sherri Deaver volunteered to put together a list of archeologists grouped geographically with contact numbers and e-mail in an attempt to re-start a network of professionals who can lend their expertise on site if remains are discovered. Sherry also volunteered to review her files and create a chronology of cases with which the board has been involved. The chronology will provide useful background information for current and future board members.

As part of the long-term solution, the Board decided to form a subcommittee headed by Reuben to consider statutory improvements, including enforcement options when museums do not comply with Repatriation law, and improvements that will provide for the disposition of remains under scenarios that are not now covered by the law. Further, the board is responsible for drafting administrative rules under the Repatriation Act. This is necessary to ensure the rules are in place should there be a hearing, which the Board is obligated to facilitate. It is proposed that the subcommittee meet regularly to work through the Administrative Rules process.

Motion

Mike Manion will draft the Administrative Rules for the Repatriation Act and work with the subcommittee and the Secretary of State's Office [?] Office of Indian Affairs [?] on statutory improvements.

The subcommittee will consist of:

Members:

Reuben Mathias: Subcommittee Chair
Mickey Nelson
Randy Skelton

Staff:

Mike Manion
Jennifer Perez Cole
Andy Huff
Shannon Lewis

Decision

The decision is tabled pending a vote to move forward from all Burial Preservation Board members. The vote to move forward will be sent out via e-mail.

Old Business

Discussion

Carl Fourstar started the discussion of the mismanagement of the Rudyard site by local authorities. This led to discussion about how to start educating state and local officials on the process of handling remains on historic sites. The board agreed that there should be an educational component to start letting officials know that there is a process for handling remains in historic burial sites and that process is in statute. Mickey Nelson discussed the possibility of putting together a pamphlet that officials could use that would outline the process for dealing with historic burial sites, give a history of the board and give contact information for board members that can assist them with navigating the process for dealing with their findings. Mickey also suggested that 2 or 3 coroners in the state be given advanced training on the law (perhaps a one-day course hosted by the state medical examiner), and that these coroners then become part of the process of training and assisting local law enforcement officers.

Motion

The Office of Indian Affairs will draft an informational brochure for state and local officials outlining the steps that must be taken when human remains are found. This brochure will also give a brief history of the Burial Preservation Board, include a procedures checklist for when remains are discovered, and give contact information for board members. **The Board will review and approve of any such document before public dissemination, and will discuss at a future board meeting how best to train local law enforcement in the procedures outlined in the pamphlet.**

Decision

The decision is tabled pending a vote to move forward from all Burial Preservation Board members. The vote to move forward will be sent out via e-mail.

Discussion

The Rudyard burial site also raised the issue of authority and accountability. What is the board's responsibility to ensure that those who don't follow the process outlined in statute are held accountable for their actions. After the May 17, 2007 meeting there was correspondence sent on behalf of the Burial Preservation Board to the Hill County Attorney. At this time the board has not heard back from the county attorney, although the county attorney may have replied directly to the Attorney General's office..

Motion

Mike Manion and Carl Fourstar will compose a letter to the Attorney General, and enclose a copy of the original letter sent to the Hill County Attorney, requesting a status report.

Decision

The decision is tabled pending a vote to move forward from all Burial Preservation Board members. The vote to move forward will be sent out via e-mail.

New Business

Discussion

There were recently five sets of remains turned over to the Stan Wilmoth at the Historical Preservation Office. These remains came from the University of Colorado after a full NAGPRA review. Little is known about the remains. The remains came from Centennial Butte in Meagher County in approximately 1905. They were donated to Colorado State University in the 1920's. They consist of two adults and three children. After the NAGPRA review, the Blackfeet Tribe has agreed to take possession of the remains and proceed with the reburial.

Motion

The Burial Preservation Board approves that the Blackfeet Tribe take possession of the five bodies and proceed with the reburial. The board will offer any support they need.

Decision

The decision is tabled pending a vote to move forward from all Burial Preservation Board members. The vote to move forward will be sent out via e-mail.

Adjourn

The meeting Adjourned at 11:20 a.m.