

Board Members

Vacant, Chair

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Andy LeBrun, Montana Coroner's Association

Duane Reid, Little Shell Chippewa

Dyan Youpee, Fort Peck Assiniboine & Sioux

Gheri Hall, Blackfeet

Kevin Askan, Confederated Salish & Kootenai

Michael Blackwolf, Assiniboine/Nakoda & Gros Ventre/A'aninin

Skye Gilham, Physical Anthropologist

Wallace Bearchum, Northern Cheyenne

Weber Greiser, Montana Archeological Society

Vacant, Chippewa Cree

Vacant, Public Representative

Support Staff

Jessica Bush, State Archaeologist
jbush2@mt.gov | 406-444-0388

Terri Hogan, Legal Counsel
terri.hogan@mt.gov | 406-444-3447

Misty Kuhl, State Director of Indian Affairs
misty.kuhl@mt.gov | 406-444-3862

Administrative Support, DOA Director's Office
doadirector@mt.gov | 406-444-2460

About the Board

The Burial Preservation Board was created in 1991 under the Human Skeletal Remains and Burial Site Protection Act. The purpose of the Board is to protect human skeletal remains, burial sites, and burial materials found on state and private lands in Montana, from disturbance or destruction. It is also to resolve claims for repatriation of human skeletal remains and funerary objects.

Tribal Law Enforcement

Blackfeet Reservation: 406- 338-4000

Crow Reservation: 406- 638-2957

Flathead Reservation: 406- 675-4700

Fort Belknap Reservation: 406- 353-2933

Fort Peck Reservation: 406- 768-5565

Little Shell Tribe Historic Preservation Office:
406- 315-2400

Northern Cheyenne Reservation: 406- 477-8249

Rocky Boy's Reservation: 406- 395-4184

Montana Coroner's Association

Email: 406coroners@gmail.com

State of Montana



BURIAL PRESERVATION BOARD



WHAT TO DO IF YOU FIND HUMAN REMAINS

*A Guide for Coroners,
Local Law Enforcement,
and Property Owners*

Revised September 2025

burial.mt.gov

If Human Remains, a Burial Site, or Burial Materials are Discovered

- **Cease all activity at the site and immediately call the coroner.**
- The coroner may seize the remains if a criminal inquiry or inquest is warranted.
- If the coroner determines an inquiry or inquest is not warranted, the coroner will call the State Historic Preservation Office (SHPO) within 24 hours. If SHPO cannot be contacted, the coroner will call the nearest member of the State Burial Preservation Board (Board) or law enforcement at the nearest reservation.
- Unless there is suspicion of a crime scene, or the Board has made another finding, burial sites and human remains must be protected and preserved in place regardless of ethnic origin, burial context, or age of burial site.
- **All burial sites must be avoided and not physically disturbed.** Montana Code Annotated, Title 46, Chapter 4 does not authorize removal of remains solely for documentation of ethnicity or age or other study. Removal or disturbance of human remains other than in a coroner's inquiry or inquest should occur only after other alternatives (primarily preservation in place) have been considered by the Board.

Human Skeletal Remains and Burial Site Protection Act Procedures

Note: A person may be subject to criminal and civil penalties for violating the Human Skeletal Remains and Burial Protection Act [22-3-808, MCA]

State or Private Land: If you discover human remains, a burial site, or burial material on State or private land: DO NOT DISTURB THE SITE. Contact coroner. [22-3-805(1), MCA]

Federal Land: If you discover human remains, a burial site, or burial material on federal land: NO STATE JURISDICTION. NAGRPA (Native American Graves Protection and Repatriation Act) applies. NAGRPA contact: 202-354-2201 or [nps.gov/nagpra](https://www.nps.gov/nagpra).

— No Further Action Needed —

After notification, coroner has 2 working days to determine if the site is a crime scene and whether Title 46 MCA applies. [22-3-805(2), MCA]

If not a crime scene and no forensic examination is necessary, the site should not be disturbed. Coroner contacts SHPO within 24 hours. [22-3-805(4), MCA]

If a crime scene, coroner may seize remains as evidence for criminal proceeding. If more than 2 working days are needed to decide, coroner notifies Board member of the delay. [22-3-805(2-3), MCA]

Upon coroner contact, SHPO has 1 day to contact (a) landowner and the Board; or (b) landowner and the Board member representing nearest reservation. [22-3-805(4), MCA]

If SHPO cannot be contacted, coroner notifies the Board or law enforcement agency of nearest reservation within 24 hours. [22-3-805(5), MCA]

Board or law enforcement agency immediately notifies land owner and Board member representing nearest reservation. [22-3-805(5), MCA]
Board has 36 hours after notification to designate a representative to conduct (with landowner permission) an initial field review. [22-3-805(6), MCA]

Board representative and landowner agree to disposition/resolution. [22-3-805(6), MCA]

If no resolution is achieved between Board representative and landowner within 40 days after Board notification, remains must be removed and Board assumes control of remains. Board gives control to descendants, tribe, or group most closely affiliated or with aboriginal or historic occupation of area. [22-3-805(7), MCA]