



Board Meeting Minutes
May 9, 2025
9:00 AM to 3:00 PM

In-person, Mitchell Building, Room 261, 125 North Roberts Street, Helena, Montana
Remote (Zoom)

Board Members present: Erika Scheuring, Duane Reid, Andy LeBrun, Weber Greiser, Skye Gilham, Dyan Youpee, Gheri Hall, Kevin Askan, Wallace Bearchum.

Staff present: Terri Hogan, Jessica Bush, Travers Cox.

Others: Jonathan Windy Boy, John Windy Boy (Asst. THPO, Chippewa Cree), Madeline Larson (member of general public).

Board Members not present: Micheal Blackwolf, Aaron Brien.

1. Call to Order at 9:19 am.
2. Introductions of those attending, and of new board members (Wallace Bearchum and Gheri Hall).
3. Opening Prayer. Jonathan Windy Boy gave the opening prayer.
4. Welcome to all Board members, staff, and others.
5. Vacancy for Public Board Representative. Erika noted that Thomas Livoti resigned his board position last fall, leaving an opening for a public representative. Jessica gave a description of the qualifications for the public representative and explained how an application could be made. It was noted that the Governor's website for board applications did not include the Burial Board, so Terri will request that the Governor's office add a link for applications to the burial board.
6. Review of Roberts Rules of Order. Erika reviewed the process to make motions, to second those motions and to vote after questions on each motion. She emphasized the importance of making and recording decisions.
7. Approve Meeting Minutes for the May 17, 2024 and October 25, 2024 board meetings. Erika made a motion to approve the minutes for both meetings. Weber seconded the motion. Motion passed unanimously.
8. Board Chair, Board Vice-Chair election. Erika opened the floor for nominations for the Board Chair and Vice Chair positions. Weber nominated Erika for Chair. Kevin nominated Michael Blackwolf for Chair and Erika for Vice Chair. Duane seconded Kevin's nomination for Michael. After a board discussion about nominating a board member who was not present and unable to accept the nomination, Kevin withdrew his motion to nominate Michael. Andy made a motion to table elections for the Board Chair

and Vice Chair positions until the next board meeting in the fall. Weber seconded Andy's motion. Motion passed unanimously.

9. Recent case closures.

- a. TL-03 and UN-12. Jessica and Duane reported on the burial ceremony at First Peoples Buffalo Jump that occurred last fall. Duane reported that Dan Pocha, an elder of the Little Shell tribe, officiated.
- b. Board discussion on costs of reburial costs and who pays for those reburials. Per Jessica, no remains or any cases for reinterment have been stalled due to a lack of funding for the reburial. The burial board has a small budget to assist with reburial costs, but to date, there have been no requests for reimbursement. Due to anticipated funding shortfalls in the next biennium, the State's SHPO office may request funds to cover travel costs to transfer remains.

10. Break for approx. 10 minutes. Board meeting called back to order at 10:44 am.

11. Update from the National Association of State Archeologists. Jessica reported on Oklahoma's cases for the MMIW. Oklahoma's archeological team found that reliance on a visual assessment was inadequate because some cases were MMIW cases and not archeological. With limited DNA analysis, they were able to identify the individual and locate the families. In contrast, Montana does a basic visual analysis by a forensic anthropologist.

12. Update on State SHPO Office funding. Jessica reported that most of the SHPO office staff are funded through National Park Service grant funding, and that the 2025 funding is uncertain. Approx. 45% of the State's budget for the SHPO is federal. Jessica alerted the board to the possibility of the closure of the SHPO offices and staff layoffs. Kevin was aware of the potential loss of NPS funding, as it would impact the tribal historic preservation offices. Board discussion on storage of the remains that are under the care of the SHPO. Jessica will present the board's concerns about storage and maintenance of remains to the State's SHPO leadership. Jessica noted that she would prepare a budget for her travel associated with transfer of cases to the board.

13. New Cases

- a. PW-01. Powell County case. Question regarding documentation of remains removed from a burial site in 1992 near Avon, MT. The board has no knowledge of these remains, but we have a location and a Smithsonian number, a record for the remains and associated artifacts can be made and the remains/artifacts stored in a secure location. Jonathan and Duane asked to be contacted when more information becomes available. Kevin noted that the Avon area is an area of interest for the Bitterroot Salish and he could help with this case. Wallace made a motion to nominate Kevin to take the lead on reburial of the remains once they are located. Duane seconded the motion. Motion passed unanimously. Jessica will send a map of the area and photos to board members.
- b. DL-01. Deer Lodge County case. Remains (jawbone) discovered on a talus slope on private land, excavated in April 2024. The landowner contacted a private historian (Cierra) who has possession of some of the remains. So, this case did not follow the proper process with the board, and the board is just learning about the case over a year later. Jessica reported that the remains are in two separate locations, and because the remains were discovered on a talus slope, there may be additional remains at the location of discovery. Jessica contacted Cierra to explain the board's role and notify her of the board's need to secure the remains.

Cierra told Jessica that she contacted the Billings Crime Lab and that she has been out to the discovery site several times to collect more remains. The Billings Crime Lab does not have the remains (jawbone) and thinks that the Anaconda sheriff's office may have it. The current location of the remains is unknown but suspected to be Cierra's home. Board discussion on the need for more education of Montana county coroners, so all coroners/sheriffs understand the board's role with respect to discovered remains and the importance of locating remains and timely reintering those remains. Board members raised concerns about situations where the location of remains are unknown, and asked how the board can and should address private individuals who take remains without complying with the Montana Burial Preservation Act (the "Act"). Terri will review what the Act authorizes the board to do and propose a process for the board's consideration when there is a habitual offender who disturbs grave sites without following the process and requirements of the Act. Duane made a motion for Weber to take the lead on the DL-01 case. Andy seconded the motion. Motion carried unanimously.

14. Lunch break and photos. Board meeting called back to order at 1:00 pm.

15. Case Requiring Board Action

- a. CR-02. Jessica gave a brief background and presented the UM Department of Anthropology (UM) correspondence on options for the board to consider. Human remains (skull) attached to a board were discovered under a single wide trailer in Custer County. Originally thought to be Native American female, case was reopened to identify ethnicity as South Asian descent. UM conducted non-destructive analysis but could not get analyzable DNA to sequence to determine ethnicity. UM conducted an unsuccessful second attempt with non-destructive methods to find analyzable DNA. UM can conduct a third non-invasive option. If that option proves unsuccessful, the UM can use a minimally invasive option to obtain a tooth sample at a cost of \$141. The UM has not charged the board to date. Weber made a motion for the board to authorize the UM to attempt the 3rd non-invasive option and should that option fail to produce analyzable DNA, the board authorizes the UM to perform minimally invasive analysis to obtain analyzable DNA from the tooth. Andy seconded the motion. Board discussion followed. Skye mentioned her experience working on the Anzick-1 case that used minimally invasive analysis from a tooth to obtain analyzable DNA. Kevin spoke on behalf of his tribe's position regarding a more invasive approach to obtaining analyzable DNA. Additional discussion on the importance and need for a spiritual advisor to be present. Jessica reminded the board that the remains and any DNA material taken as a sample will be returned to the board for reinterment. Erika called for a vote. One member abstained. Motion passed.
- b. FH-01/UN-08. Two skulls with the large case load given to the board by the Montana Historical Museum. In 2023, the board decided to request DNA analysis from the UM Department of Anthropology, but postponed sending the cases to the UM until the board had a signed MOA. MOA has been fully executed. Andy made a motion to authorize the UM to conduct non-invasive analysis to find analyzable DNA on both skulls and submit results to the board. Duane seconded the motion. Erika called for a vote. Motion carried unanimously.
- c. FR-01. Teeth identified by a graduate student as human teeth in a faunal analysis. Weber wants remains submitted to Dr. Meredith Snow for analysis. Cost for DNA analysis to be covered by Central Montana Historical Association (CMHA). The CMHA would like to have Dr. Snow do the testing and then, teeth to be reburied appropriately. Duane suggested that

the board authorize the UM to exhaust all non-invasive analysis to find analyzable DNA, present the results to the board and if unsuccessful, the board can determine next steps. Andy made a motion for the board to authorize the UM to conduct all non-invasive analysis to find analyzable DNA. Erika seconded the motion. Erika called for a vote. Motion passed unanimously.

16. Updates for Existing Cases

- a. BH-01, BH-02, TE-01. No update, due to absence of assigned board member.
- b. PR-04. Remains at the Powder River Museum. Remains are possibly Native American. Erika made a motion to have Jessica obtain the remains and to work together with Wallace for reburial. Andy seconded the motion. Erika called for a vote. Motion passed unanimously.
- c. PR-03. Native American remains discovered on private property by a hunter and are now at the Billings Crime Lab. Per Jessica, the property owner is open to reburial at the location of discovery. Andy made a motion to have Jessica work with Wallace to reinter the remains at the original site of discovery. Dyan seconded the motion. Erika called for a vote. Motion passed unanimously.
- d. FA-01. Case assigned to Andy to contact the sheriff's office in Fallon County to inquire about the location of associated burial items. Andy has left two messages for Trent Harbaugh, Fallon County sheriff. To date, Andy has not heard from Sheriff Harbaugh.
- e. LC-01. Kevin contacted a couple cemeteries in the Helena area and located one, the Forestvale cemetery in Helena. Per Kevin, that cemetery will accept burial items and that can remain an unmarked burial. There would be no charge to the board. Reinterment can occur soon. Jessica will wait to hear from Kevin.
- f. MO-01 – Per Kevin, he can pick up the remains when he is in Helena to reinter the remains for LC-01. Jessica to coordinate with Kevin.
- g. MO-02 – Per Kevin, he talked to Tim Ryan and showed him the file. Tim has no recollection of these remains. Kevin would like to use the case file and talk to Kelly Dickson, UM Anthropology to obtain more information on the remains and where located. Kevin can also take the lead on reinterment when it comes time for that.
- h. ML-02/UN-01. No update, due to absence of assigned board member.
- i. UN-10. Erika received an email from the Leech Lake THPO. The tribe can access ceded Forest Service lands in the Leech Lake area and will accept the remains. Transfer of remains to the tribe is the next step.
- j. RB-01: Per Andy, the Rosebud County sheriff has taken a new position in Glendive and will relocate soon. Andy plans to wait until Rosebud County has a new sheriff and then update him on the case.
- k. TL-01 / TL-02. (TL-01 jaw, TL-02 skull). The tribe has a plot of land with space to reinter these remains. Gheri inquired about the availability of burial board funds for a small plaque to mark the gravesite. Board discussion about costs for the plaque. Gheri noted that an estimated cost would be \$100. Discussion on transferring the remains from the SHPO office to Gheri. Burial board funds can be used for this purpose, whether Gheri incurs costs by coming to Helena herself to transport the remains, or Jessica incurs costs by transporting the remains

to the Blackfeet TPHO offices.

17. Scalp lock discussions.

- a. UN-02, UN-03, UN-04, UN-05, UN-06, UN-11: Scalp locks. Brief history of how the burial board came into possession of the scalp locks and a description of each one. Limited board discussion. Per Duane, his elders have no desire to have these scalp locks displayed. They would prefer to have them reinterred. Wallace noted that he would like to view the scalp locks some time. Other board members expressed interest in themselves or for some, a designated representative. Those interested can contact Jessica to find a time to view the scalp locks. Jessica requested that the viewing be set up as soon as possible. Any time in June is fine, except for the week of June 9th.
- b. UN-07 and UN-09 records said these two were found in Bear Gulch together. Per Gheri, she talked to John. John believes that this scalp lock and skull are Blackfeet, based on the location of discovery. —Gheri said the tribe would take these remains, as they have a special ceremony for scalp locks. The tribe is also interested in the scalp lock labeled as “Blackfeet” (UN-05). Per Gheri, they are looking at reinterment around August, as the earliest time they could conduct the ceremony.

18. Next Meeting Date. Meeting would be a Zoom meeting, early September, September 2nd-5th.

19. Meeting Adjournment. Weber made a motion to adjourn the meeting. Erika seconded the motion. Erika called for a vote. Motion passed unanimously.