



Board Meeting Minutes

May 17, 2024

10:00 AM – 2:00 PM

Remote (Zoom) and In-Person (Rm 161 – Mitchell Building, Helena, MT).

Board Members Present: Conrad Fisher, Erika Scheuring, Michael Blackwolf, Duane Reid, Aaron Brien, Dyan Youpee, Kevin Askan, Skye Gilham, Weber Greiser.

Agency Staff: Jessica Bush, Terri Hogan, Janna Williams

1. Call to Order at 10:07am
2. Introductions and Opening Prayer by Duane Reid.
3. Roll call. Enough members were present for a quorum.
4. Action Items.
 - a. Conrad asked for Feb 16 meeting minutes to be approved. Erika made the motion. Michael seconded. Motion passed unanimously.
5. New Cases
 - a. Powder River County Museum human remains on display. The remains were found by a local rancher and given to the museum. Chair Fisher provided the background information. Chairman Fisher asked if human remains are on display, should instead be reinterred?
 - i. Discussion:
 1. Weber Greiser asked if the remains were Native American or non-Native American. Chair Fisher said there was a battle 20 miles away between the US Soldiers and the Northern Cheyenne tribe in the spring of 1876, so it wouldn't be surprising if the remains were Native American.
 2. Duane asked what laws applied. Terri state these remains were subject to Montana's Repatriation Act, and there is a process to make a claim for repatriation. A written claim to repatriate those remains could be filed with the board, and the possessing entity. See 22-3-901, MCA et. al, specifically, 22-3-911 and 22-3-912, MCA.
 - a. The board would manage the process for filing a claim for repatriation and resolve a situation with multiple claims for one set of remains.
 - b. Skye Gilham reiterated that President Biden's EO updated and strengthened NAGPRA laws in January. NAGPRA explicitly states that for Native American remains, museums and federal agencies must consult with and obtain consent from lineal descendants, tribes, or Native Hawaiian organizations before displaying or researching cultural items or remains.
 3. Terri said she would compile the laws and send them to the board. Duane reiterated the need to work cooperatively with these smaller museums in a

positive manner so any human remains they may have will be properly reinterred.

4. Aaron Brien asked if the Powder River County Museum received federal funding. It was unknown, but the museum could be private.
 5. Chair Fisher proposed that Jessica investigate and update the board on these human remains at the Broadus, Montana museum.
6. MOA with UM Anthropology Department.
- a. Chair Fisher said that the agreement was revised to address board suggestions from the February meeting. The agreement would allow the Board to proceed with mDNA analysis. Does the Board wish to proceed with the revised agreement?

Discussion

- i. Jessica Bush affirmed and thanked Duane for his input on agreement changes. Jessica stated that with the MOA, the board would have additional cost discounts with the agreement. If the MOA is approved, the next step for Jessica is to contact Dr. Snow to find out what she recommends for each approved case. Dr. Snow would brief Jessica, and then Jessica could bring that information to the board for discussion and approval. Jessica reiterated that this agreement did not give automatic approval for all testing – but rather that the board would approve a specific type of test for a specific case.
- ii. Chair Fisher reminded the board, that they have been working on this for over a year and the agreement is something that the board needs and that the board has utilized UM in the past without an agreement. Now the roles are clearly lined out between the board and UM. His advice is that this is a working document that can and should be reviewed each year, but the board needs to remain flexible. With that said, he thought the board should finalize this agreement today or by this fall. Then he opened the floor to discussion.

Discussion

1. Dyan Youpee did not think students should be doing the actual process due to level of education and experience regardless of whether the remains were Native American or not, these are important kinds of decisions. She stated that the person making the decision should have a PhD. She also wanted to know if Board members could witness that process. She wanted to know how much bone is extracted and see the process.
2. Erika Scheuring stated the work is done with utmost care and Dr. Snow is with the students, and mentioned that Dr. Snow is open to the Board being present during analysis.
3. Duane Reid said it was important for the board to ensure the final results and most of the testing is done by the experienced professional, so if a particular case becomes contentious, there are good results. If the board needs to clarify in the MOA that testing should be done by a trained professional with a degree and the experience, that might be a good idea.
4. Weber Greiser said most of these students have master's degrees. While the agreement does specify that students would be graduate students, Weber noted that different people from different fields serve as subject matter experts, and he can attest that people with master's degrees and the experience are those doing work that doesn't require a PhD. He assumed they would be advanced graduate

students, but the board could specify in the MOA that the students would be advanced, experienced graduate students working under the direction of Dr. Snow.

5. Skye Gilham said she'd met with Dr. Snow and Haley, the graduate Blackfeet student working on repatriation. Skye believes Haley would be the primary person working with Dr. Snow on board cases. She has one more year left on her PhD program.
6. Kevin stated that the CSKT supports DNA testing and looks forward to assisting, and in light of Dyan's comments, being present to witness the testing process. Kevin agreed with Dyan that there should be a level of reverence regarding the remains but reiterated that the CSKT does support the testing.
7. Terri said that if the board had interest, she could contact Dr. Snow about changing the agreement to clarify who would be doing the testing, and who would sign off on final results.
8. Per Jessica, Section 3.4 of the agreement allowed for board members to be present during testing. She confirmed with Dr. Snow that board members could be there in person, with advance notice. Section 3.4(G).
9. Michael said the Fort Belknap Tribe's desire, that if there are known ancestral Native American remains, that there would be no DNA testing done on those remains. If it not known whether the remains are Native American and they are ancestral, the tribe is in full support of DNA testing.
10. Dyan Youpee said she would like to see section 3.2(c) strengthened so that this MOA is only used for remains that are submitted to UM for consultation and forensic analysis. The agreement would not be for the UM to store remains any longer than necessary to complete testing. Then the remains and any residual DNA is returned to the board.
11. Chair Fisher said per the agreement, a case could be submitted to the UM for consultation and forensic analysis and asked Dyan for her suggestions to change wording. Per Chair Fisher, the agreement was intended for the board to ask the UM to do forensic analysis on a specific case that the board was uncertain about. The agreement was not to automatically direct any unidentified remains to the UM for forensic analysis, just those cases the board decided would need more analysis.
12. Skye Gilham stated that the three cases prompting this MOA included the potential "war trophy" case of Asian American remains. The board thought testing would be useful as they may have family looking for them. For the other two cases, there was no information to determine if they were ancestral or MMIW, so the board thought DNA analysis would help. Both cases are straightforward ones the board needs help with.
13. Jessica Bush confirmed from the November 2023 meeting minutes, the board's approval of DNA testing for CR-02, the potential war trophy case found under the trailer. That case is still at the UM. The other two cases are awaiting execution of the MOA to transfer to UM.
14. Michael Black Wolf asked if the MOA was specific to those cases.
 - a. Chair Fisher said the MOA was intended to formalize the general relationship between the Burial Board and the University of Montana.

Jessica confirmed that the agreement did not specifically list any cases and that the CR-02 case was already at the UM – taken there in March 2022.

15. Skye Gilham said the board should move forward with a motion to approve this agreement, since the agreement has been under discussion for a year. The board has made changes to the agreement, and this will be used on a case-by-case basis for those cases the board thinks is necessary, especially with MMIP concerns. The board uses the University a lot but has never had a formal agreement. It would also help the board with the prices. Skye moved to approve the current MOA as it exists. Kevin Askan seconded that motion.
16. Chair Fisher called for other questions. If no further questions, he will call for a vote. All in favor say Yay.
 - a. Dyan thought the motion would address how the agreement would be changed to address concerns.
 - b. Chair Fisher suggested Dyan clarify her questions for the motion. Dyan declined, stating that it was Skye’s motion.
 - c. Skye thought the questions were resolved when the board reviewed the actual agreement. Dyan asked which agreement the motion applied to. Per Erika, the MOA as it currently exists.
17. Michael Black Wolf suggested amending the motion to approve the MOA with the understanding that to address concerns of board members, the MOA could be amended and presented to the board at the fall meeting. Chair Fisher asked Skye if she was willing to amend her motion. Skye said she was unclear how to word an amendment to the motion.
18. Duane Reid said significant changes to the agreement should be made before the board votes. Duane suggested that board members desiring changes could make those and present to the board at the next meeting. If, however, there were no significant changes, Duane thought the agreement could be ready to vote in.
 - iii. Chair Fisher thanked Duane and proposed the board move forward with the motion to approve the MOA as it is and take a vote of the board. If the motion did not pass, the board could decide if it would like to make another motion. If there are no further questions, the board can take a vote and do a roll call of each board member’s vote of yay, nay or abstain.
 1. Terri announced the results of the vote as:
 - a. 6 voted yes,
 - b. 2 abstained,
 - c. 1 voted no. Motion passed.

Break for 10 minutes

7. Celebration of Closed Cases. Erika acknowledged three recently closed cases and recognized the board for its work to make that happen. Jessica stated her appreciation of the honor to work with Chair Fisher and the Northern Cheyenne tribe to get those cases reburied last November.
8. Cases Requiring Board Action
 - a. TE-01. Chair Fisher asked Jessica for a brief synopsis. Per Jessica, the remains were discovered by a science teacher when cleaning out a closet of the former teacher. Jessica’s

notes were that the remains were discovered on the Crow reservation. The skull was sent to the crime lab in 2021 and since 2022, the remains have been at the SHPO offices awaiting reburial. The board has waited for a member of the Crow tribe to be appointed before moving forward. Chair Fisher asked Aaron Brien for his thoughts. Aaron stated that if the remains were discovered on Crow land, those remains could be returned to the tribe. Jessica to coordinate with Aaron on a time/place for transfer of the remains. Chair Fisher noted the case would be closed after remains are transferred.

- b. FA-01 (child's remains, likely Native American, discovered on private property in Fallon county with associated burial items). Jessica said she worked with Chair Fisher and Terri to draft and send a letter to the sheriff's office in Fallon County to ask about the location of the associated burial items. That letter was mailed March 29th. Jessica has not received a response. Chair Fisher and Erika have not received a response either. Chair Fisher will follow up with the sheriff's office.
- c. MO-01. Chair Fisher asked Kevin Askan for an update. Kevin reported that he does have a place to rebury these remains. He plans to go to Missoula or Helena in June for a transfer of the remains from Jessica – then that case could be closed.
- d. MO-02. Kevin reported that he has been unable to reach Tim or his partner, but he will try again and then update the board.
- e. TL-01/TL-02. Skye emailed Toole County but has not received a response and does not have an update for the board. Chair Fisher asked for a brief synopsis. Erika said TL-01 was a mandible and TL-02 was an entire skull. Per Jessica, both sets of remains are at the SHPO offices.
 - i. Per Skye, the next step is to contact John Murray about reburial. Terri reported that she had emailed John on April 10th about upcoming board meetings and received no response.
 - ii. Duane encouraged the board to keep trying to contact John if those remains are associated with the tribe.
 - iii. Duane said he could arrange to have remains repatriated and reburied at First Peoples Buffalo Jump if the board desired.
 - iv. Chair Fisher thanked Duane and encouraged all board members to continue trying to reach out to John. He asked if the board would like to table further discussion on these remains until John could be contacted, or if another tribe should be asked to assume the responsibility.
 - v. Skye offered contact information for the Blackfeet THPO office. Erika noted her agreement with Duane that the board should continue to work with the appointed tribal representative.
 - vi. Chair Fisher tabled TL-01/TL-02.
- f. LC-01/ML-02/UN-01. Jessica gave a brief synopsis - all cases from the Montana Historical Society. *Chair Fisher started to talk about the scalp locks at this time, but then realized that those were different cases. This topic was postponed until more Tribes were present and had a chance to talk to their councils.*
 - i. LC-01 is burial items from the Birds Eye area in Lewis & Clark County.
 - 1. Kevin said he could reinter near Helena near Birds Eye.
 - a. Erika made a motion for Kevin to initiate reinterment of LC-01. Duane seconded. Motion carried unanimously
 - ii. ML-02 is a string of shell beads found in a cave near the Musselshell river.

- 1. Michael said they would have interest reinter.
 - iii. UN-01 No locational information.
 - 1. Michael said they would take UN-01 too.
 - iv. Erika made a motion for Michael to take possession of ML-02 and UN-01. Duane seconded the motion. Motion carried unanimously.
 - g. TL-01/TL-02 Gheri Hall, deputy THPO from the Blackfeet tribe, joined the meeting. John Murray is the appointed board representative for the tribe, but Gheri can answer questions. Gheri said the tribe just secured a plot of land to be used as a repatriation site and she'd follow up with John.
 - h. UN-09. Per Jessica, is a case from the Montana Historical Society. UN-09 is a skull that was located near Bear Gulch, Montana. Remains were thought to be Blackfeet, and later Crow. UN-07, a scalp lock thought to be from a white woman was determined to be associated with UN-09.
 - i. Gheri will ask John about these remains and if the tribe should revisit whether they are Blackfeet. Dyan noted that it does not appear to be just the scalp lock; looks to be an object of patrimony because of the designs with it and the fact it is secured on a shield with string.
 - ii. Chair Fisher asked whether reburial should be in a different location, depending on whether remains are Native or non-Native.
 - iii. Duane reiterated that his tribe, the Little Shell, would not retain any human remains as a trophy.
 - i. UN-10. Erika reported that she talked to the new THPO for the Leech Lake tribe and explained the board's opportunity to bring these remains to the tribe. The new THPO said the tribe does not want these remains now. Discussion on obtaining written permission from the Leech Lake tribe to reinter in Montana. Duane and Erika to work on an email to the Leech Lake THPO to explain that Duane's tribe is related to the Leech Lake tribe and has the spiritual leadership to officiate reburial. Duane thought First Peoples Buffalo Jump could be the reinterment site.
 - j. UN-12. Jessica said the remains were at the SHPO offices and that she had forwarded the report from the UM. Per Skye, the report outlined the two tests that the UM did, which did not conclusively find the remains as Native American. Skye thought this case a good one for reburial at First Peoples Buffalo Jump. Duane offered to take the lead on the repatriation cases because it was close to Great Falls and the tribe has spiritual leadership.
 - i. Erika made a motion to give the remains to Duane for reinterment. Kevin seconded the motion. Motion carried unanimously.
 - k. UN-02, UN-03, UN-04, UN-05, UN-06, UN-07, UN-11. All scalp locks. Chair Fisher noted that Aaron, Michael and Skye had to leave the call. Since there was no longer a quorum, Chair Fisher said the board could not take action on these cases. Duane said he had an upcoming NAGPRA repatriation at First Peoples Buffalo Jump in mid-July, and after that, he would work with Clark Thompson at First Peoples Buffalo Jump to set another date for a repatriation ceremony, probably in the fall. Duane said he would let the board members know.
9. Chair Fisher told the board that he was working with the Northern Cheyenne tribal leadership to find his replacement for the board. He plans to step down from the board in the fall. Chair Fisher then adjourned the meeting at 2:22pm.