

## **Chapter 7. Traditional Tribal Burial Grounds**

### **8.701 PURPOSE**

This statute governs the use of Traditional Tribal Burial Grounds. This statute repeals and replaces Waganakising Odawak Statute 2020-009, 2020-008, 2020-004 and 2009-018.

(Source: WOS 2023-020, November 14, 2023, Section I)

### **8.702 POLICY INTENTION**

- A.** Traditional Tribal Burial Grounds are intended to promote the cultural values of the Tribe's ancestors, recognition of the Circle of Life and the belief that life is cyclical in nature.
- B.** Traditional Tribal Burial Grounds may only be used for natural burials. The use of chemical preservations and non-biodegradable materials is discouraged.
- C.** The Tribe encourages the use of grave markers that do not intrude on the landscape. These natural markers can include shrubs and trees, or an engraved, flat stone native to the area. The planting of native trees, shrubs and flowers on or near the grave establishes a living memorial and helps form a wildlife area.
- D.** Traditional Tribal Burial Grounds are green with trees, grasses and wildflowers, which in turn bring birds and other wildlife to the area.
- E.** Consistent with the foregoing policy objectives and the wishes of Tribal Elder, Alice Yellowbank, the Murray Road Cemetery shall be referred to as "Zhaawshkwaande Gokaan," which means "Green Cemetery."

(Source: WOS 2023-020, November 14, 2023, Section II)

### **8.703 DEFINITIONS**

- A.** "Burial Ground" means the land set aside for the specific purpose of earth interments.
- B.** "Burial Right" means a right of earth interment.

- C. “Embalming” means a process for using preservatives in order to prevent decay of a body.
- D. “Interment” means the permanent disposition of the remains of a deceased person by cremation, inurnment, entombment or burial.
- E. “Plot” means a space of sufficient size to accommodate an interment.
- F. “Tribe” or “LTBB” means the Little Traverse Bay Bands of Odawa Indians.
- G. “Vault” means a lined and sealed unit, generally made of cement, for placement of a casket to prevent the concave of earth after a period of time.

(Source: WOS 2023-020, November 14, 2023, Section III)

#### **8.704 SALE OF PLOTS**

- A. Only the Burial Board may sell and convey the exclusive right of burial in a plot.
- B. Rights in burial plots may not be re-conveyed from an individual to another individual, unless there is prior approval by the Burial Board.
- C. An individual may convey or sell back the burial plot to the Burial Board.

(Source: WOS 2023-020, November 14, 2023, Section IV)

#### **8.705 AUTHORIZATION OF BURIAL ARRANGEMENTS**

Burial arrangements shall only be authorized by a person designated in a written instrument signed by the decedent. If there is no such written instrument, a person wishing to make burial arrangements must submit a sworn statement attesting to their authority. Neither the Tribe nor the Burial Board shall be required to inquire into the truth of the statement in the sworn statement and shall not be held liable for any unauthorized activities.

(Source: WOS 2023-020, November 14, 2023, Section V)

### **8.706 EMBALMING**

- A.** Embalming is not required for interment in Traditional Tribal Burial Grounds unless burial or cremation does not take place within 48 hours of death or there is an unacceptable risk of transmission of a communicable disease.
- B.** The time period of 48 hours starts at the time of death of the deceased.
- C.** Embalming may be required if the deceased needs to be transported to Traditional Tribal Burial Grounds from outside of the Tribe's homelands.

(Source: WOS 2023-020, November 14, 2023, Section VI)

### **8.707 BURIALS**

No burial may take place until a Death Certificate has been issued.

(Source: WOS 2023-020, November 14, 2023, Section VII)

### **8.708 CASKETS OR CONTAINERS**

Neither a vault nor casket shall be allowed for a Traditional Tribal Burial. Wooden or other culturally appropriate burial containers are acceptable.

(Source: WOS 2023-020, November 14, 2023, Section VIII)

### **8.709 GRAVE MARKERS**

- A.** No permanent, raised markers shall be allowed in Traditional Tribal Burial Grounds.
- B.** Raised markers may be used if made of natural deteriorating items such as wood or other natural materials.
- C.** Permanent, non-raised items may be used such as stone or granite markers.

**D.** Markers may be represented by small plants or shrubs or non-invasive flora.

**E.** Deteriorating decorations such as crepe paper-wreaths and other cultural objects may be allowed in Traditional Tribal Burial Grounds.

(Source: WOS 2023-020, November 14, 2023, Section IX)

### **8.710 ACTIVITIES AND CEREMONIES**

Tribal Ceremonies and activities that honor the deceased may be performed in the Traditional Tribal Burial Grounds.

(Source: WOS 2023-020, November 14, 2023, Section X)

### **8.711 BURIAL RECORDS**

A record of all interments shall be maintained and, at a minimum, contain:

- A.** Name of Deceased;
- B.** Place of death;
- C.** Name of Funeral Director, if any;
- D.** Place of interment; and
- E.** Copy of Death Certificate.

(Source: WOS 2023-020, November 14, 2023, Section XI)

### **8.712 BURIAL BOARD**

A Burial Board shall be established within the Executive Branch. The Burial Board shall develop regulations to govern its management of Traditional Tribal Burial Grounds. At a minimum, the regulations shall:

- A.** Delineate the boundaries of Traditional Tribal Burial Grounds by map and/or plat and formally dedicate the property within those boundaries as exclusively reserved for Traditional Tribal Burial Ground purposes;
- B.** Regulate the sale of plots within Traditional Tribal Burial Grounds;
- C.** Regulate the placement, uniformity, class and kind of grave markers, and other structures in any part of Traditional Tribal Burial Grounds;
- D.** Regulate the planting and care of plants in Traditional Tribal Burial Grounds;
- E.** Prevent the interment of remains not entitled to be interred in Traditional Tribal Burial Grounds;
- F.** Prevent the use of a plot for a purpose that violates the Burial Board's regulations;
- G.** Regulate the conduct of persons on Traditional Tribal Burial Grounds to prevent activities that are prohibited by or inconsistent with this statute or the Burial Board's regulations; and
- H.** Include other provisions as necessary to further the purpose and intent of this statute.

(Source: WOS 2023-020, November 14, 2023, Section XII)

### **8.713 SAVINGS CLAUSE**

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution or laws of LTBB, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

(Source: WOS 2023-020, November 14, 2023, Section XIII)

### **8.714 EFFECTIVE DATE**

This statute shall be effective upon the signature of the Executive, or 30 days from Tribal Council approval, or if the Executive vetoes the legislation, then upon the date on which Tribal Council overrides the veto.

(Source: WOS 2023-020, November 14, 2023, Section XIV)