



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Tribal Burial Board

7500 Odawa Circle, Harbor Springs, MI 49740

TRADITIONAL TRIBAL BURIAL GROUNDS REGULATIONS REG-WOS 2023-020 010824-001

I. Introduction

These regulations are promulgated pursuant to section XII of Waganakising Odawak Statute (“WOS”) 2023-020, Traditional Tribal Burial Grounds, enacted November 14, 2023 to regulate the use, care, protection, restrictions, aesthetic integrity, and the management of the plots and burial records of the Zhaawshwaande Gokaan or “Green Cemetery,” informally known as the Natural or Traditional Burial Grounds.

II. Purpose

The Traditional Burial Grounds are the lands reserved and set aside for the traditional Anishinabek cultural practice of burying the bodies of our deceased relatives. A traditional burial is natural or green in that it restores the physical body to the land without anti-decomposition interventions such as hermetically sealed caskets or perfusing chemical preservatives throughout the body. In keeping with the traditional practice, the appearance and composition of the Traditional Burial Grounds is natural. They feature native plant species and are free of non-biodegradable ornamentation, large commercial statues and headstones that typically are supported by a concrete foundation, and other manufactured intrusions upon the natural landscape. The rules set out in these regulations are intended to honor our ancestors and Mother Earth.

III. Definitions

- A. **Burial Grounds:** The land set aside for the specific purpose of natural earth interment.
- B. **Burial Right:** In accordance with the status of trust lands, interested persons are purchasing the right to be buried in the Burial Grounds, not the plot of land itself.
- C. **Cremains Inurnment:** Interment of cremains with or without a container.
- D. **Embalming:** A process for using preservatives in order to sanitize the body for burial.
- E. **Grave:** A space of sufficient size to accommodate an interment.

- F. **Interment:** The permanent disposition of the remains of a deceased person by cremation, inurnment or burial.
- G. **Inurnment:** The lawful disposition of the cremated remains of a deceased person.
- H. **Lot:** A space sufficient to hold two graves and marked by a detectable metal marker.
- I. **Natural burial container:** A biodegradable container sufficient to hold cremains or body.
- J. **Shroud:** A cloth used to wrap a body for burial.
- K. **Tribe:** The Little Traverse Bay Bands of Odawa Indians.

IV. Burial Board

- A. The Burial Board established in WOS # 2023-020 shall consist of five Tribal Citizens nominated by the Chairperson and approved by the Tribal Council and subject to the conditions set by the Executive Commissions, Boards and Committees Statute, WOS # 2023-006, or its successor.
- B. To stagger the Burial Board members' terms, the initial terms shall consist of two appointment terms expiring after two years, one appointment term expiring after three years, and two appointment terms expiring after four years. All subsequent terms will expire after four years.
- C. The Board is responsible for overseeing compliance with these regulations as well as maintaining, protecting and promoting the best interests of the Natural Burial Grounds.
- D. Any requests for services or permissions that are not prohibited by law and not stated in these regulations may be brought to the Board for consideration.

V. Uses

- A. The following are allowable uses for the Natural Burial Grounds:
 - 1. Interment in a natural burial or other cultural container; burials will not require or allow the use of a vault (partial, inverted or otherwise), a vault lid, concrete box, slab or partitioned liner.
 - 2. Cultural burial ceremonies, gatherings and/or other cultural activities to honor the deceased.

3. Grave marker placed for the location of the deceased as stated in these regulations.

VI. Eligibility

Plots in the Zhaawshwaande Gokaan may be conveyed to members of federally recognized tribes, the legal spouses of tribal members, and the biological children of an eligible tribal member.

VII. Care and Protection

A. The burial grounds are considered a sacred site, blessed at opening dedication ceremonies, encompassing the rituals attending the burial of ancestral remains. As such, all respect will be accorded to them by all visitors.

B. Care and Groundskeeping

1. The Board will maintain the ecological health and integrity of the cemetery grounds, including, but not limited to, the control of invasive species, trail safety and maintenance.
2. It is prohibited to add soil, rocks or plantings to gravesites without previous approval and permission from the Board. If the Board determines or identifies an invasive plant species has been planted or discovered in the cemetery grounds, the Board will remove it to prevent spreading of unwanted growth.
3. Maintenance of plantings are the responsibility of the family, but the Board reserves the right to remove any diseased or unsightly plantings or if the plantings pose a safety hazard for others.
4. No unauthorized plantings or hedges, fences or enclosures of any kind are permitted on or around lots. The Board reserves the right to remove or alter unauthorized plantings or enclosures.

C. Protection

1. All persons on properties managed by the Board shall be subject to all LTBB tribal laws and regulations.
2. No firearms are permitted on the grounds except for those carried by active law enforcement, military, and conservation officers.
3. Visitors may visit the burial grounds starting 30 minutes prior to sunrise until 30 minutes after sunset.

4. The Board is not responsible for losses or damages.

VIII. Sale of Plots and Fees

The fee charged for burial and the additional fee for excavation and interment will be reviewed annually and set by a resolution of the Board.

- A. Family members are encouraged to keep their contact information and address current with the Burial Board office.
- B. The Board does not allow the ownership of burial rights to be sold by any previous purchaser. The plot shall be returned to the Burial Board if it is not going to be used, and the original fee, minus an administrative fee, will be refunded.
- C. The Board will maintain a map of the burial grounds which clearly indicates trails, gravesites and persons interred. The Board will also keep a record of plot and burial details on electronic and hardcopy file.
- D. Burials will take place only in lots designated and assigned by the Board pursuant to an approved site plan and map. A lot will measure 12 x 10 feet with detectable metal pegs flush to the ground.
 1. Individual graves measure 6 feet x 10 feet, running east to west as depicted in the accompanying map and picture;
 2. Burial rights will be issued for individual graves only, including cremains inurnment. In the event the grave will be utilized for cremains inurnment, a second cremains inurnment may utilize the remaining portion of the grave.
- E. The Burial Board may change or alter the plot layout as needed.
- F. In addition to the above listed rules and regulations of cemetery care and protection, the Board will provide guidelines and rules to all staff members, contractors and volunteers.

IX. Grave Markings

- A. In accordance with section II of the Traditional Tribal Burial Grounds Statute, the Tribe encourages the use of markers that do not intrude upon the landscape. These natural markers can include native species of plants, shrubs, and trees.
- B. Examples of acceptable markers include:
 1. An engraved flat stone natural to the area and 12 inches in diameter.
 2. Wooden clan markers.

3. Spirit houses made of untreated, local wood and must be no wider than 4 feet, no longer than 5 feet and no taller than 18 inches above the ground.
 4. Government issued headstones measuring 1 foot by 2 feet, not taller than 4 inches.
- C. Ceremonial or traditional crepe paper wreaths are allowed.
- D. Any grave marker other than those authorized in this section must be approved by the Board.

X. Grave Plants

- A. Only non-invasive, native plant species will be allowed on the gravesites and in the cemetery. Within 90 days of the adoption of these regulations, the Board will publish a list of acceptable plant species. Interested parties may petition the Board to consider adding plant species to the approved list.
- B. Family members are responsible for maintaining plants on their plot.
- C. The Board will monitor the cemetery for invasive plant species. If an invasive plant species is identified, corrective action shall be taken.

XI. Interment

- A. Families and friends of the deceased will be given the opportunity to participate in the burial and ceremonial process, including the covering of the grave and planting of native plants, so long as participation conforms to Board regulations.
- B. Our traditions allow for ceremonial fires to be kept burning for four days prior to, or at the time of, burial. If these or other ceremonial fires occur within the area of the gravesite, these fires should be monitored and assisted by family and/or community fire keepers at all times.
- C. The Board respects the decision of family members as to what garments and adornments the deceased will be buried in with all regalia being permitted regardless of the materials used.
- D. The Burial Grounds will be open for interments every day. Inclement weather may require interments to be delayed.
- E. Funeral directors must provide the necessary burial permit and death certificate from the health office. All orders for interment must be in writing.
- F. Burial rights owners shall not allow interments in their lots in return for remunerations of any kind. No interments of two or more bodies shall be made in one grave except in the case of mother and child or two infants buried in one casket.

- G. Cremated remains are subject to the same guidelines as other buried remains.
- H. Employees and volunteers appointed by the Board will be primarily responsible for digging graves. Family and friends of the deceased are also invited to participate if desired. Any disinterment required by order of the court or for the purposes of inquest may be undertaken by lawful agents associated with the request and in possession of all required legal documentation, and at the time, approved by the Board.
- I. Arrangements for the payment of any and all indebtedness due to the Board must be made before interment will be made. In order to schedule a burial, a lot must be purchased for the deceased unless the deceased has already purchased one. The Burial Board or its designee must also be provided with:
 - 1. The name of the deceased
 - 2. Age of deceased including birth date if known
 - 3. Place of birth of deceased if known
 - 4. Date, time and place of death
 - 5. Name of funeral director
 - 6. Time and date of interment
 - 7. If the deceased is not an adult, the name of his or her parent(s) or legal guardian(s)
 - 8. Copy of death certificate
- J. Twenty-four-hour notice prior to interment is required unless prevented by extenuating circumstances. At least one-week notice prior to any disinterment or removal is required. The funeral must conclude by 4 p.m. in order to allow sufficient time to properly close the grave and remove equipment before 6 p.m. Funeral parties may help close the grave and are asked to give advance notice when wishing to do so.
- K. The Board and its employees will not be responsible for the interment permit nor the identity of the person sought to be interred, advocating such matters as to be the responsibility of the funeral director.
- L. In addition to being subject to these regulations, all interments, disinterment and removals are subject to applicable tribal laws, regulations, and policies.

XII. Restrictions

- A. The deceased are not to have been embalmed or embalmed only with Burial Board-approved nontoxic chemicals. Burial containers are to be limited to those made from

- nontoxic/nonhazardous and natural/plant derived materials. Shrouds made of natural materials are permissible. The bodies of those who have died of diphtheria, meningococci infections, plague, poliomyelitis, scarlet fever or smallpox shall be thoroughly embalmed and disinfected by arterial and cavity injection with an accepted embalming fluid with Burial Board-approved nontoxic chemicals.
- B. Vehicles are permitted only in designated areas such as parking areas and roads.
 - C. No lights, store-bought or artificial flowers, vases, urns, or other items or debris, except for biodegradable crepe paper flowers and crowns, may be placed on individual lots. Gravel, crushed stone, granite chips, or similar items are not be allowed on the gravesites. All unapproved items are considered litter and may be removed.
 - D. No permanent, raised markers or monuments are permitted.
 - E. The use of pesticides and herbicides is prohibited.
 - F. No alcohol is permitted on cemetery grounds. Incidents of vandalism or destruction of property shall be reported to LTBB Law Enforcement.
 - G. No burial plot shall be opened or closed except under the direction and control of the Board charged with overseeing the cemetery.

XIII. Penalties

Any person who violates these regulations may be cited with trespass and expelled from the Burial Grounds. Violators also may be subject to criminal prosecution and civil fines and remedies pursuant to applicable law.

XIV. Amendment

These regulations may be amended in accordance with the Administrative Procedures Statute or its successor.

XV. Effective Date

These regulations take effect upon approval by the Tribal Council or 30 days after their submission to the Council by the Executive, whichever comes first.

CERTIFICATION

As Chairperson, I certify that I approve of these Traditional Tribal Burial Grounds Regulations. These Traditional Tribal Burial Grounds Regulations will be posted for public comment and may be amended pursuant to public or staff comments before submission to Tribal Council.

Date: 1-10-2024

Regina Gasco
Regina Gasco, Tribal Chairperson

Received by the Tribal Council Office on: 1/10/2024 by: Marvin Taylor

As the Legislative Leader and Tribal Council Secretary, we certify that these Traditional Tribal Burial Grounds Regulations were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on January 11, 2024 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 2 absent.

Date: 1/26/2024

Marcella R. Reyes
Marcella Reyes, Legislative Leader

Date: 1/26/2024

Emily Proctor
Emily Proctor, Secretary