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 **Montana/Regional News**
**Plan to scatter ashes on public land hits snag**

By TYLER CHRISTENSEN of the Missoulian

Fred Roullier spent almost every moment of his life in the wilderness he loved. After he died in a motorcycle accident last August at the age of 55, his family and friends honored his last wishes by scattering his ashes at one of his favorite places, a place where he and his daughter, Lindsey, had spent countless hours camping and fishing.

But Terrace Lake in the Mission Mountains is on tribal lands, and lies very near the border of a designated wilderness area. They weren't sure if leaving human remains on those lands was allowed.

They assumed that, because Roullier was an enrolled member of the Confederated Salish and Kootenai Tribes, they would be allowed to carry out his last wishes. They scattered his ashes, hoping all the while that doing so did not violate any rules.

Frances Coover ran into the same question after she started a new business, called Ladies in White, that offers to carry the ashes of loved ones deep into public lands.

After performing the service for her first client, she decided to be on the safe side and applied for a special-use permit from the U.S. Forest Service. In February, she learned the agency had denied her application, citing a long-standing policy against authorizing ash-scattering.

She then turned to the Bureau of Land Management, and applied for another special-use permit. The BLM, she knew, had no such policy. But last month, she learned that agency had also denied her application.

Coover is appealing the BLM's decision and considering whether to appeal the Forest Service's decision as well. Her business, she explained, depends on accessibility to public lands, but she is also pushing the two federal agencies to clarify their positions on ash-scattering on behalf of all the friends and families of the dead who would like to see their loved ones' ashes returned to their favorite places, but worry they could be penalized for it.

Frances Coover would like to know: Is it legal to scatter human remains on public lands or not?

The BLM initially foresaw no problems with Coover's application, said Marilyn Krause, spokeswoman for the agency's Western zone. However, after starting the routine outreach process necessary to grant such permits, it learned there were, in fact, a number of people opposed to the idea.

In particular, several American Indian tribal members said they were against the scattering of human remains on tribal treaty lands. At that point, Krause said, BLM field manager Nancy Anderson exercised her discretion to deny the permit, largely out of respect for the tribes.

The Confederated Salish and Kootenai Tribes were among those contacted by the BLM as part of its initial outreach, said communications director Rob McDonald.

He explained that one of the duties of the tribes' preservation department is to examine possible effects on protected lands, which, he pointed out, extend beyond the borders of the existing reservation. In response to the BLM's request, CSKT provided its general view that all human burials, including the scattering of ashes, are sacred, and that the spreading of ashes on protected lands could therefore have an adverse effect on the tribes' cultural activities at those sites, he said.

Coover's mission appears to fall into a gray area in Forest Service policy. For private individuals, the policy regarding the spreading of ashes is basically "don't ask, don't tell," said Gordon Schofield, the Forest Service's group leader for land use in Region 1, which covers Montana and Idaho.

In other words, they don't prohibit it, but they don't authorize it, either.

However, commercial enterprises such as Coover's, he explained, are required to obtain a permit to conduct business on public lands. Since the Forest Service cannot authorize ash-scattering, it had to deny her permit.

But if the Forest Service isn't against the scattering of ashes by individuals, Coover asked, how can it be against the scattering of ashes by a business?

She pointed out that the nation is home to hundreds of businesses that scatter human remains on public lands. Are they doing so illegally? If so, what sort of penalty are they facing?



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"For me, the crux of the matter comes down to what could happen to an individual who is observed scattering by a person with the Forest Service who has the authority to penalize them," she said.

As the rate of cremations continues to rise - the national cremation rate is about 30 percent, and Montana is one of six states with cremation rates of more than 50 percent - more people are looking at spreading ashes on public lands.

Currently, they're doing so with no regulation or oversight, and, Coover added, "I think, with the growing rate of cremation being what it is, it would behoove the Forest Service, on behalf of the public and their public lands, to take another look at their policy."

The concern, Schofield said, is that once folks scatter the ashes of their loved ones, the land takes on a sacred aspect. Then, friends and relatives want to put in some form of marker. Then, they oppose any activities inconsistent with the site's treatment as a final resting place.

The Forest Service is aware that people do occasionally scatter ashes on national forest lands, he said. They are not likely to be penalized for that. But the Forest Service does not want to see private monuments built on public land.

"That's our concern, is that people would set a piece of public forest land aside for their personal use," he said.

Coover maintains that the nation's public lands are already "sacred ground," and points out that her business specifically discourages markers or monuments.

Clients are given photographs of the vistas surrounding the site and GPS coordinates of the general location, she explained. These are meant as comforting keepsakes, she said, and are all the monument they need.

Coover added that her clients have an intimate interest in preserving public lands as they are. In fact, her business dedicates 10 percent of its revenues to wilderness protection groups.

"We really are trying to connect the life legacy of the individual who has died with the legacy of public land," she said, "and this is really the best way to do it."

While she waits for a final decision concerning her permits, Coover is exploring other ways of keeping her business going. For instance, she is working with a couple of private landowners who have expressed interest in allowing her to scatter ashes on their ranch property nestled up against the Rocky Mountain Front.

It's a lovely idea, Coover said, but not a perfect solution.

Her clients have no ties to these privately owned lands, she pointed out, and would prefer to see the remains returned to the places they loved in their lifetimes.

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