

**BURIAL SITES PRESERVATION BOARD****Minutes of the State of Wisconsin Burial Sites Preservation Board****June 6, 2024****10:30 am to 1:00 pm****Dreyfus University Center****University of Wisconsin-Stevens Point****1015 Reserve Street****Stevens Point, Wisconsin 54481****and****Virtual Meeting****I. Welcome and Call to Order (*Board Chair, Jennifer Haas*)**

Board chair Jennifer Haas called the meeting to order at 10:38am.

**II. Roll Call, for Determination of Quorum (*Board Secretary, Paul Reckner*)**

- Present, In Person: Dr. Jennifer Haas, Dr. Amy Rosebrough (virtual until 11:15am), Amy Wyatt (virtual until 11:15am), Paul Reckner
- Present, Virtual: Dave Grignon, Dr. Kathy Stevenson, Lawrence Plucinski
- Absent: George Christianson
- WHS Staff Present: Dr. Tyler Howe, Taylor Lambrigger, Daina Penkiunas (virtual until 11:15am), Ms. Kay Romanin (virtual until 11:15am)
- Guests, In Person: Judy Houston, Mark Houston
- Guests, Virtual: James Davies, Mark Geronime, Ken Muss, Melinda Lawrence, Chris Allswede, Ryan Duffy, Miranda Washinawatok, Ian Gort, Elizabeth Hilton

Roll call indicated quorum was met, and the board moved to the next agenda item.

**III. Approval of Agenda**

Upon motion of Paul Reckner, seconded by Dr. Kathy Stevenson, and no discussion by the board, the agenda for the June 6, 2024 meeting of the Burial Sites Preservation Board was approved unanimously.

**IV. Approval of Minutes**

Upon motion of Dr. Kathy Stevenson, seconded by Dave Grignon, and no discussion by the board, the minutes of the minutes of the March 7<sup>th</sup>, 2024 meeting of the Burial Sites Preservation Board was approved unanimously.

**V. Introduction (*Board Chair, Jennifer Haas*)**

Chair Dr. Jennifer Haas gave introductory comments regarding the Board and its responsibilities.

**VI. Public Comment**

Public comment was not solicited at this meeting.

**VII. Chair Report**

Dr. Jennifer Haas reported that since the last meeting she had received the Director's

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decision on the Froedert Tract final disposition, as well as request for the Board to review the decision. The Chair also discussed how the Board should function in the absence of a Chair or Vice Chair, in the event that of no candidates for officer elections.

**VIII. Unfinished Business****1. Open Officer Position – Vice Chair and Office Elections**

The Vice Chair position had been held by Cindy Styles, who recently stepped down from the Board. Dr. Jennifer Haas requested a motion nominating a current Board member for the Vice Chair position. No nominations were offered. Advice from legal counsel indicates that the Board can continue to function without the Vice Chair position filled.

Amy Wyatt advised that the Board also needs to elect a Chair and a Secretary. Dr. Jennifer Haas opened the floor for nominations for all three positions. Dr. Kathy Stevenson initiated a brief discussion regarding Dr. Paul Reckner's willingness to continue as secretary, and Dr. Reckner confirmed that he was willing to continue in the position. Dr. Stevenson nominated Dr. Reckner as Secretary, and Dr. Reckner accepted. No other nominations were forthcoming, and Dr. Haas called for a motion to nominate Dr. Reckner for Secretary. Dr. Stevenson made the motion, seconded by Larry Plucinski. Hearing no discussion, the vote was called and passed unanimously. Dr. Reckner was formally nominated for Secretary position.

No nominations for Chair or Vice Chair were offered. Amy Wyatt asked if Dr. Haas would accept the Chair until the end of the year. Dr. Haas responded that she was willing to continue as Chair until the end of the calendar year. Dr. Amy Rosebrough observed that the by-laws state that the Board needs to elect Dr. Haas officially as Chair. Dr. Haas and others stated that this was not the case as her term carried through until 2025. Dr. Haas read article 4 of the by-laws, that states that officers serve two year terms, and noted that her term as Chair goes from 2022 to the end of 2024. A new chair will need to be elected for 2025. A call for officer nominations for the term beginning in 2025 was also made at the March 2024 meeting, but no nominations were offered except for the Secretary. Per counsel's advice the Board can function a Vice Chair, as long as the Chair and Secretary positions remain filled. At June meeting Board voted to nominate Dr. Reckner to continue as Secretary for the term beginning in 2025. The other two office positions remain unfilled. Dr. Haas proposes to table the Chair and Vice Chair nominations until the Sept. meeting in the hope that Board members will be inspired. Dr. Rosebrough asked Dr. Stevenson if she would be willing to be Chair, and Dr. Stevenson respectfully declined. Dr. Stevenson asked a question about the Board composition as a whole regarding the open tribal rep. seat on the Board, and noted that the by-laws/operating procedures state a preference for the Vice Chair position to alternate between Archaeological Survey and Tribal appointees. Mr. Plucinski and Dr. Christianson felt that they were too new to the Board to take the

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position. Dr. Stevenson asked if there was any new word about the currently vacant tribal seat. Ms. Lambrigger has been in conversation with a candidate for that seat and is just waiting to hear from tribe at which point she will forward the application to the Governor's appointing office.

Dr. Hass asked to consider to table election until Sept meeting. Dr. Reckner so moved and Dr. Stevenson seconded; motion was approved unanimously. Officer elections will be held in September. Dr. Reckner has been nominated to continue as Secretary and the Board agreed. At the Sept. meeting all three officers positions will be elected.

Ms. Wyatt requested a brief recess for 10 minutes. Board meeting went into recess as 10:57am and reconvene at 11:15am.

Dr. Haas called the Board back to order at 11:15am; Drs. Rosbrough and Penkiunas, and Ms. Wyatt and Romanin present in-person.

**IX. New Business****1. Consideration of Applications for Completion and Entry to and/or Removal from the Registry of Interested Persons**

No applications were received for approval at the current meeting.

**2. Review of Eligible Disposition Decisions**

The Board agreed that the discussion would be limited to general procedural questions and types of information they would like to have available in order to decide whether or not the review any disposition decision, rather than a specific discussion of the Froedert disposition . Dr. Haas referred to statutes stating that the Board "may" review decisions taken by the Director, and HS2 noted that any person on the Registry of Interested Persons for a given site may file a request for review of decisions related to that site. Dr. Haas asked counsel for a Board's review of the Director's decision, and was advised that the Board "may" review any disposition made, any Director's decision. Further, there is no statutory time limit for review, and nothing spelled out about what the Board may use for the decision. In the absence of a request to review, the Board may also review of their own volition. In moving toward consideration of a decision on whether or not the Board wishes to review the recent disposition decision, Dr. Haas shared process information with the Board. The Board was asked to create a list of information the Board would ideally consider helpful in the review process, in order to guide WHS staff in preparing material to assist in the Board's decision on whether or not to review. The Board may have special meetings to further review. It was recommended that, while the Board must remain open to the public, members are encouraged not to engage or interact with the public regarding the review process. Dr. Haas stressed that review of a Director's decision is an important part of the Board's responsibilities, but that she would be recusing herself from any

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discussions and decision regarding the specifics of the Froedert decision. Dr. Haas asked the Board if there were any questions about the duties of the board. Dr. Reckner then stated that he would also recuse himself from any discussion of the Director's decision based on precedent from previous Director's designees to the Board in cases of Board review of Director's decisions.

Dr. Haas asked again of the Board if any questions. Dr. Rosebrough asked if the Board currently had quorum for a decision. Dr. Haas stated that the Board was still in general discussions, but that it would lose quorum if a vote were called, based on stated intentions to recuse.

Dr. Stevenson observed that unlike other duties of the Board or Director, there is little concrete guidance in the statutes regarding how the Board can engage in the review process. She asked if there were any updates to HS 1 or HS 2? Dr. Haas probed the history of the Board to understand what the Board has done in the past for Director's decisions. Board member and WHS staff recollections included some reviews of cataloging decisions, but in the Board's recent history these questions have not been reviewed. The Board agreed that today's discussion should focus on process and how the board would like to proceed to deciding whether or not the review of a director's decision. Dr. Rosebrough stated that Olin Shores case was the last time she recalled the Board reviewing a Director's decision. The Board requested all objectors to state their case before the board. Dr. Haas stated that it would be worthwhile to go back through the Board records to look for a process. Dr. Penkiunas stated the Board reviews cases as it "deems necessary", and Dr. Haas stated that the Board has been requested to review.

Dr. Haas asked for any further questions about process and procedures. Ms. Wyatt asked as a first step the Board would need to see the director's decisions. Dr. Haas said we need the history of Board process. Dr. Rosebrough said it would be good to know why there is a general review request, and the generalities of the request.

Dr. Stevenson stated that her reading of 157.70 indicated that the Director shall submit to the Board their decision. She is not sure what sort of information should be included in such report? She felt that the Board has no guidance about what information the Board needs to consider, and what parameters should be in place to review if requested. The Board needs a better understanding of what they should be doing and what the process should be.

Ms. Lambrigger chimed in that the WHS updates the Board on compliance reports, and the only dispositions that the WHS has done in 10 months are those that go to directly to WITRC. This is the first Director's decision, and it was added to the agenda in order to notify the Board. Dr. Rosebrough going back through the documents, something in the minutes that the Board declined to review for the following reasons would be important to capture for future staff and board members.

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Dr. Stevenson asked if there is a process by which the Board can request additional information to determine whether or not to review. How will that be folded into the process - asking for additional information? Dr. Wyatt and Dr. Haas agreed it is just a review. Dr. Haas said the process sketched out by the WHS will provide a report of decisions, and at the board meeting the Board can decide what the baseline information is needed whether or not to review. Dr. Haas offered the proposals and the Director's decision would be a good starting point. We can start sketching out the process. She suggested this should be added to the Board's SOP and eventually into the by-laws. Ms. Lambrigger said the Board will receive future Director's decisions as they did this time.

Dr. Stevenson observed that most disposition decisions are pretty straightforward, but when we run into complications, it would be helpful for a summary for significant steps to date and other background information as well as the proposals. A documentary history of how things have progressed up to this point should be provided to the board.

Dr. Haas said that some baseline information would be included in an executive summary, along with documentation and a timeline. Dr. Stevenson agreed, step by step from initial RtD to the time before the Board meeting. Any and all supporting documentation. Legal history and status of the entire project history. The Board also needs to capture initial ideas of what the overall process should be akin to how we will accept applications for the registry.

Dr. Haas attempted to recap the discussion re: process: For review of disposition decisions, WHS will provide a report of the disposition decisions eligible for review, provide the proposals, executive summary and a summary timeline from the RtD to the disposition decision. This packet should be provided as part of the meeting packet. Dr. Stevenson agreed. Dr. Penkiunas asked a clarifying question: Are you wanting to see all proposals or only the one that was selected by the Director? Dr. Reckner asked at what point does the Board want following the Director's decision what does the board need, acting on the director's decision based on a specific proposal. Dr. Rosebrough asked if the Director's letter said that there were other proposals it should also capture the reasoning why one was selected over the others. Dr. Haas reminded the Board that it needs to be cognizant of WHS staff time, and should wait until the Board either chooses to review, or is asked to review, to make information requests that require extensive preparation. Dr. Haas puts that to the board, and Dr. Stevenson agrees that a tiered approach to assembling information for the Board makes sense. Basic information, and then if the Board chooses to review and then we can add more information. Dr. Rosebrough notes that things might also depend on whether or not there are competing proposals at the same level of interest, at which point the Board may want additional details of the individual proposals.

Dr. Haas attempts to recap: WHS staff will provide a report of the eligible

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decisions. If the board chooses to review, or asked to review, the Board will be provided with the submitted proposal and a summary timeline, and the reasons for the request for the review. Dr. Haas asked if there are any other comments regarding general process and procedures. Hearing none, she moved on to 12-0916. The board has received a request to review, included in your packet of materials. Drs. Haas and Reckner will recuse themselves from this discussion. Dr. Haas received additional information from other interested parties in the past two days, and upon advice of legal counsel the decision to review the Froedert decision will be tabled until the Board's September meeting.

**X. WITRC Report**

No WITRC representatives were able to attend the June 6 meeting.

**XI. Wisconsin Historical Society Staff Reports****1.State Historic Preservation Officer Report (*Daina Penkiunas, WHS SHPO*)**

In May we wrapped up Historic Preservation month; posters, webinars, and community involvement. We have a new member of the compliance staff, Madeline Norton, who joined this last Monday, and we are close to finishing hiring for the OSA staff archaeologist position. Our annual conference will be October 17<sup>th</sup> and 18<sup>th</sup> in Appleton. Reservations are open. We underwent a website transition which is causing a delay in our reviews and emails, still some state wide issues, she asked for patience and understanding.

**2.State Archaeologist Report (*State Archaeologist, Amy Rosebrough*)**

A written report was provided to the Board. We are hiring a staff archaeologist, and have made some movement on cataloging.

**3.Compliance Section Report (*WHS Compliance Section Head, Tyler Howe*)**

A written report was provided to the Board. Dr. Haas asked if Board members had questions re: the compliance report. Hearing none, she asked to move to item XII.

**XII. Announcements**

None.

Dr. Stevenson asked if an agenda item had been skipped, but Dr. Haas stated the agenda item in question had been removed from the final agenda.

**XIII. Adjournment (*Board Chair, Jennifer Haas*)**

Dr. Haas called for a motion to adjourn; Dr. Stevenson moved, seconded by Dr. Reckner, and approved unanimously. Meeting adjourned at 12:01pm