Burial Sites Preservation Board
Friday, June 12, 2020
10:30 AM
Via Teleconference

AGENDA

I. Welcome and Call to Order
II. Roll Call, for Determination of Quorum
III. Approval of Agenda
IV. Approval of Minutes
V. Introductions and Welcome of Guests
VI. Election of Officers
VII. Wisconsin Inter-Tribal Repatriation Committee Report
VIII. Committee Reports
  a. Budget Committee
     i. Budget Approval
  b. Transition Committee
     i. Review and approval of Revised By-laws
     ii. Review and approval of Revised Board Policies on Per Diem and Expense Reimbursement
IX. Review of Burial Board Information Packet for New/Returning Members
X. Consideration of Applications for Completion and Entry to and/or Removal from the Registry of Interested Persons
  a. Report on the Status of Register of Interested Persons
XI. Wisconsin Historical Society Staff Report
  a. Report on All Determinations Pertaining to the Disposition of Human Remains and Associated Burial Objects
  b. State Historic Preservation Officer Report
  c. State Archaeologist’s Report
  d. SHPO Compliance Section Report
     i. Determinations Pertaining to Uncatalogued Burial Sites
     ii. Catalogued Burial Site Permit Request Decisions
     iii. Unauthorized/Unpermitted Burial Site Disturbances
XII. New Business
  a. Future WDNR Lizard Mound County Park Conveyance – Addition to September 2020 Agenda.
  c. Meeting Schedule for the Remainder of 2020
XIII. Public Comment
XIV. Announcements
XV. Adjournment
MINUTES OF THE WISCONSIN BURIAL SITES PRESERVATION BOARD

Friday, December 6, 2019
10:30 AM
Schmeekle Reserve Center
Stevens Point, Wisconsin

I. CALL TO ORDER
Board Vice-Chair Ms. Cynthia Stiles called the meeting to order at 10:31 A.M.

II. ROLL CALL
• Present: Ms. Cynthia Stiles, Dr. Jennifer Haas, Dr. Katherine Stevenson, Dr. Paul Reckner, Dr. Daina Penkiunas, Mr. John Broihahn
• Not Present: Ms. Melinda Young, Ms. Corina Williams, Mr. David Grignon
• WHS Staff Present: Dr. Amy Rosebrough
• Guests: None

III. APPROVAL OF AGENDA
On motion by Dr. Haas and second by Dr. Stevenson, the December 6, 2019, Burial Sites Preservation Board (BSPB) agenda was unanimously approved.

IV. APPROVAL OF SEPTEMBER 13, 2019 BURIAL BOARD MINUTES
On motion by Dr. Reckner and second by Dr. Haas, the September 13, 2019, Burial Sites Preservation Board (BSPB) minutes were unanimously approved.

V. INTRODUCTIONS AND WELCOME OF GUESTS
There were no new introductions. There were no guests present.

VI. COMMITTEE REPORTS
i. Budget Committee
No formal Budget Committee report was prepared, as expenditures are not yet available for Calendar Year 2019. Actual expenditures for the last six months will be available in March 2020. Dr. Reckner asked to add a line item for the $25 per diem, in order to bring the budget in compliance with statute. Allocating funds for the per diem line item will require reallocation of approximately 10% of the full budget from other line items. Board members noted that the Board has been understaffed and that the budget will need to accommodate frequent attendance by a full Board. Dr. Reckner indicated that the current $6000 allocation will cover the Board’s needs.

Dr. Reckner also requested that details concerning the per diem be stricken from the proposed Bylaws revisions to be discussed later in the meeting and moved into the Board’s Operating Procedures document, into a new Wisconsin Historical Society-written section covering financial reimbursements. Upon motion by Dr. Haas, and second by Dr. Stevenson, the Board agreed to
accept the current draft of the reimbursement policy provided by the Wisconsin Historical Society and addition of the same to the Board’s Operating Procedures.

ii. Transition Committee
The Board agreed to strike language specifying Board member’s term lengths from the proposed Bylaws revisions, and to replace it with language indicating that term lengths may vary. Article VI., relating to the $25 per diem discussed under the Budget Committee report, was also struck from the draft. The Board also discussed the number of members needed to meet quorum (one-half of voting members) in Article V., as that number might change in instances when the Director serves as acting SHPO. The Bylaws Committee will send out a revised version of the Bylaws in January for Board review and approval at the March 2020 meeting.

The Board discussed a need for a transition packet for new Board members, containing the Operating Procedures, Bylaws, relevant statutes, Conflict of Interest Statements, a contact list, and other relevant materials. Dr. Penkiunas indicated that the Wisconsin Historical Society would prepare packets for the Board, if the Board requested them. Upon motion by Ms. Stiles and second by Dr. Haas, the Board requested unanimously that Wisconsin Historical Society staff prepare said packets, to be presented at the March 2020 Board Meeting.

VII. CONSIDERATION OF APPLICATIONS FOR COMPLETION AND ENTRY TO AND/OR REMOVAL FROM THE REGISTRY OF INTERESTED PERSONS
No RIP applications were received.

VIII. REPORT ON ALL DETERMINATIONS PERTAINING TO THE DISPOSITION OF HUMAN REMAINS AND ASSOCIATED BURIAL OBJECTS
No disposition activity has taken place since the last Board meeting. Ms. Stiles indicated that out-of-state Native Nations are being approached by WITRC regarding potential application to the Registry of Interested Persons. The Board requested that a standing invitation be extended to WITRC for future Board meetings.

Dr. Penkiunas reported that the NAGPRA committee has been re-established at the Wisconsin Historical Society under the leadership of Dr. Leslie Eisenberg. Dr. Haas asked why dispositions are still on hold, and Dr. Penkiunas and Mr. Broihahn indicated that the Society is waiting for confirmation of WITRC’s policy and procedures, and for the process of re-writing Administrative Code related to the revised Wis. Stats. 157.70 to be completed. Mr. Broihahn indicated that progress on the revised Administrative Code would be added to the next Staff Report.

IX. WISCONSIN HISTORICAL SOCIETY STAFF REPORTS
i. State Historic Preservation Officer Report – Dr. Daina Penkiunas
Dr. Penkiunas reported that Jen Davel has been hired as the new Deputy SHPO, and will begin work at her new position in January. Dr. Penkiunas also reported that the Annual History Conference in Lake Geneva was a success. The next Conference will be held in Rothschild on October 30-31. Dr. Penkiunas invited Board members to consider notifying students and other interested parties about the Conference, and to consider volunteering as judges at National History Day events. Dr. Penkiunas also updated the Board on the
progress of the new History Museum, which is on track though the Veteran’s Museum has officially withdrawn from participation in the project. Finally, Dr. Penkiunas indicated that the Digital Submissions Compliance project is close to Beta testing. Staff are still struggling with some logistical issues regarding submission origins and pricing structures. Ms. Stiles expressed concerns about financial cost for smaller contractors, and Dr. Penkiunas reassured her that access for smaller contractors was being considered in the pricing structure.

ii. **SHPO Compliance Section Report** – *Mr. John Broihahn, on behalf of Tyler Howe*
During the three-month period since the last Burial Board meeting (September 13, 2019), WHS received no requests to disturb catalogued burial sites. Compliance staff reviewed 116 requests to disturb uncatalogued burial sites. There were no reports of unpermitted/Unauthorized site disturbances.

Ms. Stiles and other Board members noted that current Compliance Section reports do not contain much detailed site-level information and follow-up compared to reports provided in previous years. Mr. Broihahn indicated that the current report format is more in line with information required by statute, but that Wisconsin Historical Society staff would include more information if the Board so requested it. The Board indicated that they would like to see more information concerning ongoing issues or resolution of cases that were mentioned at prior meetings, disturbances to burial sites, requests to disturb within Catalogued burial sites, and other issues that might come before the Board or that Board members might be asked about. Dr. Penkiunas and Mr. Broihahn agreed to have discussions about appropriate formats for future reports to the Board.

iii. **State Archaeology Report** – *Mr. John Broihahn*
Mr. Broihahn indicated that State Archaeology staff had worked with Ms. Young to prepare and send out letters and e-mails to Tribal Chairs and other representatives regarding new tribal appointments to the Burial Board. Staff will follow up with Rebecca Comfort. With regard to ongoing research, most research projects are moving forward. Staff continue to explore 3-D modeling, and hope to add a half-time LTE for the report scanning project. Ms. Stiles requested that the final materials for the Wisconsin Point project be sent to Red Cliff, and that the final report for the Dugout Project be sent to the Lac du Flambeau museum.

**X. PUBLIC COMMENTS**
None

**XI. ANNOUNCEMENTS**
Ms. Stiles indicated that former Board member Jennifer Kolb had sent her regards to the Board.

Upon motion by Dr. Haas and second by Dr. Stevenson, the Board unanimously agreed that the locations and dates for the 2020 meetings of the Board would be as follows:

- Friday, March 20 (Stevens Point)
- Friday, June 12 (Madison)
- Thursday, September 10 (Madison)
• Thursday, December 3 (Stevens Point)

XII. ADJOURNMENT
BSPB Chair adjourned the meeting at 12:21 PM.

Approved: __________________________
Dated: __________________________
Budget for 2020-21 DRAFT

Mileage $3,699
Per Diem $ 600
Hotel $  820
Meals in travel status $  376
Parking $  336
Meals for meetings $  480
Supplies for meetings $  200
Annual Total $5,911

Meeting Locations:
Friday, March 20 (Stevens Point)
Friday, June 12 (Madison)
Thursday, September 10 (Madison)
Thursday, December 3 (Stevens Point)
State Burial Sites Preservation Board
Annual Budgeting Worksheet
Budget Cycle: July-July (Linked to WHS-Historic Preservation Division Biennial Budget)

Budgeting Process: Budget Committee Presents Draft Budget at December Meeting of Each Calendar Year, Final Budget Voted on at March Meeting of Following Year

<table>
<thead>
<tr>
<th>Budget Category</th>
<th>2019-20 Allocated</th>
<th>Final Expenditure</th>
<th>2020-21 Allocated</th>
<th>Change from Previous</th>
<th>Final Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mileage</td>
<td>$3,699.00</td>
<td>$3,329.00</td>
<td></td>
<td>-$370.00</td>
<td></td>
</tr>
<tr>
<td>Per Diem</td>
<td>N/A</td>
<td>$600.00</td>
<td>$600.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>$820.00</td>
<td>$740.00</td>
<td></td>
<td>-$80.00</td>
<td></td>
</tr>
<tr>
<td>Meals in Travel Status</td>
<td>$376.00</td>
<td>$336.00</td>
<td></td>
<td>-$40.00</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>$336.00</td>
<td>$306.00</td>
<td></td>
<td>-$30.00</td>
<td></td>
</tr>
<tr>
<td>Meals for Meetings</td>
<td>$480.00</td>
<td>$420.00</td>
<td></td>
<td>-$60.00</td>
<td></td>
</tr>
<tr>
<td>Supplies for Meetings</td>
<td>$200.00</td>
<td>$180.00</td>
<td></td>
<td>-$20.00</td>
<td></td>
</tr>
<tr>
<td>Total Annual</td>
<td>$5,911.00</td>
<td>$0.00</td>
<td>$5,911.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
State of Wisconsin

BURIAL SITES PRESERVATION

BOARD BYLAWS

Adopted

ARTICLE I: Creation and Relationship with the Wisconsin Historical Society

The Burial Sites Preservation Board (hereafter Board) is established under provisions of Wis. Stat. § 15.705 and is a distinct unit under the Wisconsin Historical Society.

A. Budgeting, program coordination, and relation management functions are performed under the direction and supervision of the Wisconsin Historical Society.

B. The Board may request a liaison from the Wisconsin Historical Society to facilitate the relationship between the Wisconsin Historical Society and the Board.

ARTICLE II: Membership

A. Members of the Board are appointed according to the provisions of Wis. Stat. § 15.705. Seven members are voting members and two members are non-voting members.

B. The Director of the Historical Society, three members representing federally recognized Indian tribes or bands in the state chosen from names provided to the Governor, and three members selected from the list of names recommended to the Governor by the Wisconsin Archeological Survey are voting members. The Director may appoint a staff member to serve in his/her place.

C. The State Archeologist and the State Historic Preservation Officer serve as non-voting members.

D. Typically, the three members representing federally recognized tribes shall each serve a three-year term beginning at the time of their appointment by the Governor. Typically, the three members selected from the Wisconsin Archaeological Survey recommendation shall each serve a three-year term beginning at the time of their appointment by the Governor. Term appointments may vary based on Governor discretion. Board members may continue to serve past their terms until reappointed or replaced by the Governor.

ARTICLE III: Committees

The Board may, by majority vote, establish committees, and the Chair may appoint ad hoc committees as necessary. Each committee may have up to three Board members.

ARTICLE IV: Officers

A. Chair. The Chair of the Board shall be elected by a majority of the Board membership for a two-year term at the first meeting in even calendar years and serve through the next two calendar years or until such time as a successor is elected. The Chair shall chair all meetings of the Board according to the usual rules of procedure. Should a vacancy occur in the office, an election to fill it shall be held at the next Board meeting.
B. Vice-Chair. The Vice-Chair shall be elected by a majority of the Board membership for a two-year term at the first meeting in even years and serve through the next two calendar years or until such time as a successor is elected. The Vice-Chair shall chair all Board meetings in the absence of the Chair and shall serve as acting Chair, should a vacancy occur in the office, until an election can be held. Should a vacancy occur in the office of Vice-Chair, an election to fill it shall be held at the next Board meeting.

C. Secretary. The Secretary shall be elected by a majority of the Board membership for a two-year term at the first meeting in even years and serve through the next two calendar years or until such time as a successor is elected. The Secretary shall prepare minutes of all Board meetings. Should a vacancy occur in the office of Secretary, an election to fill it shall be held at the next Board meeting.

**ARTICLE V: Meetings**

A. The Board shall set dates and locations of Board meetings for the following year at the last meeting of the current calendar year. Changes to meeting dates or changes to meeting venues may be arranged by a majority vote at a regular meeting, or by the Secretary or Chair with the concurrence of a poll of the Board via electronic or other means of communication.

B. The Board shall hold regular meetings at least every three months. The Board shall meet within 90 calendar days upon request from a landowner under Wis. Stat. §157.70(2)(m)(g).

C. Special meetings of the Board may be arranged by majority vote at a regular meeting, or by the Secretary or the Chair with the concurrence of a poll of the Board via electronic or other means of communication.

D. A quorum shall be four of the voting members of the Board at any time.

E. As allowed by law, the Board may go into closed (executive) session providing that the closed session has been disclosed on the agenda.

F. All Board meetings may be recorded using electronic equipment.

G. Members may participate, and vote, in meetings via conference call, or other electronic means.

**ARTICLE VI: Budget**

The Board in consultation with the Wisconsin Historical Society shall prepare a line item budget for the coming calendar year to be submitted to the members at the last meeting of the year. The Board shall approve the budget in the first meeting of the following year so that it can be submitted in the Wisconsin Historical Society general budget.

**ARTICLE VII: Responsibilities**

A. The Board shall exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning, independently of the Wisconsin Historical Society.
B. The Board shall have the responsibilities enumerated in Wis. Stat. § 157.70 (2m) of the Wisconsin Statutes, including but not limited to:

1. Determine which Indian tribes have an interest in any burial site or class of burial sites and notify the Director for entry in the registry under Wis. Stat. § 157.70 (2) (e).

2. Determine which applicants for entry in the registry have an interest in a burial site or class of burial sites.

3. As it deems necessary, review determinations of the Director of the Wisconsin Historical Society and the Division of Administration under Wis. Stat. § 157.70 (5).

4. As it deems necessary, review disposition actions taken by the Director of the Wisconsin Historical Society.

5. Approve transfers of burial sites under Wis. Stat. § 157.70 6(m)(b)(2).

6. Hold hearings and issue decisions regarding the contesting of a recording of a site in the catalog under Wis. Stat. § 157.70 (2)(g)(a).


8. Request the assistance of the attorney general or district attorney for matters that fall under the provisions of Wis. Stat. § 157.70 (7).

**ARTICLE VIII: Reports**

Upon request of the Director of the Wisconsin Historical Society, the Board will provide a report on the operation of the Board within 60 calendar days of the request.

**ARTICLE IX: Conflicts of Interest**

All Board members are subject to the standards of conduct established for state officials and employees and will sign a conflict of interest statement annually.

**ARTICLE X: Amendments**

Any member of the Board may recommend amendments to these bylaws to the full Board. The Board may amend these bylaws at any meeting at which a quorum is present, providing the proposed amendment has been circulated to the Board no less than 30 calendar days prior to the meeting.
Wisconsin State Burial Sites Preservation Board  
Board Policy on Per Diem and Reimbursement  
Revised Version for Board Consideration at 20 March 2020 Meeting

If approved, the proposed language will replace language for Item no. 12 in the Burial Board’s General Operating Procedures and Protocols document that was approved at the 6 Dec 2019 meeting.

12) Expense Reimbursement and Per Diem Policy

• Reimbursement for Necessary Expenses
  o Wis. Stats. 15.07 (5) specifies that Board members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, based on current State of Wisconsin travel policies (refer to https://dpm.wi.gov/Documents/BCER/Compensation/PocketTravelGuide.pdf for details).
  o Board members may request reimbursement for travel costs (at current state mileage rates) and parking fees incurred as a result of meeting attendance. Additionally, if a meeting requires Board members to stay overnight at the meeting location, lodging costs and meals will also be reimbursed at current state rates. Hotel reimbursements will only cover the base single occupancy room rate – charges for incidental and additional guests will not be reimbursed. Meal reimbursements will not include lunches on meeting days as this meal will be provided for meeting attendees.
  o All Board members may be reimbursed for expenses by the Wisconsin Historical Society (WHS), with the exception of those members whose expenses are being covered by another employer.
  o Board members who are not employed by the WHS should submit reimbursement requests with appropriate receipts to the Director’s Representative or WHS Liaison on the day of the Board meeting, along with per diem requests (see Per Diem, below). The request for reimbursement should be submitted to the WHS Financial Services Office using the Non-State Employee Travel Form for Reimbursement. Requests will be processed promptly and payments will be mailed directly to Board members. Reimbursement for WHS employees on the Board will follow established agency methods.
  o Members who are also employees of the WHS must follow current State of Wisconsin lodging and meal expense policies, and must submit expenses via the WHS’s current agency processes.

• Per Diem
  o Wis. Stat. 15.07 (5) provides for a $25 per diem for Board members for each day on which they were actually and necessarily engaged in the performance of their duties, to be paid by the WHS. Eligible Board members may claim $25 for each day on which they attend a Board meeting. Remote attendance via telepresence, video conferencing, etc., will entitle eligible Board members to the per diem.
  o All Board members who are not state employees, and those who are state employees but are not formally representing their respective agencies in the course of their service on the board, are eligible for the per diem. Board members whose meeting attendance is being compensated by an employer are not eligible.
  o Per diem requests should be submitted to the Director’s Representative or WHS Liaison on the day of the Board meeting, along with other reimbursement requests
(see Reimbursements, above). Requests will be processed promptly, and payments will be mailed directly to Board members.
Written Report on Certain Burial Program Activities per Wis. Stat. §157.70

A. Report on All Determinations Pertaining to Uncatalogued Burial Sites

During the three month period since the last Burial Board meeting of 6 December 2019, 98 (as of 11 March 2020) requests to disturb 113 uncatalogued burial sites were submitted to the WI SHPO for review. In several instances individual requests included multiple burial sites. The majority of these projects involved utility work, private development, and state or federal undertakings.

Between 12 March 2020 and 28 May 2020 the SHPO Compliance staff received 96 (as of 28 May 2020) requests to disturb 105 uncatalogued burial sites were submitted to the WI SHPO for review. In several instances individual requests included multiple burial sites. The majority of these projects involved utility work, private development, and state or federal undertakings.

B. Report on All Determinations Pertaining to the Disposition of Human Remains and Associated Burial Objects and Final Disposition Activities

None to report.

C. Report on Catalogued Burial Site Permit Request Decisions

I. During the three month period since the last Burial Board meeting of 6 December 2019, 3 (as of 11 March 2019) requests to disturb 3 catalogued burial sites were submitted to the WI SHPO for review.

1). 47DA10 / BDA-0268, Mill Woods, Katherine Kaliszewski. Request received from Kristin Mathews on 29 November 2019. Katie responded on 11 December 2019: “Chatted with Kristin to minimize the project and remove any ground disturbance from the catalogued boundary by suggesting they also cut down the metal sign instead of pulling it out and to clarify the moving of the rock. They were happy to change the project to just cut down the metal pole instead of removing completely and the rock will be moved with some sort of machinery from the uncatalogued boundary and there is little potential for ground disturbance when it is moved since the rock is just resting on the ground. With those clarifications, there is no ground disturbance within the cataloged site and this is now a

2). 47DA254 / BDA-0473, Mendota Mental Health, Katherine Kaliszewski. Request received from Jennifer Quale (Mendota Mental Health) on 12 December 2019. Katie responded on 12 December 2019: “Due to emergency and to preserve the site, invoked HS 2.04 (L) to use the uncatalogued burial site procedure to allow for work to be completed as soon as possible.” Burial Disturbance Authorization Granted (uncatalogued)


II. During the three month period since the last Burial Board meeting of 12 March 2020, 9 (as of 28 May 2020) requests to disturb 9 catalogued burial sites were submitted to the WI SHPO for review.

1). BMT-0021, Riverside Cemetery, Felipe Avila. Request received from Zachary Stencil (UW-M CRM) on 17 March 2020. Felipe responded on 18 March 2020, authorizing work with archaeological monitoring. Work consisted of truck-mounted auger to excavate a 6 foot deep hole for a new light pole. Monitoring report was received on 1 April 2020, and Felipe accepted the report on 2 April 2020.

2). BRO-0114, Beloit College Mound Group, Felipe Avila. Request received from Steve Sutherland (Beloit College) on 3 April 2020. The proposed undertaking proposes to install new electrical conduits in a previously disturbed electrical ROW. RIP notified, and SHPO received no comments. White paper provided to WHS Director for his comments. SHPO currently working on providing additional paperwork to WHS Director.

3). BPR-0024, Deadman Slough, Leslie Eisenberg. Request received from Josh Weimer (Mid-State Consultants) on 22 April 2020. The proposed undertaking includes telephone pole installation within exterior boundaries of site. Leslie responded on 24 April 2020 “A Section 106 review request AND a RTD a catalogued burial site came in in the same e-submission. Sent an e-mail to Josh on 24 April 2020 requesting redesign and avoidance under 157.70, if possible; redesign under Section 106 would mitigate an 'adverse effect' determination.”

4). BJE-0196, Carcajou Point, Felipe Avila. Request received from Katherine Sterner (UW-M CRM) on 6 May 2020. The proposed undertaking includes installation of residential gas

5). BLG-0045, Maney, Felipe Avila. Request received from Zachary Stencil (UW-M CRM) on 13 May 2020. The proposed undertaking includes removal of single power pole. Work within uncatalogued portion of catalogued burial site. Felipe responded on 14 May 2020, permitting request.

6). BSK-0195, Stage Road Mounds, Leslie Eisenberg. Request received from Heather McGregor (CenturyLink Telephone) on 21 May 2020. The proposed undertaking includes placing cable along County Road T, Sauk County. Project still under review.

7). BSK-0011, Campbell Graves, Leslie Eisenberg. Request received from Heather McGregor (CenturyLink Telephone) on 21 May 2020. The proposed undertaking includes placing cable along Johnson Road, Sauk County. Leslie responded on 27 May 2020 “Per 27 May 2020 e-mail from Heather, they are retracting the RTD as the work will take place outside the catalogued boundaries of site SK-0620.”

8). BSK-0215, Carlson Mounds, Leslie Eisenberg. Request received from Heather McGregor (CenturyLink Telephone) on 22 May 2020. The proposed undertaking includes placing cable along Johnson Road, Sauk County. Project still under review.

9). BDA-0379, Willow Drive Mounds, Tyler Howe. Request received from Daniel Einstein (UW) on 28 May 2020. The proposed undertaking includes removal of gravel path adjacent to Willow Creek Mounds. Project still under review.

D. Report on Unauthorized / Unpermitted Burial Site Disturbance

1). 47MI45 / BMI-0140, Spring Grove Mound and Garden Beds, Felipe Avila. SHPO was notified on 23 March 2020 of an incident of a member of a “metal detecting club digging in an archaeological site within Kletczh Park.” Felipe reached out to Glendale Police requesting incident report. SHPO also reached out to Milwaukee County Parks discussing “signage in the park” to “make things clear that activities such as metal detecting are prohibited.”

2). 47DA428 / BDA-0428, Winnequah Village, Monona, Katherine Kaliszewski. SHPO was notified by Jennifer Picard (UW-M CRM) on 16 April 2020. Madison Gas and Electric was notified of a gas lead near 5709 Tonywatha Trail, Monona, Dane County. SHPO authorized an emergency authorization to solve the emergency issue.

3). 47BR0127 / BBR-0113, Gilson Creek, Tyler Howe. SHPO was notified on 4 May 2020. Review is still ongoing.
E. **Updates on past Compliance Section projects**

1). 47LC283 / BLC-0099, Pertzsch Farm. Accepted season ending update from Vicki Twinde-Javner of MVAC, email dated 5 December 2019: “To date, we have probably cleared about 75% of the site area within the project (at least 2 acres will be left as green space and not disturbed at this point) (see attached map). No new burials were discovered after we worked on the one knoll. Since we last discussed the project, we have double checked our files, and have what we would count as 13 individuals (some have only a few bones, but were counted as an individual). Also, we have only found one more additional non-burial feature since we last talked. So in total we have approximately 9 non-burial features, and a half dozen or more artifact clusters that were originally treated as features, but were actually still in remnant plow zone with no feature content below the plow zone. We will likely be out there again in the spring to clear more areas.” Email / report accepted by WI SHPO, and the WI DNR. Will update further at next Burial Board meeting.

2). Wisconsin Legislative Report. WI SHPO completed, and provided to the WI Legislature the annual 157.70 report. Report was sent to WI Legislature was sent 24 February 2020. I have included a copy of the report in your information packet.

3). WHS 18-1481, Kletzsch Park, Milwaukee, Milwaukee County, WI. This EPA permitted & WI DNR project involves the removal of a portion of a dam at Kletzsch Park in Milwaukee. There has been many discussions between our office, the DNR, the EPA, and the Milwaukee County Parks. Felipe Avila has been the lead on this project. He stated as an update, “Army corps is continuing to provide guidance to EPA with NHPA section 106, and is continuing the process. Project currently on hold, expect some movement either way with the Milwaukee county board elections in April.”

4). 47DA185 / BDA-0412, Vilas Circle Bear Effigy, Villas Park, Madison, Dane County, WI. Felipe Avila is taking the lead on this project. He stated for your update: “City of Madison is adding curb and gutter to the inner ring of Vilas Ave. which abuts Bear Mound Park (DA-1193). There is currently no curb and gutter and the plans will have the new C&G roughly 1.5-2’ off the current edge of pavement adjacent to the mound. That will help protect the mound and get the edge of the cataloged area out of the street. The pending question is what to do with the ribbon of asphalt left behind. It can be removed, left in place and filled/seeded, etc. Would like input from interested parties.”

5). 47DA131 / BDA-0386, Blackhawk Country Club Mounds, Madison, Dane County, WI. We received a request to disturb the mound on the north shore of Lake Mendota in Madison, WI. The owner of the property requested, through an architect, to divert water run off away from the proposed house. To do so, the architect proposed to impact the mound by installation of stone trench. Felipe Avila and Katherine Kaliszewski have been the leads on this project. They offer the following for your updated information, “Proposed installing a rain garden and a shallow swale matted with class II erosion control mat instead of stone trench, to deal with runoff from neighbors and new impervious area. Type of native soil and
modeling proposed runoff is needed for feasibility of proposal. Waiting on response from City of Madison engineering.”

SHPO prepared a packet for the RIP, and mailed out during the week of 6 January 2020. SHPO received comments from Ho-Chunk Nation Tribal Historic Preservation Office, and the Forest County Potawatomie Tribal Historic Preservation Office. Both the Ho-Chunk Nation and the Forest County Potawatomi requested a hearing on the proposed disturbance.

SHPO was in communication with architects, tribes, and the City of Madison when the state was shut down due to COVID-19 pandemic. In the meantime, SHPO remains in contact with architect for storm water proposals. To date, SHPO has been unable to reach out to homeowners. SHPO mailed letter to homeowners on 29 May 2020. Project remains in review.

6). Kohler Golf Course, Sheboygan County, WI. Update from former Burial Board meetings:

- Weather permitting, Kohler is prepared to move forward with the reburial of the fragmentary human remains uncovered during the Phase III investigation.

- Unprovenienced human remains found about a year ago in a former archive storage room can also be reburied in the same dedicated reburial location already surveyed and set aside by Kohler for this purpose.

- Construction of the golf course is on hold pending a court decision.

- The Wisconsin Intertribal Repatriation Committee (Bill Quackenbush) is developing a protocol to accept these (and other remains) remains for reburial under the terms of the revised burial sites preservation law (2)(o) and (6)(bm).

7. 47WT1 / BWT-0121, Hanger Mound Group, Lizard Mound County Park, Washington County, WI. DNR holds the deed to Lizard Mound State Park, but park was leased to Washington County, who has remained responsible for upkeep. Washington County wants to divest themselves of the park. DNR proposed taking the park back, and then creating a new lease with another organization. Some people had suggested leasing it to Milwaukee Audubon Society. John Broihahn and Tyler Howe (SHPO) met with Richard Kubicek and James Lemke (DNR) about issues pertaining to Lizard Mound as a catalogued site. We informed them that according to 157.70(6m)(b)(2) that a “municipality” “May not transfer any burial site to any person who is not a municipality unless the transfer provides for preservation of the burial site from any disturbance by any person and unless the transfer is approved by the board [BB].” SHPO and DNR agreed the transfer of Lizard Mound would pose and adverse impact, thus triggering 44.40. SHPO and DNR discussed consulting on the possible transfer as a 44.40, creating an Memorandum of Agreement that called for an Historic Properties Management Plan,
which could be developed with the THPOs, and brought to the Board for approval. At this time the DNR is discussing internally next steps. SHPO expects to have further discussions throughout the summer 2020, and more information for the Board during the fall session.
DATE: 5/28/2020

TO: Members of the Wisconsin Burial Sites Preservation Board

FROM: Richard Kubicek, Wisconsin DNR

SUBJECT: Notice of Intent to Divest a Human Burial Site

Pursuant to Wis.Stats. 157.70(6m)(b)2., the Wisconsin Department of Natural Resources (DNR) is notifying the Wisconsin Burial Sites Preservation Board that the department, upon approval from the Natural Resources Board and the State Governor, intends to transfer a burial site to a non-municipality, namely the Milwaukee Audubon Society (MAS). Per 157.70(6m)(b)2., the transfer must provide for the preservation of the burial site from human disturbance and must be approved by the Burial Sites Preservation Board.

DNR is requesting that the proposed transfer be considered during the September 10, 2020 meeting of the board. Public and professional organizations have requested time to provide input on the process, and MAS requires time to prepare a Historic Property Management Plan that will address long-term property management.

Proposal background:

The property is currently owned and managed by Washington County. The County was deeded the property by the DNR in 1986. Deed reservations from this documented included:

1. The land being conveyed to the Grantee shall be used for public recreational purposes only and for the preservation and interpretation of the archaeological significant Indian Mounds located thereon, and if the land is not used for these purposes or ceases to be used for these purposes for a period of (2) years, title to this land shall revert to the Department without necessity of re-entry.
2. There shall be no alteration or excavation of the Indian Mounds and no new construction in the park without the prior written permission of the State Archaeologist.
3. The lands shall remain in public ownership and the Grantee shall not convey any interest in these lands without prior written permission of the Department.
4. All minerals located on and in these lands shall remain the property of the State of Wisconsin.

DNR proposes to substantively retain the intent of each deed restriction, with the below proposed changes added for clarity and to reflect non-public ownership status.

1. The land being conveyed to the Grantee shall be open to the public notwithstanding normal hours of operation and reasonable rules written for the protection of the lands and safety of the public.
2. The land being conveyed to the Grantee shall be used for the preservation and interpretation of the Native American mounds located thereon, and if the land is not used for these purposes or ceases to be used for these purposes for a period of (2) years, title to this land shall, at the option of the Department of Natural Resources, revert to the Department of Natural Resources without necessity of re-entry.
3. There shall be no alteration or excavation of the Native American Mounds and no new construction in the park without the prior written permission of the State Archaeologist.
4. The Grantee shall not convey any interest in these lands without prior written permission of the Department of Natural Resources.

5. All minerals located on and in these lands shall remain the property of the State of Wisconsin.

With 2019 Resolution 56, the Washington County Board of Supervisors unanimously voted to allow the Public works Committee to negotiate the conveyance of the property. Per the resolution, the ultimate sale of the park land is subject to County Board consent and approval. The resolution indicated preference for the MAS to assume ownership, and agreed to convey the property back to the State of Wisconsin. The DNR does not want to retain ownership of the property, and has proposed transfer to MAS.