

# BURIAL SITES PRESERVATION BOARD

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Burial Sites Preservation Board

Thursday, September 10, 2020

**10:30 AM**

**Via Zoom**

**Madison, Wisconsin**

## 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. Wisconsin Inter-Tribal Repatriation Committee Report
- VII. Committee Reports
  - i. Budget Committee
  - ii. Transition Committee
- VIII. Consideration of Applications for Completion and Entry to and/or Removal from the Registry of Interested Persons
  - i. Report on the Status of the Register of Interested Persons
- IX. Wisconsin Historical Society Staff Report
  - i. Report on All Determinations Pertaining to the Disposition of Human Remains and Associated Burial Objects
  - ii. State Historic Preservation Officer Report
  - iii. SHPO Compliance Section Report
    - Determinations Pertaining to Uncatalogued Burial Sites
    - Catalogued Burial Site Permit Request Decisions
    - Unauthorized/Unpermitted Burial Site Disturbances
  - iv. Office of the State Archaeologist Staff Report
- X. New Business
- XI. Public Comment
- XII. Announcements
- XIII. Adjournment

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State of Wisconsin

# **BURIAL SITES PRESERVATION BOARD**

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## **MINUTES OF THE WISCONSIN BURIAL SITES PRESERVATION BOARD**

Friday, June 12, 2019

**10:30 AM**

**Meeting Held Via Teleconference**

### **I. CALL TO ORDER**

Board Chair Ms. Melinda Young called the meeting to order at 10:30 A.M.

### **II. ROLL CALL**

- Present: Ms. Melinda Young, Ms. Cynthia Stiles, Dr. Jennifer Haas, Dr. Katherine Stevenson, Dr. Paul Reckner, Dr. Daina Penkiunas, Mr. David Grignon
- Not Present: Ms. Corina Williams, Mr. John Broihahn
- WHS Staff Present: Dr. Amy Rosebrough, Dr. Tyler Howe, Ms. Amy Wyatt
- Guests: Mr. Richard Kubicek (WDNR), Mr. Jim Lemke (WDNR), Mr. William Quackenbush (WITRC), Kurt Sampson (Effigy Mounds Initiative), Seth Schneider (Wisconsin Archeological Survey), Robert Nurre (Wisconsin Archaeological Society), Jan Marsh (Milwaukee Audubon Society), Ms. Peggy Veregin, Mr. Ian Gort.

### **III. APPROVAL OF AGENDA**

On motion by Dr. Penkiunas and second by Ms. Stiles, the June 12, Burial Sites Preservation Board (BSPB) agenda was unanimously approved.

### **IV. APPROVAL OF DECEMBER 6, 2019 BURIAL BOARD MINUTES**

On motion by Dr. Penkiunas and simultaneous second by Dr. Haas and Dr. Stevenson, the December 6, 2019 Burial Sites Preservation Board (BSPB) minutes were unanimously approved.

### **V. INTRODUCTIONS AND WELCOME OF GUESTS**

All teleconference panelists identified themselves (all Board members, Dr. Rosebrough, Ms. Wyatt, Mr. Howe, Mr. Kubicek, Mr. Lemke, and Mr. Quackenbush). Dr. Rosebrough identified other guests attending as members of the public (Mr. Sampson, Mr. Nurre, Mr. Schneider, and Ms. Marsh) or Wisconsin Historical Society observers (Ms. Veregin and Mr. Gort) who had logged in to the teleconference, and noted their institutional affiliations.

### **VI. ELECTION OF OFFICERS**

Dr. Haas moved that the existing slate of officers continue in their present duties. Ms. Young called for nominations three times, with no additional nominations put forward. Upon failure of additional nominations to be made, a vote was called. The current slate of officers was reelected for an additional term upon unanimous vote of the Board.

### **VII. WITRC REPORT**

Mr. William Quackenbush reported that WITRC had met via teleconference to discuss a number of priority issues, including how best to adapt to the COVID-19 pandemic. Many THPOs are working from home and ability to travel is limited. Requests to disturb catalogued sites and inadvertent disturbances are at higher levels than in previous years and work loads are high despite the pandemic situation.

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WITRC has discussed a number of pending disposition cases, disturbances to burial sites, and requests to disturb and will communicate further with the Board regarding those matters. WITRC has determined to utilize disposition of human remains found during the Kohler project in Sheboygan County as a test case for the new disposition processes outlined under revised Wis. Stats. 157.70 and new WITRC protocols. WITRC is also discussing an increase in the number of significant objects no longer wanted by younger Tribal members, and how best those items should be curated. Finally, WITRC discussed the need for prompt review and modification of HS 2, following passage of revised Wis. Stats. 157.70.

**VIII. COMMITTEE REPORTS****i. Budget Committee**

Dr. Penkiunas and Dr. Reckner outlined the proposed Board Budget, conveying the news that the Wisconsin Historical Society proposes to reduce the budget from \$6000 to \$4000 in preparation for expected cuts to WHS's budget resulting from COVID-19-related revenue losses. The proposed reduction in the Board's budget is not expected to impact operations due to reduced cost of teleconference meetings during the COVID pandemic. Dr. Penkiunas reminded the Board that the Wisconsin Historical Society recognizes that costs may be different than what is budgeted. Additional expenses would need to be covered by the SHPO budget or discussed with the Society. Dr. Haas objected to this decrease, noting that the Wisconsin Historical Society is anticipating 5% cuts, the reduction in the Board's budget exceeds that amount, and there is danger that the cut will become permanent and persist after the COVID pandemic ends and Board operations return to normal. Dr. Haas motioned to approve the proposed budget upon condition that Ms. Young submit a statement to the Wisconsin Historical Society on behalf of the Board asking for a return to the original budget calculation once the COVID pandemic ends, the Board voted unanimously to accept the proposed budget upon condition that Ms. Young submit a statement to the Wisconsin Historical Society on behalf of the Board asking for a return to the original budget level in future budget cycles, once the COVID pandemic ends. This motion was seconded by Ms. Stiles and unanimously approved.

**ii. Transition Committee**

- a. Upon motion by Dr. Haas and second by Dr. Reckner, the Board approved the amended Bylaws discussed at the December 6, 2019 meeting. The Board did note a need to modify the Board's operating procedures to include language concerning Board elections. A copy of the amended Bylaws and operating procedures will be provided to all Board members by Ms. Stiles prior to the September 2020 meeting.
- b. Dr. Reckner presented a modified Per Diem policy statement to the Board, incorporating changes requested by the Board and by the Financial Services program within the Wisconsin Historical Society. Dr. Haas motioned to accept the modified Per Diem policy, pending clarification of language regarding the proper process to submit expenses. This motion was seconded by Ms. Stiles and approved unanimously upon vote by the Board. Ms. Stiles will provide a copy of the corrected statement to the Board prior to the September 2020 meeting.

**IX. REVIEW OF BURIAL BOARD INFORMATION PACKET FOR NEW/RETURNING MEMBERS**

# BURIAL SITES PRESERVATION BOARD

The Board approved a proposed contents list for proposed Burial Board packets prepared by Dr. Rosebrough. The Board agreed that the packet should contain a Conflict of Interest Statement that includes guidelines for when Board members should recuse themselves from certain discussions. Ms. Young directed the Transition Committee to take on the work of drafting this statement. Wisconsin Historical Society staff will provide known examples to the Transition Committee.

## X. CONSIDERATION OF APPLICATIONS FOR COMPLETION AND ENTRY TO AND/OR REMOVAL FROM THE REGISTRY OF INTERESTED PERSONS

No RIP applications were received.

## XI. REPORT ON THE STATUS OF THE REGISTER OF INTERESTED PERSONS

Dr. Howe reported on Wisconsin Historical Society staff efforts to update the Register of Interested Persons, and in particular identification of a large number of RIP members with registered interest in the Holy Trinity cemetery who have since passed away. The Wisconsin Historical Society will forward a list of such individuals to the Board with a statement explaining the reason for their proposed removal to the Board prior to the September 2020 Board meeting. Board members noted that current Administrative Code does not easily accommodate removal from the RIP for reasons of death. Society staff would follow-up to obtain a legal opinion on this matter if necessary.

## XII. WISCONSIN HISTORICAL SOCIETY STAFF REPORTS

### i. Report on all Determinations Pertaining to the Disposition of Human Remains and Associated Burial Objects – *Dr. Tyler Howe*

No disposition activity has taken place since the last Board meeting. Dr. Howe is in possession of a WITRC document recommending Tribes that should be invited to join the RIP. This document will be sent to the Board prior to the September 2020 meeting. Ms. Stiles recommended that the Board draft a letter of invitation to the identified tribes to be signed by Ms. Young, and Ms. Young agreed.

### ii. State Historic Preservation Officer Report – *Dr. Daina Penkiunas*

Dr. Penkiunas reported on a number of issues. The Society has hired a new Assistant Director and that the State Historic Preservation Office has hired or is in the process of hiring several positions, including tax credit reviewers and Compliance assistants. The Society will begin Phase I of the Badger Bounce Back Plan for the COVID pandemic on June 15, 2020 but Society facilities will remain closed to the public. The proposed NOAA sanctuary in Lake Michigan is moving forward and an EIS has been sent out. Promotional materials for Historic Preservation and Archaeology month are ready and have been rebranded to commemorate the anniversary of Women's suffrage. Planning is underway for the upcoming Annual Conference. E-Compliance has started early due to the COVID-19 pandemic, and work continues on aspects of that system. The Governor's office has been slow to respond to questions about Board reappointments and appointments. No information on new nominations was currently available on new nominations for Board membership put forward by WI Tribes. Finally, Society staff completed and submitted their annual report to the Legislature concerning burial matters and are actively working on

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revisions to HS2. A copy of the Legislative report will be forwarded to the Board prior to the September 2020 meeting.

**ii. State Archaeology Report – Dr. Daina Penkiunas on behalf of Mr. John Broihahn**

The State Archaeology and Maritime Preservation program continues work on the Wisconsin Point NRHP nomination, with support from the City of Superior. A draft has been provided to the Fond du Lac and Red Cliff bands for comment and review. A draft paper has been prepared on burial and other features found between and near mounds. Five webinars were given on archaeological topics during Archaeology Month; these were recorded and will be available online shortly. SHPO will notify the Board when the webinars are ready to view.

**iii. SHPO Compliance Section Report – Dr. Tyler Howe**

During the six-month period since the last Burial Board meeting (December 6, 2019), WHS received 12 requests to disturb catalogued burial sites. One request was granted on an emergency basis per HS2.04(l), project redesign avoided disturbance at one site, Society review determined that the proposed work was outside catalogued boundaries at three sites, consultation is ongoing at seven sites, and one request was authorized with monitoring. During this same time frame, compliance staff reviewed 209 requests to disturb uncatalogued burial sites.

SHPO received notice of three unpermitted/unauthorized site disturbances. Metal detectorists are digging within the bounds of MI-0045/Spring Grove Mounds and Garden Beds. SHPO has reached out to local law enforcement and park managers. Emergency repair of a gas leak was conducted by MG&E within the bounds of DA-0428. SHPO issued an emergency authorization for the repairs. Construction was reported within the bounds of BR-0127/Gilson Creek. Review of this disturbance report is ongoing.

Revisions to HS 2 to bring them into line with 2017 changes to Wis. Stats. 157.70 are ongoing. Preparation of a draft for Department of Justice review is approximately one third complete.

Ms. Stiles and other Board members complimented the return to a more detailed format for the SHPO Compliance Section report and requested that the new format continue to be used in the future.

## XIII. NEW BUSINESS

**i. Future WDNR Lizard Mound County Park Conveyance**

Mr. Kubicek and Mr. Lemke (WDNR) reported to the Board that WDNR proposes to divest itself of two burial sites (WT-0001 and WT-0253) within the bounds of Lizard Mound County Park near West Bend, Wisconsin. The Board will be required to approve the transfer of these sites from public to private hands, per Wis. Stats. 157.70(6m)(c). The proposed transfer is currently under 44.40 review. WDNR intends to provide the Board with a management plan in order to meet its obligations for transferring the property. They

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plan to provide this document in time for review and potential approval of the transfer during the Board's September 2020 meeting.

Board members expressed concerns regarding both the WDNR process for identifying potential new owners and the proposed timeline. WDNR made no attempt to seek out new site managers, but left the choice up to Washington County. The management plans have not been completed and Tribal consultation is still underway, and left in part up to the proposed recipients of the property (Milwaukee Audubon Society). The proposal submitted to the Board by WDNR contains language inconsistent with current State Law. Mr. Quackenbush extended an offer to assist WDNR and Milwaukee Audubon Society with the proposed management plan. WDNR will send documents relating to this proposed transfer to the Board as they become available.

## ii. Burial Board Operations under COVID-19

The Board agreed that teleconference operations were working adequately, though internet quality was poorer for Board members in northern Wisconsin.

## iii. Meeting Schedule for Remainder of 2020

Dr. Penkunias shared information from discussions she had been involved in regarding on State Board meeting schedule requirements under the COVID-19 pandemic; the general consensus is that it is permissible to not reschedule public meetings cancelled under emergency conditions during the initial months of the 2020 pandemic, despite minimum annual meeting requirements established under state law. The Board determined that no changes were needed for meeting dates; previously determined meeting venues for the remainder of the Board's 2020 schedule will be reevaluated depending on the course of the COVID-19 pandemic.

## XIV. PUBLIC COMMENTS

Mr. Robert Nurre, speaking as a concerned individual, addressed the Board regarding the proposed Lizard Mound conveyance to the Milwaukee Audubon Society. Mr. Nurre expressed concerns regarding the process for identifying new site owners/managers, lack of wider outreach to other potential partners, and lack of outreach to organizations with registered interest in the site. Mr. Nurre also noted conflicts between legislative direction that SHPO identify significant/endangered sites that should be purchased for public ownership and WDNR's request to move a former State Park from public to private ownership. Mr. Nurre proposed instead that the site be retained in public ownership with operations transferred via lease to another organization, with strong public oversight. Guests Mr. Seth Schneider, Ms. Jan Marsh, and Mr. Kurt Sampson elected to depart the teleconference without addressing the Board.

## XV. ANNOUNCEMENTS

There were no announcements.

## XVI. ADJOURNMENT

BSPB Chair adjourned the meeting at 12:50 PM.

**BURIAL SITES PRESERVATION BOARD**

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Approved: \_\_\_\_\_

Dated: \_\_\_\_\_

**State of Wisconsin  
Burial Sites Preservation Board  
Procedures and Position Description for Board Appointments**

**Approved December 7, 2018, Revised**

**Procedure for Vacant Board Appointments**

- 1) Native American Board Members
  - The Board Chairperson sends a letter to Tribal Chairpersons, notifying them that there is a vacancy. The letter should include
    - o Description of procedure to nominate Tribal members to the Board
    - o Average number of hours per year that would be spent on Board business
    - o Position description for Board members/expectation of participation on Board
    - o Length of term (three years)
  - Tribal Chairpersons send their nominees to the Governor's Office, with a copy to the Wisconsin Historical Society (WHS) for tracking purposes
  
- 2) Archaeologist Board Members
  - The Board Chairperson sends a letter to the Wisconsin Archaeological Survey (WAS), notifying them that there is a vacancy. The letter should include
    - o Description of procedure to nominate archaeologists to the Board
    - o Average number of hours per year that would be spent on Board business
    - o Position description for Board members/expectation of participation on Board
    - o Length of term (three years)
  - WAS sends their nominees to the Governor's Office, with a copy to the WHS for tracking purposes

**Position Description and Expectations for Board Applicants**

- Suggested basic skills:
  - Applicant has worked with cultural and burial issues either regionally or statewide,
  - Applicant is familiar with the Burial Sites Preservation Act, as revised.
- Applicant will attend all quarterly meetings and participate in other Board meetings and assignments. There is an option to attend meetings by conference call as well as in person. Committee participation is voluntary and most committee work is conducted by email and conference call.
- Based on past years, the average time requirements of a Board member for regular business is 16 hours per year, not including meeting preparation and travel time. The new Burial Law revisions may require more time as new responsibilities become clear.
- All new Board members will be required to sign a conflict of interest statement.
- The Burial Sites Preservation Board is a volunteer board. Refer to the General Operating Procedures and Protocols for information on compensations and reimbursements. There is no compensation or stipend for meetings or assignments. Travel will be reimbursed at the state rate.

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Burial Site Preservation Board**

**General Operating Procedures and Protocols**

**Approved March 1, 2019  
Revised**

These procedures are considered a first iteration in developing standards. The purpose is to bring structure to the functions of the Board. These procedures should be reviewed at least once a year and revisions made as new functions become necessary.

**1) Board Member Expectations**

- To assist Tribal governments and the Wisconsin Archaeological Survey in evaluating applicants for submission to the Governor's Office, a Board position description has been developed by the Board and Wisconsin Historical Society. Suggested basic skills: applicant has worked with cultural and burial issues either regionally or statewide, and is familiar with the Burial Sites Preservation Act, as revised.
- Board members will attend all quarterly meetings and participate in other Board meetings and assignments. Based on past years, the expected time requirements of a Board member for regular business is 16 hours per year, not including preparation and travel time. An additional 10 hours per year may be expected for committee work.
- There is an option to attend meetings by conference call as well as in person. Committee participation is voluntary and most committee work is conducted by email and conference call.
- All Board members must sign a conflict of interest statement. The Board and Wisconsin Historical Society (WHS) liaison will develop the statement for current and future Board members to sign.
- If a Board member is unable to complete her/his three year term, they will notify the Board Chair and the Governor's Appointment Office. The Board will start the process to replace the retiring Board member.
- When there is a vacancy on the Board, the Chair will send a letter to the appropriate parties (Tribal Chairpersons for Native American Board members, Wisconsin Archaeological survey for Archaeologist Board members). The letter details the process used to fill the vacancy.

**2) Wisconsin Historical Society (WHS) Liaison**

The Board requests liaison assistance from WHS. Currently the liaison consists of two WHS staff members.

**3) Meeting Facilities**

- The WHS liaison arranges for meeting facilities and lunch for Board members and guests, as appropriate.

- The WHS liaison has established remote access options for Board members and the public to participate in future Board meetings. The availability of the remote access and the process to access is announced in the agenda.

#### **4) Agenda**

- A meeting notice/draft agenda is sent to the Board no later than 30 calendar days prior to the next meeting. The purpose of this notice/draft agenda is to allow Board members enough time to have travel requests approved by their respective agencies and to request additions to the final agenda.
- The Chair is responsible for developing the meeting notice/draft agenda and sending it to the Board. The Chair can also request assistance from other Board members as necessary.
- Any additions to the agenda are to be sent to the Chair and the Secretary within ten calendar days of receiving the meeting notice/draft agenda.
- The final agenda is part of a package sent to the Board by the Secretary no later than 14 calendar days prior to the next meeting.
- The WHS liaison staff assists the Secretary. The Secretary can also request assistance from other Board members as necessary.

#### **5) Meeting Minutes**

- The Secretary is responsible for taking minutes at each Board meeting. If the Secretary is unable to attend, a substitute will be assigned.
- The Secretary is responsible for sending:
  - Draft minutes from the preceding Board meeting to the Chair for review no later than 14 calendar days after meeting.
  - Minutes from the preceding Board meeting to the full Board for review no later than 30 calendar days after the meeting.
  - Final draft minutes for approval at the next meeting included in the package sent to the Board no later than 14 calendar days prior to the next meeting.
- The WHS liaison assists the Secretary. The Secretary can also request assistance from other Board members as necessary.

#### **6) Meeting Package**

The full meeting package is sent to the full Board no later than 14 calendar days before the next meeting. The WHS liaison and staff are responsible for compiling the full meeting package and sending the package to the Board.

#### **7) Elections**

- Officer elections will be held at the first meeting in even calendar years.
- Each officer (Chair, Vice Chair, Secretary) will serve a two year term.
- The offices of Chair and Vice Chair will alternate between Native American members and Archaeology members, unless a majority of the Board votes otherwise.
- In the event of a vacancy, an election to fill it shall be held at the next Board meeting.

#### **8) Bylaws**

- The Bylaws Committee meets to review the bylaws when a Board member suggests an amendment.

- Amendments are sent to the full Board by the Committee for review and comment.
- Amended bylaws are sent to the full Board by the Committee 30 days prior to a vote to approve.

### **9) Registry of Interested Persons**

- The Chair assigns a Board member to work with WHS to review the Registry of Interested Persons once a year.
- WHS provides guidance to the Board member on the process for review of the Registry. The review includes determination of deceased persons, or those persons requesting removal from the Registry. The review also includes requests for additions to the Registry, such as people who request notification for all burial sites and classes of burial sites, and inclusion of all tribes with an interest in a burial site or class of burial sites.
- The Board member may request assistance from other Board members, especially with the first review which includes updating the list of tribes with an interest in a burial site or class of burial sites.
- The Board member will report the results of the review to the full Board at the March meeting. The report is then forwarded to the Director.
- The Board will review all applications for entry to Registry and, based on the documentation received, will by majority vote determine if the applicant be added.
- The Board will review all evidence for removal from the Registry and, based on the documentation accumulated, will by majority vote determine if the listed person be removed.

### **10) Burial Board Webpage – WHS Website**

- The Chair assigns a Board member to assist WHS in updating the webpage.
- Website content is reviewed annually in January.
- Board members are responsible for reviewing their website information annually and submitting any changes to WHS.
- The webpage contents contain, at minimum,
  - Board members and officers: their names, city of residence and term of office
  - Meeting dates for the year and their locations
  - Meeting agenda for the next meeting, posted 14 days prior to the meeting date.
  - Agendas and meeting minutes for the past calendar year.

### **11) Budget**

The Chair presents a draft budget request to the full Board and WHS at the March meeting. The Chair may request assistance with budget development from the WHS liaison and other Board members. With full Board and WHS approval, the budget request is forwarded to the Director.

### **12) Notifications to the Board**

- All Board members will be notified of a request for a hearing based on the contesting of the addition of a site and land to the catalogue within 14 days after the notice is received by the Director. The Board will hold a hearing within 90 days after the date of the

request. The Board will issue a decision within 60 days after the hearing and send a copy to the Director and owner.

- All Board members will be notified of a request for a hearing based on the contesting of the removal of a site and land from the catalogue within 14 days after the notice is received by the Director. The Board will review the Director's decision and issue a decision (no hearing and no time limit for review).
- All Board Members will be notified of a request for a hearing based on the contesting of a determination by the Director to issue a permit to disturb a catalogued burial site.
- The Director shall submit to the Board a written report of any disposition action. The Board may review and modify any disposition action taken by the Director. A Board review of the Director's decision may be requested by any person on the Registry.
- All Board members will be notified of a request to transfer public land with burial sites to private parties. The municipality or public agency wishing to transfer a property containing a burial site shall submit a written explanation to the Board containing a land description and a copy of the proposed deed restrictions concerning the burial site. All such transfers shall be approved by the Board.

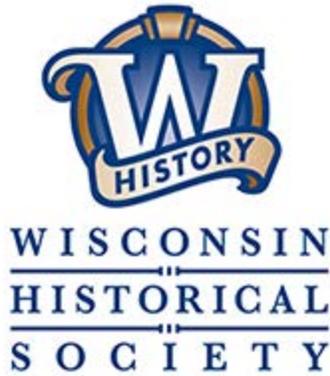
### **13) Procedures for Hearings**

- Hearings will be placed on the next Board meeting agenda if the request is received at least 30 business days prior to the meeting.
- The Board Chairperson shall preside at the hearing unless the chairperson is the Director and it is the Director's decision being appealed. In such cases, the Vice chair shall preside.
- The Board shall review the existing record and shall not accept evidence that was not introduced at a previous hearing.
- The Board may accept written or oral arguments.

### **14) Expense Reimbursement and Per Diem Policy**

- Reimbursement for Necessary Expenses
  - 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* (refer to <https://dpm.wi.gov/Documents/BCER/Compensation/PocketTravelGuide.pdf> for details).
  - 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.
  - 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. Hotel reimbursements will only cover the base single occupancy room rate – charges for incidental expenses 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.
  - Reimbursement for Board members who are also state employees will be based on current State of Wisconsin travel policies (refer to <https://dpm.wi.gov/Documents/BCER/Compensation/PocketTravelGuide.pdf> for details). Reimbursement for non-state employee Board members will also follow

- current State of Wisconsin travel policies with the following exceptions: 1) such board members will be reimbursed for hotel costs in excess of the current nightly state agency hotel rate, although they are encouraged to seek out appropriate lodgings at rates that are as close to the current state agency rate as possible; and 2) such board members can be reimbursed for taxes associated with lodgings.
- 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). Requests for reimbursement should be submitted 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.
  - 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
    - 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.
    - All Board members who are not state employees, and whose meeting attendance is not being compensated by an employer, are eligible for the per diem. Board members who are state employees are not eligible for the per diem as per Wis. Stat. 15.07 (5).
    - 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 11 March 2020, 189 (as of 11 March 2019) requests to disturb 202 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**

On 6 July 2020 the SHPO BEC provided to WHS Director Christian Overland our recommendations that the human remains encountered during work at the Kohler Golf Course, 47SB173 / BSB-0216; WHS Compliance #16-0330, were of Native American origin, and that our recommendation that the Wisconsin Inter-Tribal Reparation Committee (WITRC) determine their appropriate disposition as per Wis. Stats. §157.70(6). Director Overland agreed with the SHPO BEC, and the BEC provided the Director's recommendation and information packet to the WITRC on the same date. On 9 July 2020 Director Overland received the WITRC's acceptance of our recommendations, and their disposition determination regarding the human remains encountered during construction activities at 47SB173 / BSB-0216.

### **C. Report on Catalogued Burial Site Permit Request Decisions**

During the three month period since the last Burial Board meeting of 11 March 2020, 17 (as of 27 August 2020) requests to disturb 17 catalogued burial sites were submitted to the WI SHPO for review.

- 1). BMT-0021, Riverside Cemetery, Peshtigo, Marinette County, Mr. Felipe Avila. Archaeological field monitoring report from UW-M CRM, report #2020-0103, received on 1 April 2020. Archaeological field monitoring accepted by Mr. Avila on 2 April 2020.
- 2). 47RO15 / BRO-0114, Beloit College Mound Group, Beloit, Rock County, Mr. Felipe Avila. Request to Disturb (RtD) received from Steven Sutherland (Beloit College) 3 April 2020. Minimal ground disturbance to replace electrical conduits for street lamp located just within the exterior boundaries of the catalogued burial site. Request for comments sent to RIP in May 2020. After no response from RIP the SHPO BEC recommended to WHS Director Overland to approve RtD, to which he approved on 4 June 2020.
- 3). 47DA428 / BDA-0520, Winnequah Village, Monona, Dane County, Mrs. Kimberly Cook. Emergency RtD for gas leak on 5709 Tonywatha Trail, Monona, Dane County, WI. Requested received from Jennifer Piccard (UW-M CRM) 16 April 2020. Due to level of previous ground disturbance within APE, authorization granted without requiring archaeological field monitoring. Mrs. Cook responded on 16 April 2020.
- 4). 47PR89 / BPR-0024, Deadman Slough, Park Falls, Price County, Dr. Leslie Eisenberg. RtD for telephone line along St. Rt. 70 ROW, Price County, WI. Request received from Josh Weimer (Mid-State Consultants) 22 April 2020. Due to nature of disturbed context of ROW, RtD authorized without requiring archaeological field monitoring. Dr. Eisenberg responded on 24 April 2020.
- 5). BWK-0075, Mound Zion Cemetery, City of Brookfield, Waukesha County, Dr. Tyler Howe. Archaeological field monitoring report received from Dr. Jennifer Haas 27 April 2020. Work proposed within existing utilities ROW. Archaeological field monitoring report accepted by Dr. Howe on 29 April 2020, no intact cultural features encountered.
- 6). 47JE2 / BJE-0019, Carcajou Point, Sumner, Jefferson County, Mr. Felipe Avila. RtD for installation for residential gas service to new construction. RtD received from Dr. Katherine Sterner (UW-M CRM) on 6 May 2020. Due to nature of disturbed context of APE, RtD authorized without requiring archaeological field monitoring. Mr. Avila responded on 7 May 2020. Archaeological field monitoring report received from Kerri Christensen (UW-M CRM) on 28 June 2020. Report accepted by Mr. Avila on 28 June 2020.
- 7). 47LG3 / BLG-0045, Maney, Town of Elcho, Langlade County, Mr. Felipe Avila. RtD for removal of single utility pole. RtD received from Mr. Zachary Stencil (UW-M CRM) on 13 May 2020. RtD authorized without archaeological field monitoring on 14 May 2020.
- 8). 47SK43 / BSK-0195, Stage Road, Baraboo, Sauk County, Dr. Leslie Eisenberg. RtD to conduct limited Phase I archaeological field survey for proposed CenturyLink Telephone line updates. RtD received from Mr. Zachary Stencil (UW-M CRM) on 21 May 2020. RtD approved by Dr. Eisenberg authorizing Phase I archaeological survey on 3 June 2020.

Archaeological field monitoring report received from Ms. Jenifer Piccard on 13 June 2020, and approved, and accepted by Dr. Eisenberg on 14 June 2020.

9). 47SK620 / BSK-0011, Campbell Graves, Sauk County, Dr. Leslie Eisenberg. RtD for CenturyLink Telephone line upgrades. RtD received from Heather McGregor (CenturyLink) on 22 May 2020. RtD approved without archaeological field monitoring by Dr. Eisenberg on 27 May 2020.

10). 47SK68 / BSK-0215, Carlson Mounds, Sauk County, Dr. Leslie Eisenberg. RtD for limited subsurface archaeological testing for CenturyLink Telephone line upgrades. RtD received from Heather McGregor (CenturyLink) on 22 May 2020. RtD approved with archaeological field monitoring by Dr. Eisenberg on 29 May 2020. Received archaeological monitoring report from Mr. Zachary Stencil (UW-M CRM) on 26 June 2020. Archaeological monitoring report approved and accepted by Dr. Eisenberg on 3 July 2020. Site ultimately avoided.

11). 47DA119, Willow Drive Mounds, Dane County, Dr. Tyler Howe. RtD for path removal and ground re-sod project within Willow Drive Mounds on the campus of the University of Wisconsin. RtD received from Mr. Daniel Einstein (UW) on 28 May 2020. Dr. Howe sent out the project letter and data to the RIP on 14 June 2020. Dr. Howe received no comments from the RIP in late July 2020. Dr. Howe sent Director Overland the letter and information packet on 12 August 2020. Dr. Howe received response from Direct. Overland, approving RtD, on 24 August 2020. Dr. Howe returned approved RtD to Mr. Einstein on 24 August 2020. SHPO awaiting word from WI OSA on whether to approve state survey permit.

12). BMT-0021, Riverside Cemetery, Peshtigo, Marinette County, Mr. Felipe Avila. RtD for Wisconsin Public Service (WPS) for underground electrical service for new power junctions. RtD received from Mr. Zachary Stencil (UW-M CRM) on 1 June 2020. RtD approved by Mr. Avila without archaeological field monitoring on 2 June 2020. Work within existing utility corridor.

13). BMR-0060, Restlawn Memorial Park West, Wausau, Marathon County, Mr. Felipe Avila. RtD for new gas service in City of Wausau. RtD received from Mr. Zachary Stencil (UW-M CRM) on 3 June 2020. Mr. Avila approved RtD, with archaeological field monitoring on 5 June 2020. Archaeological field monitoring report provided by Mr. Stencil on 17 July 2020. Report approved and accepted by Mr. Avila on 20 July 2020. No cultural resources encountered during field monitoring.

14). BWK-0075, Mound Zion Cemetery, Brookfield, Waukesha County, Mr. Felipe Avila. RtD for We Energies to construct new ground mounted transfer station within exterior boundaries of burial site. RtD received from Dr. Katherine Sterner (UW-M CRM) on 5 June

2020. RtD approved without archaeological field monitoring by Mr. Avila on 8 June 2020. Work within existing utility corridor.

15). 47RA21 / BRA-0054, Mound Center Mound Group, Racine, Racine County, Mrs. Kimberly Cook. RtD from WI DOT for curb and sidewalk work just within the exterior boundaries of catalogued burial site. RtD received from Ms. Katie Kaliszewski (WI DOT) on 27 June 2020. WI DOT notified they would archaeologically monitor all work. Mrs. Cook approved RtD with archaeological field monitoring on 12 August 2020. SHPO awaiting archaeological field monitoring report.

16). BMR-0106, Stettin Christian Cemetery, Stettin Township, Marathon County, Mr. Felipe Avila. RtD from UW-M CRM for utility pole replacement. RtD received from Mr. Zachary Stencil on 31 July 2020. RtD approved without archaeological field monitoring by Mr. Avila on 3 August 2020. Work within existing utility corridor.

17). 47DA139 / BDA-0511, Burrows Park Bird Effigy, Madison, Dane County, Ms. Drew Barnhart. RtD from City of Madison Parks to install signage at park. RtD received from Kristin Mathews on 18 August 2020. Ms. Barnhart is currently reviewing RtD.

18). BOU-0089 / BWN-0020, St. Mary's Cemetery, Felipe Avila. Request received from Christina Zweig (UW-M CRM) on 31 January 2020. Felipe responded on 14 February 2020. Initial Review, Authorization for limited subsurface testing. Felipe & UW-M CRM working with City of Little Chute. Consultations are on-going, will update at next Burial Board meeting.

#### **D. Report on Unauthorized / Unpermitted Burial Site Disturbance**

1). 4 May 2020: Compliance #20-0611, Disturbance report for Unauthorized Disturbance at Excavation, BBR-0113, Gilson Creek, Uncatalogued Burial Site. WI OSA received information of ground disturbance at burial site. No further information and will update at next Burial Board meeting if information available.

2). 20 May 2020: Compliance #20-0705, Disturbance report for Unauthorized Disturbance at Excavation, 47VE886 / BVE-0202, Nigh Mounds. Notification received from Vicki Twinde-Javner (MVAC). According to information available:

Site is VE886/BVE202, Nigh Mounds. Saw that landowner had grubbed some of the area one of the mounds. I found the southern two mounds on one ridge (one very low linear and one low thunderbird) and then crossed a gully to see if I could see the other two mounds based on Lidar. If I didn't have the Lidar from your dissertation with me that Ernie had published, I likely wouldn't have noticed the mound that was disturbed since it was hard to discern, but could see a wing and the body. Damage to some of the body. It is very doubtful the landowners know there are mounds there. I can explain more details. My client that I was out there

for was going to give the landowner a heads up someone from the WHS would likely be contacting them.

Other information from Vicki Twinde-Javner: “I have a burial disturbance to report. Ninety-nine percent sure it was inadvertent. Disturbance to a very hard to discern mound.”

No further information and will update at next Burial Board if information available.

3). 20 May 2020: Compliance # 20-0706, Disturbance report for Unauthorized Disturbance for well installation, 47JE2 / BJE-0019, Carcajou Point. Notification forwarded to Ricky Kubicek at WI DNR. According to email:

Ricky: It has come to our attention that DNR issued a permit for a well at W8625 White Crow Rd. This property is within the boundary of a human burial site (JE-2, Carcajou Point site) and is in Wisconsin's archaeological covenant program. It appears the drilling of the well has caused considerable disturbance to the site. Does DNR review the WHPD before issuing permits for wells?

DNR reported there was no DNR application for well installation. No further information and will update at next Burial Board if information available.

#### **E. Updates on past Compliance Section projects**

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

- See discussion above.
- Re-internment conducted by members of WITRC on 15 July 2020.