

BURIAL SITES PRESERVATION BOARD

Burial Sites Preservation Board
Friday, December 6, 2019
10:30 AM
Schmeekle Reserve Center
Stevens Point, 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. Committee Reports
 - i. Budget Committee
 - Review Proposed 2020-21 Board Budget
 - Consideration of Draft Board Policy Document RE: Per Diem and Reimbursement
 - ii. Transition Committee
 - Review and approval of By-laws
- VII. Consideration of Applications for Completion and Entry to and/or Removal from the Registry of Interested Persons
- VIII. Report on All Determinations Pertaining to the Disposition of Human Remains and Associated Burial Objects
- IX. Wisconsin Historical Society Staff Report
 - i. State Historic Preservation Officer Report
 - ii. SHPO Compliance Section Report
 - Determinations Pertaining to Uncatalogued Burial Sites
 - Catalogued Burial Site Permit Request Decisions
 - Unauthorized/Unpermitted Burial Site Disturbances
 - iii. State Archaeology Report
- X. Public Comment
- XI. Announcements
- XII. Adjournment

Burial Sites Preservation Board
c/o Paul Reckner
Wisconsin Historical Society
816 State Street
Madison, WI 53706

Phone: 608.516.7130
Email: paul.reckner@wisconsinhistory.org

BURIAL SITES PRESERVATION BOARD

MINUTES OF THE WISCONSIN BURIAL SITES PRESERVATION BOARD

Friday, September 13, 2019

10:30 AM

**Sellery Room
Wisconsin Historical Society
816 State Street
Madison, Wisconsin**

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 (via teleconference), Ms. Cynthia Stiles, Dr. Daina Penkiunas, Dr. Katherine Stevenson, Ms. Jennifer Haas, Mr. John Broihahn, Dr. Paul Reckner
- Not Present: Ms. Corina Williams, Mr. David Grignon
- WHS Staff Present: Dr. Tyler Howe, Dr. Amy Rosebrough
- Guests: None

III. APPROVAL OF AGENDA

On motion by Mr. Broihahn and second by Ms. Stiles, the September 13, 2019, Burial Sites Preservation Board (BSPB) agenda was unanimously approved.

IV. APPROVAL OF JUNE 7, 2019 BURIAL BOARD MINUTES

On motion by Dr. Penkiunas and second by Dr. Reckner, the June 7, 2019, Burial Sites Preservation Board (BSPB) meeting minutes were unanimously approved.

V. INTRODUCTIONS AND WELCOME OF GUESTS

The Board welcomed Dr. Paul Reckner to the Board in his new role as the Director's representative to the Board. The Board also welcomed Dr. Tyler Howe, who has been hired to fill the SHPO position formerly held by Mr. Chip Brown.

There were no guests present.

VI. COMMITTEE REPORTS

i. Budget Committee

Dr. Paul Reckner reported that the Director is interested in reviewing the upcoming Fiscal Year 2021 budget for the Burial Board and identifying any discrepancies between the current budget and actual expenditures, so that the FY2021 budget can be adjusted as needed. Per the Board's by-laws, the Board will review the FY2021 budget at the December 6, 2019 meeting and will vote on the budget at the March 2020 meeting. Dr. Penkiunas clarified that the Board's FY budget is tied to the WHS Historic Preservation Program's biennial budget.

BURIAL SITES PRESERVATION BOARD

ii. Transition Committee

Board Chair Ms. Melinda Young expressed concerns that the Tribal notification letter regarding open board positions has not yet been sent out. She confirmed that she had received the final draft of the letter prepared by the Transition Committee from Ms. Stiles, but requested a Burial Board letterhead template so that the final version could be printed and mailed. Mr. John Broihahn agreed to provide her with said letterhead. Ms. Young indicated that she was aware of interested applicants within the Ho-Chunk Nation. Dr. Reckner noted that WHS Tribal Liaison Rebecca Comfort offered to assist with identifying potential appointees by making follow-up contacts with tribal officials after they have received the notification letters.

VII. DISCUSSION OF REVISIONS TO BOARD BY-LAWS

Ms. Stiles presented a draft of the Board By-Laws incorporating Articles covering Board compensation and the Board Budget. Dr. Penkiunas noted that a \$25 per-diem for board members as per Wis. Stat. 15.07 (5)(o) and outlined in proposed by-laws Article VI had not been included in the FY 2020 budget. During subsequent discussion, it was determined that few Board members would be likely to claim the per-diem. The per-diem will be left in the proposed by-laws, as it conforms to state law (Wis. Stats. 15.07(5)(o)). The budgetary issue raised by Dr. Penkiunas will be addressed in upcoming discussions of the Board's FY 2021 budget.

Board members requested the addition of language regarding notifications should meeting locations need to be changed. The language will be taken from Article V(D) of the current bylaws and modified appropriately.

Dr. Stevenson noted that the by-laws (Article II, Section 3) specify that Board members will serve three year terms, beginning at the time of their appointment by the Governor. However, her appointment is not a three year term. Dr. Penkiunas explained that Board appointments are arranged in a staggered manner so that not all appointments begin or end at the same time, and wondered if Dr. Stevenson's appointment covered the remainder of the time allotted to another, retiring Board Member in order to preserve the staggered structure of the Board appointments. Dr. Stevenson asked that this possibility be accommodated in the by-laws. Dr. Hass confirmed that Wis. Stat. 15.07 (5) stipulates three year terms for board members. Dr. Penkiunas and Mr. Broihahn will investigate how term lengths are determined for Gubernatorial appointment letters and report back to the Board.

The Board requested that Ms. Stiles make requested changes. The amended draft by-laws will be circulated prior to the December 6, 2019, meeting of the Board, and will be voted on at that meeting.

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

No RIP applications were received.

IX. 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.

BURIAL SITES PRESERVATION BOARD

X. REPORT ON ALL DETERMINATIONS PERTAINING TO UNCATALOGUED BURIAL SITES

During the three-month period since the last Burial Board Meeting (June 6, 2019) WHS received 243 requests to disturb uncatalogued burial sites. All were approved with appropriate case-specific caveats. Most of these requests pertained to utility work and private developments. Mr. Broihahn noted that this number of requests is roughly consistent with previous years in terms of seasonal construction cycles.

XI. REPORT ON CATALOGUED BURIAL SITE PERMIT REQUEST DECISIONS

During the three-month period since the last Burial Board meeting (June 6, 2019), WHS received twelve requests to disturb catalogued burial sites. In all but two cases, the catalogued portions of the sites could be and were avoided; uncatalogued areas were monitored and monitoring reports submitted to WHS. Proposed activities at Forest Hill Cemetery (BDA-0177) were determined to be normal cemetery business and the project was relocated as far off of the catalogued area as possible. Notice was sent to the Registry of Interested Persons for the last requested disturbance—to a catalogued area between extant mounds at the Dewey Mound Group (BGT-0160)—and no objections to the activity were received. The planned disturbance will result in relocation of existing utilities further from both mounds.

XII. REPORT ON UNAUTHORIZED/UNPERMITTED BURIAL SITE DISTURBANCES

During the three month period since the last Burial Board meeting (June 6, 2019), one report of unauthorized/unpermitted disturbance to a burial site was received by WHS. Damage occurred to the back leg of the eponymous ‘lizard mound’ at Lizard Mound County Park (Hagner, BWT-0121), during work to remove fallen trees at the site. WHS staff are in contact with Park Staff regarding this disturbance.

XIII. WISCONSIN HISTORICAL SOCIETY STAFF REPORT by Dr. Daina Penkiunas

Dr. Penkiunas again introduced Dr. Tyler Howe to the Board, and informed the board that recruitment for the Deputy SHPO position will begin in the week following the Board’s meeting. The Deputy SHPO position is expected to be filled by the end of 2019. Dr. Penkiunas reported that the archaeological report scanning project is ongoing, as is work towards the proposed new Wisconsin Historical Museum. Dr. Penkiunas also noted that a Historic Structure Report for the Wisconsin Historical Society will be discussed soon by the State Buildings Commission. Finally, Dr. Penkiunas provided brochures for the upcoming 2019 Local History Conference to Board members and encouraged them to come and to send interested parties and students to the Conference.

XIV. STATE ARCHAEOLOGIST’S REPORT by Mr. John Broihahn

Mr. Broihahn updated the Board on a number of ongoing projects, including the status of the Anaem Omot District NRHP nomination, the Wisconsin Point nomination, NRHP nominations for the British Hollow Lead Smelter (GT-0510) and Freedom Mine (SK-0729), the Wild Rice project, the Ho-Chunk Homestead project, the Dugout Canoe project, scow schooner research, the Early Diving Research Project, a self-unloader research grant, an Imaging History in the 21st Century project, public education and outreach projects, and addition of scanned reports to the Wisconsin Historic Preservation Database (WHPD).

BURIAL SITES PRESERVATION BOARD

Mr. Broihahn provided copies to the Board of the WI Legislative Council Act Memo for Act 222 as enacted, which summarizes changes to Wis. Stats. 157.70. He also offered information on recently announced National Park Service grants that might be of interest to the Board.

XV. PUBLIC COMMENT

None.

XVI. ANNOUNCEMENTS

Dr. Howe informed the Board of the recent discovery and excavation of human remains at the Don Pertsch site in La Crosse County, Wisconsin. The remains were identified in the days immediately preceding the September 13, 2019 Board Meeting and after Staff reports had been completed and sent to the Board. As of 9:00 AM on September 13, 2019, seven burials had been identified on a knoll in an area slated to be included in a planned residential development. MVAC was on site and continuing mitigation at the time of the Board’s meeting. There are three other knolls at this known Oneota site, and as of the time of the Board meeting, two of the three had been examined and found to lack burials.

Though WHS indicated that leaving the burials in situ was the preferred option, the Developers did not feel that was a viable option due to a variety of considerations. Furthermore, the site is a known collector hot-spot and continuing severe weather has endangered the stability of the burial area. Dr. Howe confirmed that the Tribes had been notified of the initial discovery and that an update was slated to be sent to the Tribes by the end of the business day. Dr. Howe is coordinating closely with MVAC on this issue.

The location for the December 6, 2019, meeting was confirmed as Stevens Point.

XVII. ADJOURNMENT

BSPB Chair adjourned the meeting at 11:52 AM.

Approved: _____

Dated: _____

BURIAL SITES PRESERVATION BOARD

Budget for 2020-21 DRAFT

Meeting Locations:

TBD

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

Wisconsin State Burial Sites Preservation Board
Proposed Board Policy on Per Diem and Reimbursement

If approved, the proposed language will be added to the Burial Board's General Operating Procedures and Protocols document

12) Expense Reimbursement and Per Diem Policy

- Reimbursement for Necessary Expenses
 - Wis. Stats. 15.07 (5) specifies that Board members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Board members may request reimbursement for travel costs (at current state mileage rates) and parking fees. Additionally, if a meeting requires Board members to stay overnight at the meeting location, lodging costs (base room costs only – incidental hotel charges will not be reimbursed) and meals will also be reimbursed at current state rates.
 - 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 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 will be processed promptly (typically within 30 calendar days) 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 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.
 - 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 (typically within 30 calendar days), and payments will be mailed directly to Board members.

State of Wisconsin
BURIAL SITES PRESERVATION BOARD
BYLAWS

Adopted September 7, 2018

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. There shall be nine (9) members of the Board appointed according to the provisions of Wis. Stat. § 15.705. Seven members are voting members and two members are non-voting members.

1. 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.

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

3. The three members representing federally recognized tribes shall each serve a three year term beginning at the time of their appointment by the Governor. The three members selected from the Wisconsin Archeological Survey recommendation shall each serve a three year term beginning at the time of their appointment by the Governor. Board members may continue to serve past their three year term until **they resign, are 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.

C. The Board shall meet within 90 calendar days upon request from a landowner under Wis. Stat. §157.70(2)(m)(g).

D. 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.

E. A quorum shall be one half of the voting members of the Board at any time.

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

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

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

ARTICLE VI: Compensation

As per Wis. Stat. 15.07 (5), the members of the Board shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. In addition, members of the board who are not full-time state employees shall be paid the per diem of \$25 per day for each day on which they are actually and necessarily engaged in the performance of their duties.

ARTICLE VII: 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 VIII: 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).
7. Review decisions of the Director and issue decisions regarding removal of land from the catalog under Wis. Stat. § 157.70(2)(j)(b).
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 IX: 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 X: 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 XI: 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.



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 30 August 2019, 106 (as of 19 November 2019) requests to disturb 116 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

None to report.

D. Report on Unauthorized / Unpermitted Burial Site Disturbance

None to report.

**STATE ARCHAEOLOGY AND MARITIME PRESERVATION PROGRAM'S
REPORT TO
Wisconsin's Burial Sites Preservation Board
6 December 2019**

1. National Register Nominations

Anaem Omot District Project. Staff continue to work on a National Register of Historic Places nomination for the 60 Islands area of the Menominee River with the Menominee Indian Tribe of Wisconsin. The Menominee Indian Tribe of Wisconsin organized a public meeting on 8 October 2019 in Marinette. The MITW provided additional background documentation as well. The proposed district will recognize the Menominee cultural landscape of the central portion of the Menominee River valley. This nomination will include sites in Wisconsin and Michigan and as a result Staff continues to work with the SHPO in Michigan.

Wisconsin Point (DG-24), Douglas County. Society staff provided comments on a copy of the draft nomination. The Society and the City of Superior are conferring with the Fond du Lac Band on the nomination and on the next steps regarding the research on the pine pitch CMTs. The time of use of these trees can be dated using tree-ring dating.

2. Research Projects

Wild Rice Project. We continue to work on the analysis, background research, and write-up with the Tribal Historic Preservation Office of the Lac Du Flambeau, a private landowner, the Manitowish Waters Historical Society, and State and Federal agencies on documenting wild rice camps in Vilas County. Seven ricing sites have been identified.

Ho-Chunk Sites and Land Projects. Staff completed four additional days of survey for the Mission to Hatfield Trail-Komensky Corner segment near Black River Falls. Five homesteads were documented. The Ho-Chunk land ownership plat map project is on hold until we identify another volunteer or intern.

Dugout Canoe Project. WHS staff and Dr. Sissel Schroeder have plans in place to finalize the technical report on this project. Twenty-six of the 45 dugouts reported for the state have been documented. The project is exploring innovations in dugout design through time and across space.

Scow Schooner Research. Tori Galloway a first year graduate student in the Department of Underwater Sciences and Anthropology at Indianan University completed a draft report on the Society's exploration and analysis of scow schooner design through a grant from the University of Wisconsin Sea Grant Institute.

Early Diving Research Project. Maritime staff and the Early Diving Research team continued their investigations into the history of diving in Wisconsin.

Self-Unloader Grant. The Maritime is completing a research project on self-unloaders through a Maritime Heritage Program Grant from the National Park Service.

Imaging History in the 21st Century. This project is planned as a multi-year initiative during which staff will analyze the application of new digital technologies in site identification, documentation, and exploration.

3. Public Education and Outreach. Two State Archaeology section staff made presentations at the Society's annual Historic Preservation and Local History Conference.

4. Wisconsin Historic Preservation Database. Adding PDF versions of archaeological reports to the Archaeological Report Inventory (ARI) of the WHPD continues as reports are received and time permits. The addition of the reports will streamline Compliance reviews and improve site preservation. John H. Broihahn, State Archaeologist