

# Response to Milwaukee County questions

## I. “Overview of the disposition process”:

Under Wis. Stats. 157.70, once human remains have been disinterred from their burial location following conclusion of archaeological excavation, the human remains and burial objects are transferred to an agency for temporary curation for analysis and report writing conclusion as per an approved burial contract.

- **This step is complete.** Human remains and burial items are currently located at the University of Wisconsin – Milwaukee, awaiting completion of disposition process. **Only the WHS and the UW-Milwaukee** are involved in this step of the disposition process.

If the human remains are determined to be of Native American origin, the WHS Director will consult with the tribes to transfer the final disposition determination to the Wisconsin Intertribal Repatriation Committee (WITRC).

- To date no Native American remains have been identified.

Commencement of the disposition process is signified by Public Notice in local newspapers within the county where the burial site is located. The Public Notice provides information about the Registry of Interested Persons, and requests anyone interested in joining the Registry of Interested Persons to notify the State Historic Preservation Office to begin the process for inclusion on the Registry of Interested Persons.

- **This step is complete.** The Public Notice was published in newspapers throughout Milwaukee County, and surrounding counties in late 2020 / early 2021. At that time the State Historic Preservation Office did not receive any additional applications for inclusion on the Registry of Interested Persons. **Only the WHS** is involved in this step of the disposition process.

Following the Public Notice, the State Historic Preservation Office will send out a request for proposals / plans for final disposition of human remains and burial items to all members of the Registry of Interested Persons who have an interest in the specific burial location, in the class of burials, or religious affiliation to the burial site. Members of the RIP are typically provided thirty (30) business days to submit their final disposition proposals.

- **This step has not taken place** do to workplace restrictions emplaced during the COVID pandemic. The State Historic Preservation Office is now ready to make a request for final disposition proposals. This step involves **only the WHS and the Registry of Interested Persons.**
- **The Burial Board tabled** three additional applications for inclusion on the Registry of Interested Persons at the September meeting. The Burial Board will revisit these

applications at the December meeting. This step involves **only the WHS, the Burial Board, and the Registry of Interested Persons.**

Upon completion of the noticed request for proposals, the State Historic Preservation Office will thoroughly review all proposals for their completeness and accuracy. Complete proposals must indicate the proponents name and address, final disposition proposal, and category of interest in the burial site:

1. direct kinship.
2. cultural / tribal / religious affiliation.
3. Scientific / environmental / educational purposes.
4. Any other interests the Burial Board deems to be in the public interest.

- This step has not taken place, and involves **only the WHS and the Registry of Interested Persons.**

Following thorough proposal review, the SHPO will make a recommendation to the WHS Director for his / her final disposition determination. The WHS Director shall notify any members of the RIP if it is determined their proposal is inaccurate, incomplete, or inadequate, to which such applicants will be afforded thirty (30) days of receipt of the notification to modify the proposal.

- **This step has not taken place, and involves only the WHS and possibly the Registry of Interested Persons.**

At the completion of thirty (30) days, the WHS Director shall make their final disposition determination. The WHS shall notify all Registry of Interested Persons applicants, or any other parties deemed appropriate to notify, of the Director's final disposition determination. The SHPO will then notify the Burial Board of the Director's final disposition determination at the Burial Board's next regularly scheduled meeting. Any member of the Registry of Interested Persons may request the Burial Board to review the Director's final disposition determination. If no member of the Registry of Interested Persons, nor the Burial Board request to review, or modify the WHS Director's final disposition determination, the WHS Director's final disposition decision stands, and the approved final disposition shall commence.

- **This step has not taken place.** The person or agency who caused the remains to be disinterred shall bear the cost of reburial, cremation or curation. This step involves **the WHS, the Burial Board, the RIP, and Froedtert Hospital.** Milwaukee County owns the land, but the hospital made the Request to Disturb. As such, **the County's responsibilities are concluded.**
- If the human remains and burial objects are reburied, the WHS Director shall immediately cause the burial site to be catalogued. This step involves **the WHS and the Milwaukee County Register of Deeds.**

## **II. “Where are we in that process?”**

The SHPO is prepared to begin the call for proposals.

The Board tabled several new RIP applications at the September Board meeting until the SHPO spoke with the DOJ concerning Board questions. Among these questions was whether minors could make application for inclusion on the RIP, as two applications were submitted by minors. The SHPO is speaking with the DOJ on 15 September 2022, and will report back to the Board at the regularly scheduled December meeting. At that time, if the Board has no further objections, or does not table anything else pertaining to this disposition, the SHPO will make the call for proposals in mid-December.

## **III. “What’s the timeline and next steps?”**

Following no further delay in the process, the SHPO will make the call for proposals to the interested parties on the RIP. Interested parties on the RIP will then be afforded thirty (30) business days to return their proposals, or close of business Friday, 13 January 2023. The SHPO will immediately begin vetting of proposals following 23 January 2023. Tentative completion of proposal vetting could be completed in February 2023, with the WHS Director’s final disposition determination to follow in March 2023. I would prefer to complete the disposition process prior to the Board’s spring meeting March 2023, or at the latest their meeting in June 2023.

## **IV. “What’s the criteria evaluated?”**

Wis. Stats. 157.70(6)(a):

1. Direct kinship.
2. A cultural, tribal or religious affiliation.
3. A scientific, environmental or educational purpose.
4. Any other interest which the board deems to be in the public interest.

## **V. “Who are the stakeholders that have been engaged?”**

Who do you mean by the stakeholders?

Mrs. Houston has reached out to the SHPO, the Governor’s office, the DOJ, and Senator Agard’s office.

## **VI. “If the disposition decision is for the remains to be reinterred, what are the next steps? What is obligated of the stakeholders involved?”**

If the Director's final disposition determination is made to a party who requests the remains be reburied, the person or agency who caused the remains to be disinterred shall bear the cost of reburial. If the human remains and burial objects are reburied, the Director shall immediately cause the burial site to be catalogued.