

# *WisDNR Historic Preservation*

*Wis. Stats.  
44.40 & 157.70*

Zac Stencil  
WisDNR Archaeologist

Peninsula State Park, Door County  
NRHP Listed Eagle Bluff Lighthouse (AHI 16130)



# DNR Historic Preservation

Compliance Reviews (Most Common)

Archaeological Survey (Favorite!)

Burial Site Monitoring

Interpretation

Training

Planning/Advising

Site Data Requests

Master Planning

Stake Holder Coordination

Research



Military Ridge State Trail, Dane County  
Precontact Indigenous campsite/village (DA-0802)



Newport State Park, Door County  
Precontact Indigenous campsite/village (DR-0023)

# Cultural Resources Reviews

Stormwater

Forestry

Water Quality

Waterways

Real Estate

Waste and Materials

Fisheries

Office of Energy

Great Waters

Drinking and Groundwater



High Cliff State Park, Calumet County  
Precontact Mounds site (CT-0001/BCT-0089)



Devil's Lake State Park, Sauk County  
Historic CCC era Baraboo Quartzite pillars.



# Historic Preservation: It's the Law!

## Wis. Stats. Chapter 44

### *SUBCHAPTER I: The WI Historical Society*

### SUBCHAPTER II

#### §§ 44.30 – Historic Preservation Program:

*“the historic, architectural, archaeological and cultural heritage of the state is among the most important assets of the state...”. – In the public interest to preserve!*

*§§ 44.34 – “The state historical society shall create, update, and maintain the Wisconsin Inventory of Historic Places.”*



NRHP Listed WI State Capitol (AHI 16673)



NRHP Listed WI State Historical Society (AHI 16108)



# What are Historic Places?

Precontact Villages and Burial Areas

Rock Art Sites

Fur Trade Era Sites

Sunken Vessels

Farmsteads

Mining Camps

Prehistoric and Historic Quarries

Trails

Lighthouses

Buildings – even an outhouse!



Lizard Mound State Park, Washington County  
Hagner Mound Group (WT-0001 / BWT-0121)



Rock Island State Park, Door County  
NRHP Listed Thordarson Estate Boathouse (AHI 25972)

# Wisconsin's Inventory of Historic Places


The Wisconsin Historical Society (WHS) maintains an inventory of historic places:

## Wisconsin Historic Preservation Database (WHPD)

ASI - Archaeological Site Inventory (Orange)

## AHI - Architecture and History Inventory (Blue points)

ARI - Archaeological Reports Inventory (Yellow)



WISCONSIN  
HISTORICAL  
SOCIETY

Wisconsin Architecture and History Inventory  
State Historic Preservation Office

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National Register


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#81070

Historic Name:

Other Name:

Wild Rose Fish Hatchery - Raceway

Created By:

Created On: 10/14/2011

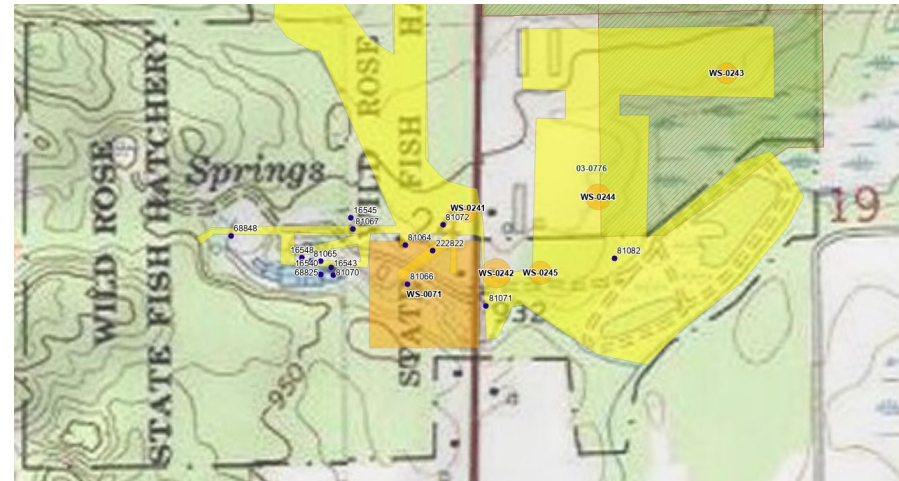
Updated By: Leah Penzkover

Updated On: 05/16/2024

National Register Information

Other Eligibility Evaluation

Individual Eligibility Evaluation	
Proposed Historic District	Wild Rose State Fish Hatchery Historic District
Contributing	
Evaluation Date	
Eligibility Comments	



Wild Rose Fish Hatchery, Waushara County  
Many coincident AHIs and ASIs...



# Historic Preservation Law

## Wis. Stats. Chapter 44

*§§ 44.39 - each state agency shall appoint one of its employees to serve as their historic preservation officer.*

*§§ 44.40 - “Each state agency shall consider whether any proposed action of the state agency will affect any historic property ...” and directs each agency to cooperate with the Wisconsin Historical Society in its efforts to identify and protect the State’s cultural resources.*



Lower WI State Riverway, Lone Rock, Richland County  
Cruson Slough campsite/village (RI-0554)



Governor Dodge State Park, Iowa County  
Precontact Indigenous campsite/village (IA-0077)



# Historic Preservation Law

## Wis. Stats. Chapter 157

*SUBCHAPTER I: Corpses – (“No Thanks!”)*

*SUBCHAPTER II: Cemeteries – (“I’ll Pass”)*

*SUBCHAPTER III: Burial Sites Preservation – “OK!”*

*§§ 157.70 - Identification and protection of human burial sites. Site disturbance is prohibited. Uncatalogued burial sites require permission to disturb from WHS. Catalogued burial sites may require additional permission from the State Burial Board.*



Nelson Dewey State Park, Grant County  
Dewey Mound Group I (GT-0021 / BGT-0160)



Aztalan State Park, Jefferson County  
Prescribed burn at Aztalan Mound site (JE-0001/BJE-0195)



# Historic Preservation Law

## Section 106 of the National Historic Preservation Act of 1966 (NHPA) & The National Environmental Policy Act of 1969 (NEPA)

Requires federal agencies to consider effects to historic properties of projects they carry out, assist, fund, permit, license, or approve. If a federal or federally-assisted project has the potential to affect historic properties, a Section 106 review is required.

### Examples of Federal projects:

USFWS-encumbered parcels

Federal grants – many!

Federal agency oversight



Clear Lake Public Access, Rock County  
Federal: USFWS-encumbered (no known cultural resources)

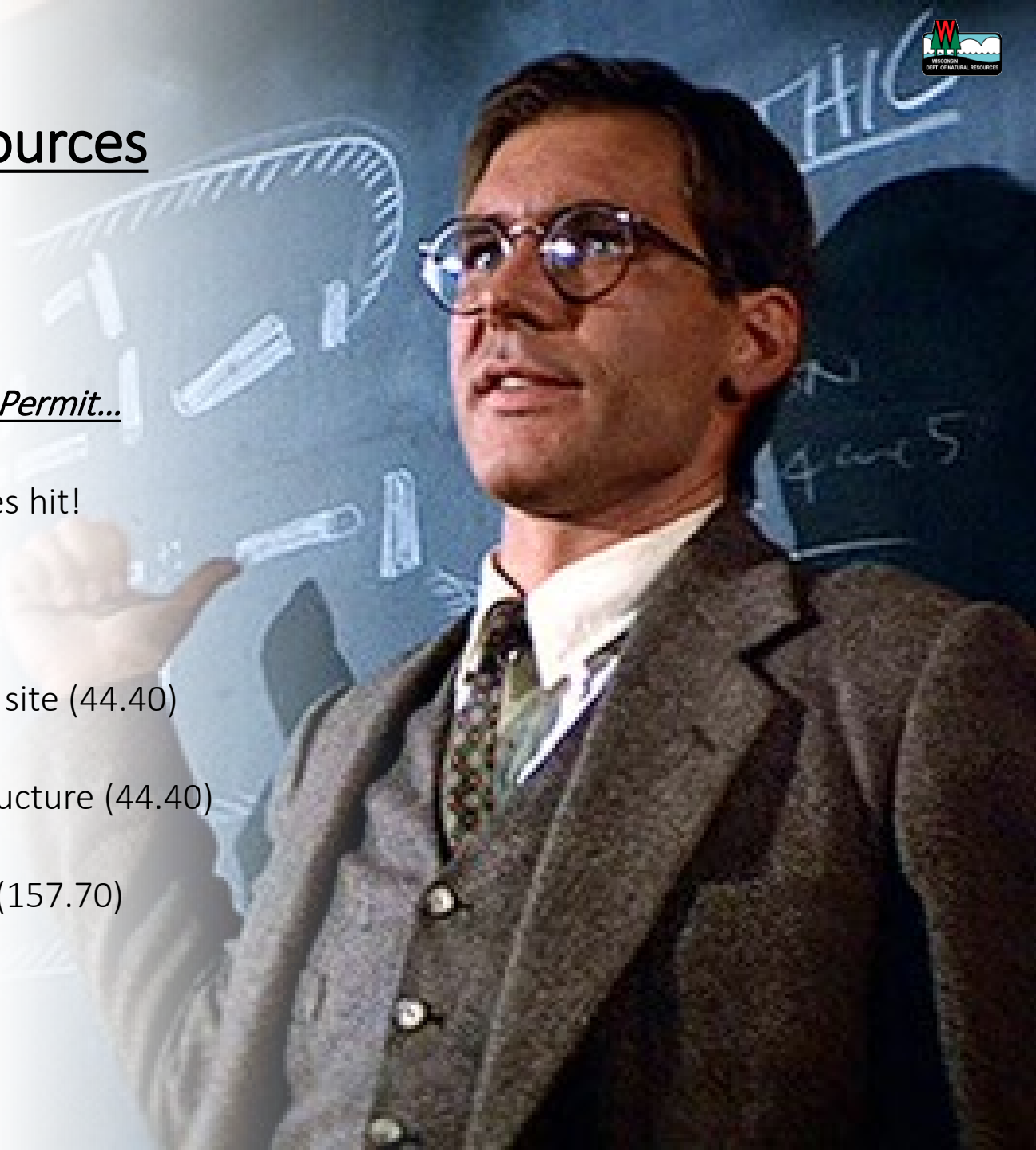


Yellowstone Lake State Park, Lafayette County  
Federal: NPS-LWCF grant (no known cultural resources)

# The Cultural Resources Review Process

## *Time for a DNR Stormwater Permit...*

- There's a cultural resources hit!
- False alarm (ARI)!
- Archaeological non-burial site (44.40)
- Architectural property/structure (44.40)
- Archaeological burial site (157.70)





# CR-Reviews – Stormwater

## Project Example #1 – False Alarm (ARI)!

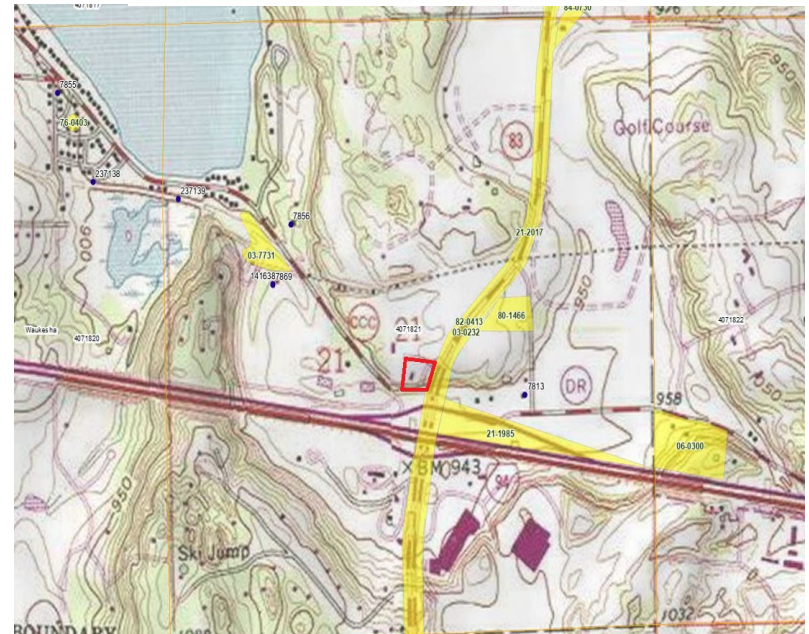
FIN 97496 – Bubbles – Foam Farm  
Waukesha County - T7N-R18E-Sec. 21

Redevelopment of a former fast-food restaurant into a  
Bubble – Foam Farm car wash.

Coincident historic places? NO, only an ARI!  
Federal nexus? NO

*“Project Cleared – no cultural resources are present within  
the immediate project footprint.”*

If the project becomes a federal undertaking (funding, permitting,  
licensing, or approval), please resubmit for review.”



# CR-Reviews – Stormwater

## Project Example #2 – Archaeological Site (44.40)

FIN 95563 – Browns Lake Dredging - Dewatering  
Racine County – T3N-R19E-Sec. 34 & 36

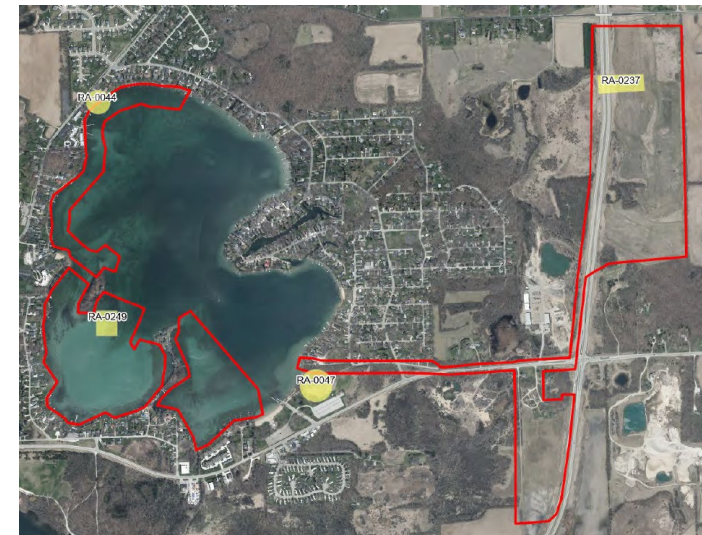
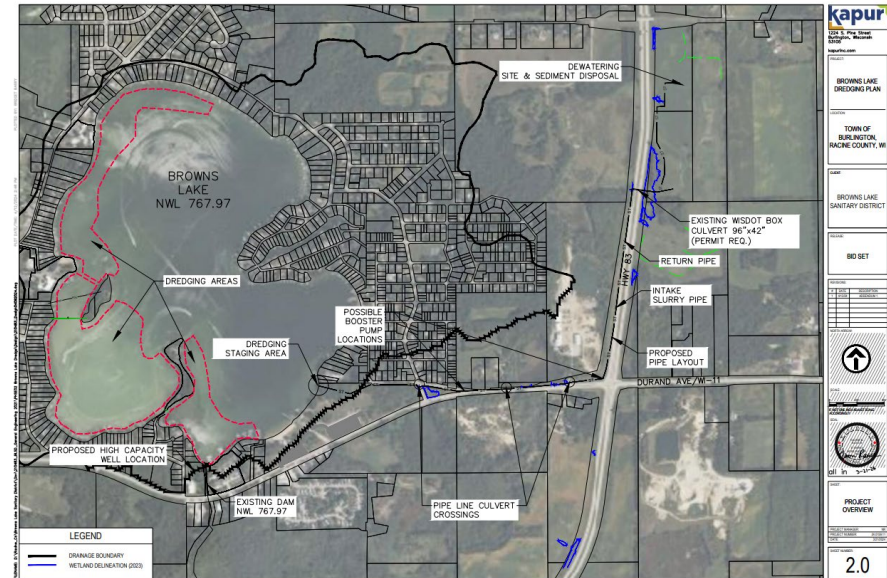
Dredging substantial sediment from the lake,  
install intake & return pipe, dewatering area...

Coincident historic places? YES, Archaeological non-burial sites.  
Federal nexus? NO

Multiple archaeological sites overlapping areas of proposed  
ground disturbance.

Per 44.40, Archaeological Investigations are required!

UWM-CRM was hired to complete survey and reporting.





# CR-Reviews – Stormwater

## Project Example #3 – Historic Buildings (44.40)

FIN 91830 – Kalahari Lake Delton Treehouses  
Sauk County - T13N-R6E-Sec. 15

Demolition of buildings to create 52 rental apartments (“Treehouses”), restaurant, pool, etc...

Coincident historic places? YES, coincident AHIs.  
Federal nexus? NO

Demo of WI inventory listed Historic Buildings  
AHI 149843 & 149844

Required SHPO submittal per 44.40  
– Affects to potentially NRHP eligible structures?  
Per 44.40, SHPO response (WHS 24-0248) –  
‘No eligible properties will be affected’.  
Both properties are not individually eligible.



# CR-Reviews – Stormwater

## Project Example #4 – Archaeological Burial Site (157.70)

FIN 98006 – Old Bluff Trail – Road Reconditioning  
Sauk County – T10N-R6E-Sec. 15

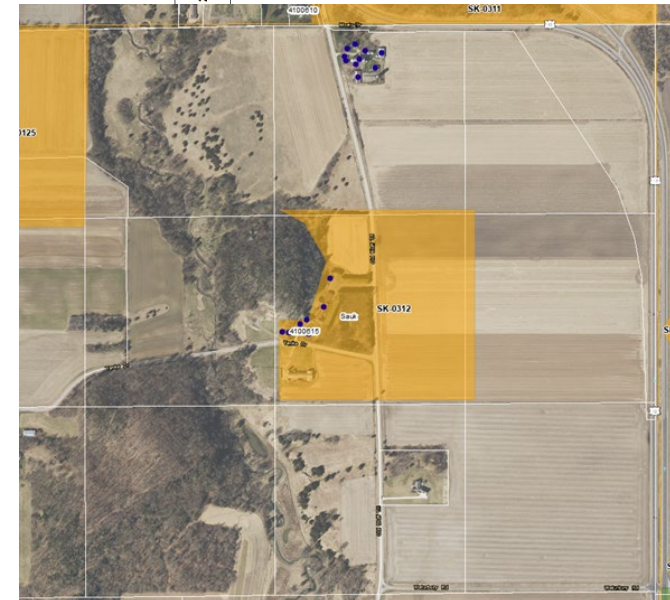
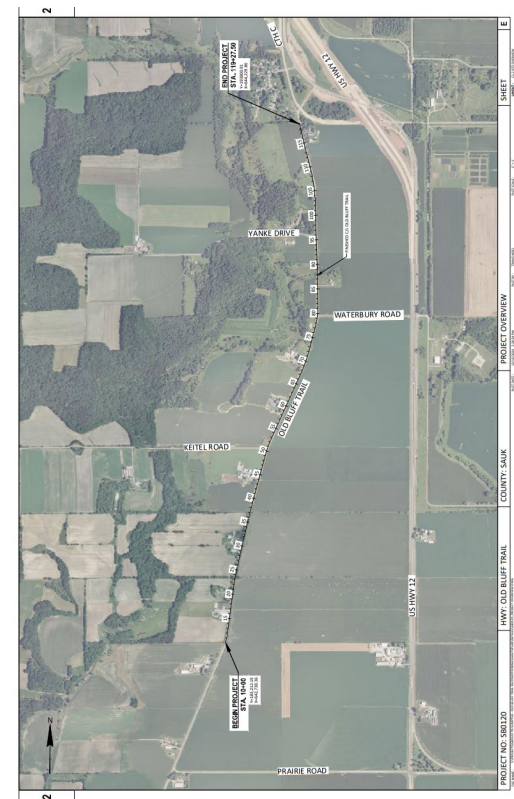
Project involves excavation and regrading of 12.7 acres along road right-of-way, pulverize and relay with an HMA pavement overlay.

Coincident historic places? YES, Archaeological burial site.  
Federal nexus? NO

Project bisects archaeological burial site – precontact Mound site.

Per 157.70, Permission to Disturb a Human Burial site from WHS is required! Applicant must fill out a Request to Disturb and send to WHS Compliance at [Compliance@WisconsinHistory.org](mailto:Compliance@WisconsinHistory.org).

Applicant requested and received permission from WHS - then forwarded to DNR HP for project clearance.

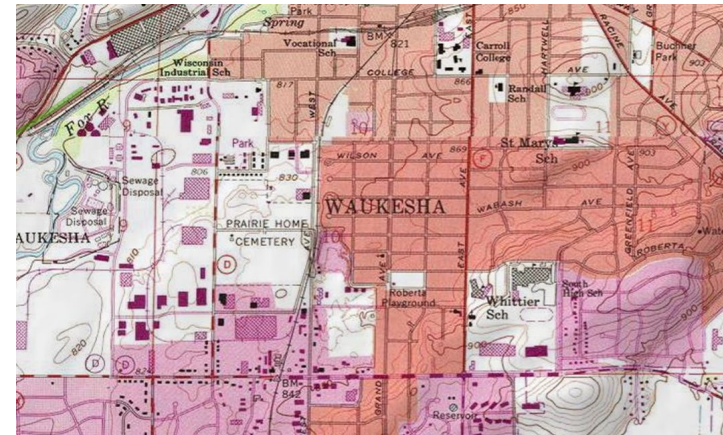




# The Cultural Resources Review Process

## Applying for a DNR Stormwater Permit?

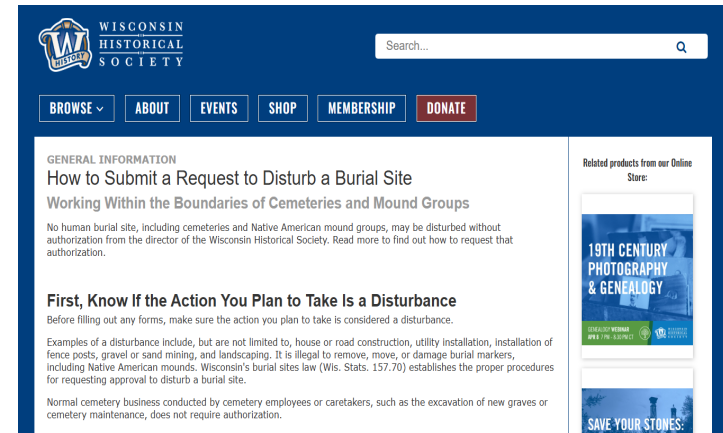
- Pre-screen your projects.
  - WHPD Access – data agreement with WHS!
    - Contact [whpd@wisconsinhistory.org](mailto:whpd@wisconsinhistory.org)
    - [Wisconsin Historic Preservation Database](#)
  - If there's a cultural hit, identify the resource.
    - Arch site? Historic site? Burial site?
    - Is the resource previously disturbed?
    - Is the historic structure demolished?
    - Address the resource in your application.



# The Cultural Resources Review Process

## *Applying for a DNR Stormwater Permit?*

- IF there is a coincident burial site:
  - Request permission from WHS.
    - [How to Submit a Request to Disturb](#)
    - Contact [Compliance@WisconsinHistory.org](mailto:Compliance@WisconsinHistory.org)
- Getting FURTHER ahead:
  - Consult with a Cultural Resources Management (CRM) firm (RECOMMENDED).
  - Request a CR-Review, Fieldwork, Architectural History Reviews, etc.
  - List: [Consultants | Wisconsin Historical Society](#)

A screenshot of the Wisconsin Historical Society website. The header features the logo on the left, a search bar, and navigation buttons for BROWSE, ABOUT, EVENTS, SHOP, MEMBERSHIP, and DONATE. The main content area is titled 'GENERAL INFORMATION' and 'How to Submit a Request to Disturb a Burial Site'. It includes a sub-header 'Working Within the Boundaries of Cemeteries and Mound Groups' and a paragraph explaining that no human burial site, including cemeteries and Native American mound groups, may be disturbed without authorization. It also mentions that examples of disturbance include fence posts, gravel or sand mining, and landscaping. A section titled 'First, Know if the Action You Plan to Take is a Disturbance' provides further guidance. On the right side, there are related products for sale, including '19TH CENTURY PHOTOGRAPHY & GENEALOGY' and 'SAVE YOUR STONES'.



# Additional Resources

Wis. Stats. 44.40 - [Wisconsin Legislature: 44.40](#)

Wis. Stats. 157.70 - [Wisconsin Legislature: 157.70](#)

Section 106 of the NHPA - [An Introduction to Section 106](#)

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WI State Archaeology Program - [Office of the State Archaeologist](#)

SHPO Review Process - [SHPO Review Process for State Projects](#)

Submit a Request to Disturb - [How to Submit a Request to Disturb](#)

WI Historic Aerial Imagery Finder - [Wisconsin Historic Aerial Imagery Finder](#)

NPS National Register of Historic Places - [National Register](#)

NPS National Register of Historic Places Criteria - [National Register Criteria](#)

NPS Standards for Treatment and Restoration of Historic Properties

- [Standards for the Treatment of Historic Properties](#)



# Questions?

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**Allouez Bay, Douglas County  
Fish Weir Investigations**