



WISCONSIN  
HISTORICAL  
SOCIETY

# Historic Preservation for BEAD (Broadband Equity and Deployment) Projects



# Historic Preservation and Public Works

- Wisconsin has a rich and unique past

People have been living here for the last 12,000 years and evidence of their activities are all around us

- Preserving and protecting this history is not just a nice thing to do it is legally mandated:
  - ❖ Federal Historic Preservation Act of 1966 (Section 106)
  - ❖ Wisconsin State Statue 44.40 (Historic Preservation Law)
  - ❖ Wisconsin State Statue 157.70 (Burial Site Preservation Law)
  - ❖ Wisconsin State Statues 44.42 & 66.1111 (Municipal responsibilities) and Local Historic Preservation Ordinances



# What is a Historic Site or Feature?

- It can be a building
- It can be precontact
- It can be a landscape or area where something significant happened





Not all sites are created equal.

A few chert flakes found in a corn field are not as significant as a precontact village site

An old house that has been renovated, resided, added on to, etc. is not the same as an original, preserved unique building or feature

A Historic Preservation consultant or specialist can provide you with assistance on determining what is significant

# What do the laws mandate?

Federal: (Section 106): requires that federal agencies consider the effects on historic properties for any undertaking in which the agency provides funds, permits, licenses, or which crosses federal property.

State: (§ 44.40): requires that any state agency, state funded, or state permitted project consider the impact on a listed property

Political subdivisions (municipalities) & school boards (§§ 44.42 & 66.1111): funded projects shall consider the impact on a listed property

Burial Law (§157.70): identify and protect burial sites from disturbance

Local ordinances: vary in what they protect and allow

## For BEAD projects:

The WI PSC (Public Service Commission) is distributing funds and awarding the contracts.

However, the money is coming from the Federal Government.

Therefore, BEAD projects will follow Federal Section 106 requirements.

Federal §106 does not have any language on burial protections, because of that WI §157.70 (state burial law) is also required to be followed.

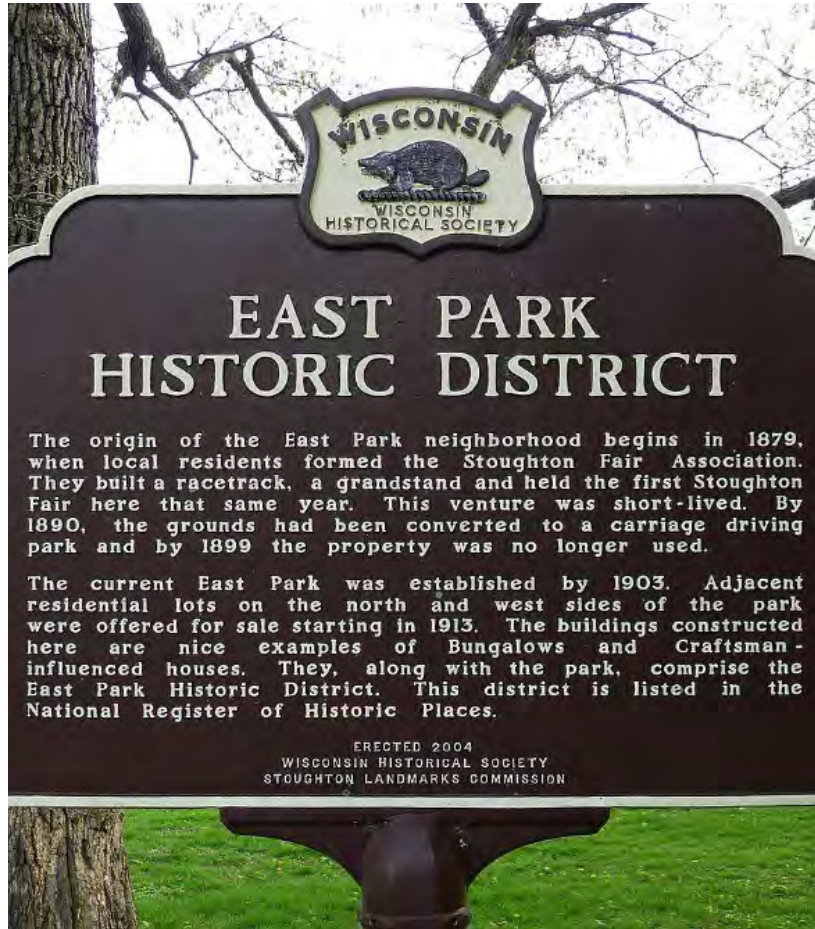
# What does that mean for the builder?

The impact on known historic sites, and the potential impact on unknown sites need to be considered.

All known burial sites, marked and unmarked, pre and post-contact can not be intentionally disturbed without authorization from the WI SHPO (State Historic Preservation Office).



# Listed Properties or avoiding the known



The Wisconsin Historical Society, State Historic Preservation Office (SHPO) maintains a list of known archaeological sites, burial sites, and historic buildings/features. The SHPO also maintains a list of National Register Districts and National Historic Landmarks in Wisconsin.

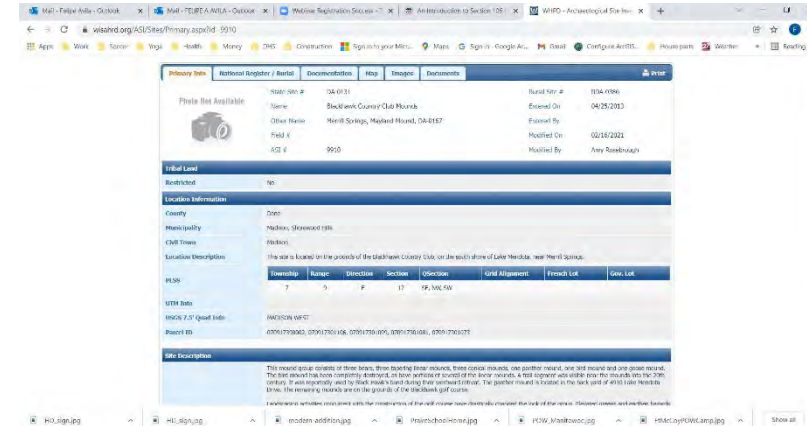
These are known as:

- Archaeological Site Index (ASI) which includes burial sites and cemeteries
- Architecture and History Index (AHI)
- National Register Districts



# How do I see listed properties or features?

- The SHPO office keeps a database that is available for historic preservation professionals, planners, and designers. The information is considered sensitive and restricted from the public.
- The Wisconsin Historic Preservation Database (WHPD) is an online tool available for short term or annual subscription. A free viewer is available in the Society Headquarters building in Madison.



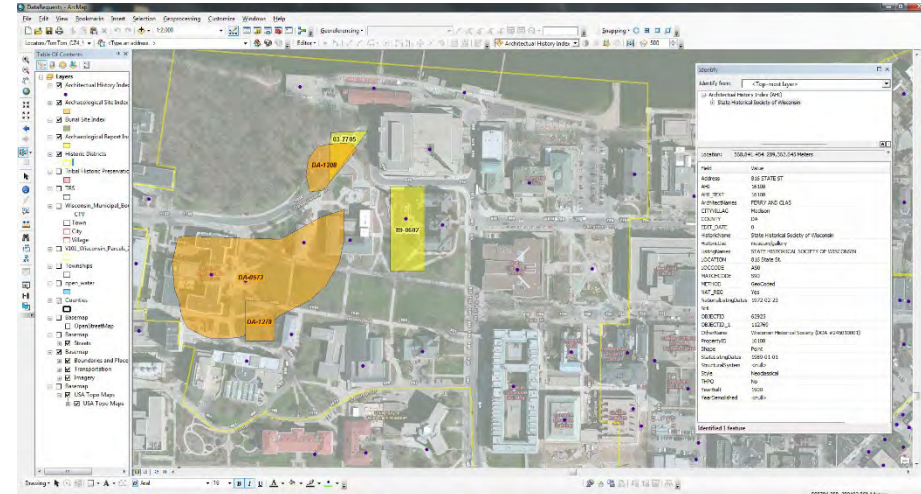
<https://www.wisconsinhistory.org/Records/Article/CS4091>

# Like maps? We have GIS data too

- Shapefiles of archaeology, buildings, burials, National Register Districts and previously surveyed areas.
- Public agencies have data costs reduced by 50%. One time data sets or subscriptions are available
- *Why do you charge for data and access?*

Unlike other state agencies we can't charge for compliance reviews. To fund the program, we charge cost recovery fees for the data.

If you hire a qualified consultant, they may already have access to these databases. Ask ahead of time so you don't end up paying for something twice



<https://www.wisconsinhistory.org/Records/Article/CS4091>

# How to consider the impact on unknown sites?



Look at the potential for sites in the area (other known sites, terrain, water sources, resources). This includes buildings over 50 years old.

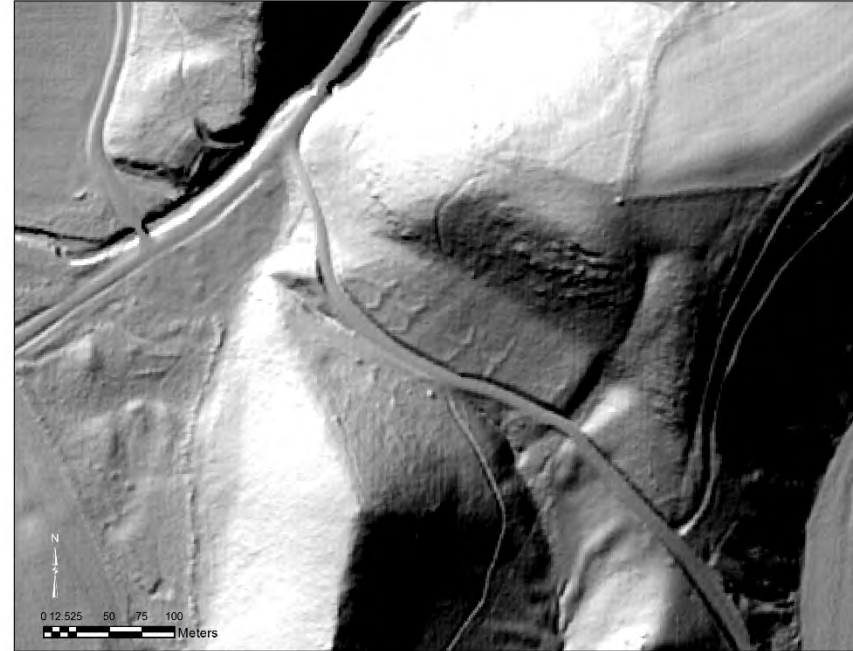
Check if the area was surveyed before

Survey when needed.

The entire project corridor does not necessarily need to be surveyed, but you need to be ready to explain why it does not need it. This is where a consultant is helpful.

# What to do when there is a potential impact

- *Short answer: a little research and some paperwork.*
- You'll need to determine if the project will directly impact the historical site (does the road go through it, will the building be torn down, does it change the character of the site)



- You'll need to determine if the site is “significant”. That is, it meets the criteria for eligibility to the National Register of Historic Places or listing on the State Register. If you are unsure or can not make this determination, a historic preservation consultant can help.

# What to do when there is a potential impact cont.

- If there is an impact on a significant site or the project could impact a burial site, then the project will need to be reviewed by the SHPO.

<https://www.wisconsinhistory.org/Records/Article/CS3986>



To start the review process, fill out the form, provide documentation (plans, photos, maps) and submit it to: [compliance@wisconsinhistory.org](mailto:compliance@wisconsinhistory.org) All documents and attachments need to be PDF's. Once the project is accepted the SHPO has 30 days to review, so plan accordingly.

The submittal to SHPO is the federal or state agency's responsibility for §106 & 44.40, unless that responsibility has been delegated (usually in writing). Burial disturbances §157.70 are submitted by the group managing the work.

# Things to consider

- Can a site be avoided by going on the other side of the road?
- Can the service to a home be installed without visible impact on the building (piggy backing on an existing overhead line, undergrounding the service)



Working in the ROW does not necessarily mean the area is disturbed. How deep is the base course for the road, and how deep is the fiber optic being installed? Features survive and are found under roadbeds or in built out areas.

Know what you are working with. If working near burials make sure the consultant is qualified to work with human remains. If dealing with buildings, you need an architecture specialist. Some companies will have all the staff you need, some specialize only in one or two areas.

# Planning ahead in design



## Reedsburg Broadband Project

600 road miles of fiber optic, that had a potential impact on 250 archaeological sites, 20 historic homes and 3 National Register Districts

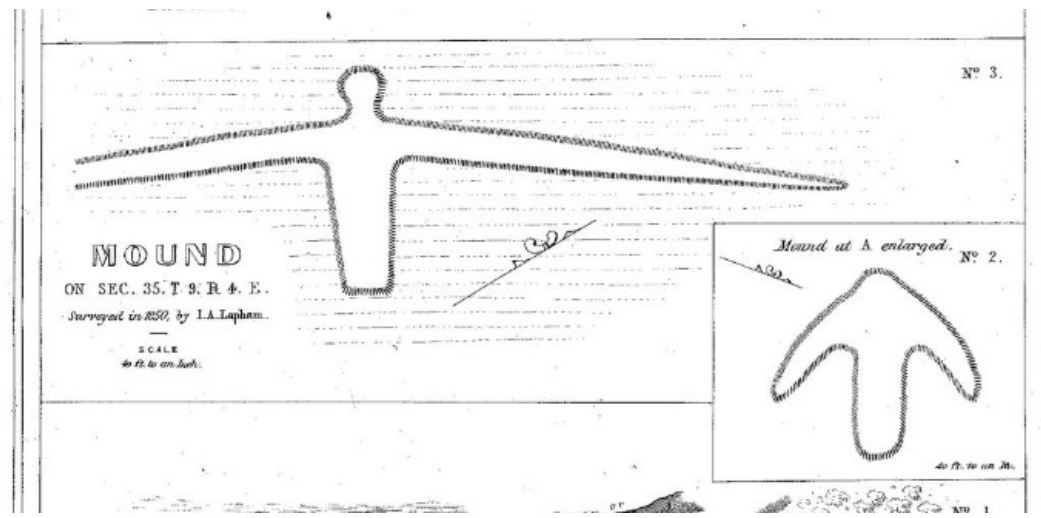
A consultant identified potential conflicts.

SHPO reviewed and came back with suggestions for design changes. Able to complete the SHPO review within 30 days by being organized, communicating and flexible

Original alignment in conflict with SK-0594/BSK-0377, a bird effigy mound burial site.

Site boundaries were not accurate do to poor known records. Additional research found old maps and air photos to “rediscover” the mound.

With the location pinned down, the designer was able to move the line to the east side of the road, away from the site. The research and redesign allowed this leg of the project to proceed with no monitoring vs. monitoring 1000’ of ROW. That resulted in significant cost savings.





# Why we monitor



Undergrounding of an electrical line to a house in Waupaca County

A house was built on a recorded archaeological site, with a burial component before the burial preservation laws were enacted.

Because of a potential impact to a site with known human remains a Request to Disturb burial permit was filled out and approved with the requirement of an archaeological monitor.



The area is obviously disturbed by previous construction but within the excavated trench a feature is exposed.

A small worked piece of copper is found within the feature

While not human remains, it does show that archaeological features will survive even in built out areas



# What happens if you find bones or artifacts?

## DON'T PANIC!

It happens more than you think.

- 1) Are the bones human or animal? If you are not sure, then
- 2) *Stop work*, Call the local police/sheriff for bones, and/or your consultant or the SHPO for artifacts.
- 3) If working in a known burial site or if you got a permit from the SHPO office call *1-800-342-7834*

# Web links:

## **Guidance**

Wisconsin compliance process: <https://www.wisconsinhistory.org/Records/Article/CS15284>

Burials: <https://www.wisconsinhistory.org/Records/Article/CS15239>

Federal: <https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106>

Local: <https://www.wisconsinhistory.org/Records/Article/CS94>

## **SHPO Forms**

Compliance: <https://www.wisconsinhistory.org/Records/Article/CS3986>

Burials: <https://www.wisconsinhistory.org/pdfs/cms/HPR-Request-to-Disturb-Sep-2020.pdf>

## **WHPD**

Data & GIS access: <https://www.wisconsinhistory.org/Records/Article/CS4091>

## **Consultants**

Wisconsin qualified consultants: <https://wisconsinhistory.org/Records/Article/CS2835>

## **Laws**

Federal §106: <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

State §44.40: <https://docs.legis.wisconsin.gov/statutes/statutes/44/ii/40>

State (Burial) §157.70: <https://docs.legis.wisconsin.gov/statutes/statutes/157/iii/70>



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[wisconsinhistory.org](http://wisconsinhistory.org)

