

AGENDA # 3

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION
TITLE: Amendment to Landmarks Commission
Policy Manual

PRESENTED: 9/14/20
REFERRED:
REREFERRED:
REPORTED BACK:

AUTHOR: Heather Bailey, Preservation Planner

ADOPTED: **POF:**

DATED: 9/17/20

ID NUMBER: 62133

Members present were: Anna Andrzejewski, Richard Arnesen, Katie Kaliszewski, Arvina Martin, David McLean, and Maurice Taylor. Excused was Betty Banks.

SUMMARY:

Bailey referenced a previous project the Landmarks Commission reviewed on a site containing a burial mound for which Ald. Martin requested the project undergo an additional review by the Ho-Chunk Nation Tribal Historic Preservation Office. Bailey said that staff has been following State burial law, but is proposing they go above and beyond and add language to the Policy Manual to make it standard practice to include tribal historic preservation offices in the review process. She said that it doesn't happen often, but if the preservation program has a goal of making sure all voices are included and heard, then it makes sense to include tribal voices for those associated sites. She discussed the proposed language and explained that a couple of areas were left non-specific, including the timeline and which tribal historic preservation offices would be contacted. Concerning a timeline, she said that as soon as a submission was received, staff would send the information to the Tribal Historic Preservation Office for input. She said that in the Madison area, likely only the Ho-Chunk Nation would have an interest, but she wanted to leave it open to other tribes who may want to have a voice in the process. She said that she planned to give a presentation at an upcoming meeting of all tribes affiliated with Wisconsin to gather feedback.

Taylor asked about the review process and whether this creates an undue burden on property owners. Bailey said that the state requires a request to disturb permit for sites with known human burials; however, the information in the state system was largely completed by archaeologists and didn't necessarily include tribal voices. She said that the proposed process is not saying property owners can't develop, it is instead actively soliciting tribal comment on the project. She said that staff will put information regarding the added review process on the Landmarks Commission website so that applicants understand and won't be surprised. Taylor asked about the timeline for the tribal review. Bailey said that when she sends the inquiry to the Tribal Historic Preservation Office, she will specify the meeting date when the Landmarks Commission review will take place, so the deadline for feedback will be the date the project is reviewed by the commission. Kaliszewski said that when property owners apply to the state for a permit, there is a 30-day review timeline, so they have an idea of how long it will take. Bailey said that she is going to check if the tribes would like government-to-government communication for this process or if the applicant should contact them. McLean said that it seems like a good idea to get this into our Policy Manual. Martin said that she likes the amendment as well and appreciates that staff has been concerned with maintaining government-to-government relationships with the tribes.

Bailey explained that the tribal meeting she plans to attend is in October, so they may want to discuss and vote on the amendments after that. She said that before she presented the language to the tribes, she wanted to

make sure the commission approved of it. Martin said that her preference would be to make sure the commission approves of the language and then present it at the tribal meeting before officially voting on it. Kaliszewski said that her only comment is that they put in writing the potential timeline for how long tribes have to comment on a project.

ACTION:

A motion was made by Martin, seconded by Arnesen, to refer the item to a future meeting after the proposed amendments have been presented at the tribal meeting. The motion passed by voice vote/other.