

Chapter BB 1

BURIAL SITES PRESERVATION BOARD

BB 1.01 Authority and purpose
BB 1.02 Definitions

BB 1.03 Registry of interested persons

BB 1.01 Authority and purpose. This chapter is promulgated under the authority of ss. 157.70 and 227.11 (2) (a), Stats. and provides a process to implement s.157.70, Stats. This chapter establishes procedures that the burial sites preservation board will use to determine which Indian tribes and other applicants to the registry have an interest in a cataloged burial site or class of cataloged burial sites.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91.

BB 1.02 Definitions. In this chapter:

- (1) "Board" means the burial sites preservation board.
- (2) "Burial site" means any place where human remains are buried.
- (3) "Cataloged" means recorded under s. 157.70 (2) (a), (4) (e), or (6) (c), Stats.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91.

BB 1.03 Registry of interested persons. (1) **PURPOSE.** The registry of interested persons establishes those persons who have an interest, as defined by s. 157.70 (1) (g), Stats. in any particular cataloged burial site or class of cataloged burial sites.

(2) **APPLICATION FOR ENTRY IN THE REGISTRY.** An applicant shall complete the appropriate form provided by the board. This form shall include all of the following:

- (a) The applicant's name and address.
- (b) The name and exact location of the pertinent burial site, or description of the class of burial sites in which the applicant has an interest.
- (c) The documentation of the applicant's interest under at least one of the following categories as established in s. 157.70 (1) (g), Stats.:

1. To demonstrate direct kinship, an applicant shall submit at least two documents in one or more of the following categories:

- a. Legal documents, including birth and death records, wills, or marriage certificates.
- b. Affidavits.
- c. Other historical documents, including genealogies, letters, and family histories.

2. To demonstrate an interest under the other categories, cultural, tribal or religious affiliation; a scientific, environmental, or educational purpose; land use; a commercial purpose not related to land use; or an interest which the board considers to be in the public interest, the applicant shall provide a written statement explaining the type of interest the ap-

plicant has as well as information about why the applicant claims that interest.

Note: The application form for entry in the registry can be obtained at no charge by writing to the Burial Sites Preservation Program, The State Historical Society of Wisconsin, 816 State Street, Madison, Wisconsin 53706.

(3) **INCOMPLETE APPLICATIONS.** An application for entry in the registry shall be sent to the board. If the application is incomplete, the request shall be returned to the applicant within 30 days with an explanation of the deficiencies.

(4) **BOARD REVIEW.** (a) The board shall review a completed application at its next quarterly meeting, provided that the application is received by the board at least 30 days prior to that meeting.

(b) The board shall notify the applicant of the time and place of the meeting at which the application to the registry will be considered.

(c) Based on the documentation presented, the board, by majority vote, shall determine if the applicant has an interest as defined by s. 157.70 (1) (g), Stats., in the particular cataloged burial site or class of cataloged burial sites.

(5) **REMOVAL FROM THE REGISTRY.** (a) If compelling evidence is ever presented to the board to indicate that a person on the registry does not have an interest as defined by s. 157.70 (1) (g), Stats., the board shall notify this person and give this person an opportunity to respond to the board at its next meeting.

(b) If the board decides, by a majority vote, that there is sufficient evidence to indicate that a person on the registry does not have an interest in a cataloged burial site or class of cataloged burial sites, the board shall remove the person's name from the registry.

(c) A person may request his or her own removal from the registry by notifying the board with a letter of explanation.

(d) If notices are mailed to an individual on the registry and referred without a forwarding address, the board may, by a majority vote, remove this person from the registry after 6 months from the date of the returned notice.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91.