

# The Preservationist

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The Member Newsletter of the Elkhart Lake Historic Race Circuits Preservation Society  
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## **Sheboygan County Highway Department Responsible for Unauthorized Project on Historic Circuits**

In November of 2007 the Sheboygan County Highway Department undertook a cut and fill project on the Hamill's Hollow portion of the Elkhart Lake Historic Race Circuits, removing the banks on the north side of the road at the exit onto the Schoolhouse Straight. These banks created one of the most challenging and historically significant turns on the historic circuits. This action took HRC completely by surprise. At a meeting in September 2007, Highway Commissioner, Greg Schnell, told HRC Director, George Bruggenthies, that there were no projects planned for any portion of the Historic Circuits. Yet two months later without notification and consultation the project was unilaterally initiated.

HRC through its attorneys, researched Wisconsin historic preservation law and determined that if the Department failed to provide notice to the Historical Society before starting the project they were in violation of the law. Wisconsin Statutes § 44.42 and § 66.1111 provide that at the earliest stages of planning for any project that may affect a historic property, the Highway Department must notify the Historical Society and provide the project plans for review and determination of "adverse effect" to the property. If the project is determined to have an adverse effect, the Department is required to negotiate with the Society to mitigate or eliminate the adverse effect.

Armed with this knowledge, in early January HRC contacted the Commissioner Schnell to determine if notice had been given. The Commissioner pleaded ignorance of the law and said that to his knowledge, no notice had been given. HRC then contacted the Wisconsin Historical Society and confirmed that notice had not been received.

The Historical Society served notice in a letter dated January 28, 2008, that the subject project was initiated in violation of the law and requested

that the Department submit its project plans for review and determination of adverse effect. On February 8, 2008 Commissioner Schnell called Chip Brown, Compliance Officer for the Historical Society and promised to provide the plans as requested.

After nearly six weeks with no plans having been submitted, Commissioner Schnell again called Chip Brown and suggested that the Historical Society and the Highway Department meet on the actual site to examine the current condition of the project area. It is expected that a meeting will take place sometime during the month of April.

HRC has comprehensive photographs of the Hamill's Hollow banks taken before the project was commenced and has provided them to the Historical Society as reference. It is hoped that the negotiations between the parties will lead to restoration of the banks in their original configuration without legal action being required.

The Sheboygan County Highway Department has shown little regard for historic preservation in the past and failure to submit its project plans for review is one more example. HRC has offered to work with the Highway Department to find ways to meet historic preservation standards within the Department's planning process. To date they have shown little interest in such co-operation. HRC is firmly resolved to use all of its resources, as well as the involvement of the public and State officials to insure complete restoration of the site. We encourage you to express your opinion regarding the actions of the Highway Department by writing to Commissioner Greg Schnell, 1211 North 23<sup>rd</sup> Street, Sheboygan, WI 53081.

For additional information about HRC go to [www.historicracecircuits.com](http://www.historicracecircuits.com).