



**Housing and Revitalization  
Department**

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# **Application for HRD Section 106 Consultation Instructions**



If your project utilizes federal funds or requires a federal license or permit, it will likely require Section 106 consultation to determine if it has the potential to affect historic resources.

**Section 106 of the National Historic Preservation Act (NHPA) of 1966**, Section 106 review applies to any project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including: those carried out by or on behalf of the agency; those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

These activities or projects may affect historically- or culturally significant buildings, properties or sites. The City of Detroit (the City), as the Responsible Entity, is responsible for ensuring that the activities or projects supported by these funds comply with all applicable laws and regulations, one of them being Section 106 of the National Historic Preservation Act of 1966 (NHPA). The City ensures compliance through coordination and consultation with the appropriate regulatory authority.

For HUD-funded activities or projects within the City of Detroit, this authority is the Michigan State Historic Preservation Office (SHPO). However, the SHPO has delegated certain aspects of its authority to the City using a Programmatic Agreement (PA). The PA is the legal document that allows the City of Detroit to expedite the review of its HUD-funded activities or projects. This review process is facilitated and managed by the Preservation Specialist (PS) who is housed in the Environmental Review Section of the Housing & Revitalization Department (HRD). The *Application for Section 106 Review* form and instructions have been adapted from the 2020 *SHPO 106 Consultation Form* to meet the City's PA reporting requirements.

## To Learn More About the Section 106 Process...

More information can be found on the Michigan State Historic Preservation Office's website: [www.michigan.gov/shposection106](http://www.michigan.gov/shposection106).

Additionally, the Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy. The ACHP's Federal Agency Programs administer the National Preservation Act's Section 106 review process and provide guidance on the process:

<http://www.achp.gov/work106.html>.



## BEFORE YOU GET STARTED

Submission of a completed **Application for Section 106 Review** form with adequate information and attachments constitutes a request pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). Submit one application for each project for which a review is requested.

- **The application form is required.** Compliance reports and other documentation submitted for review without an application form will not be reviewed.
- **Answer every question thoroughly.** Sufficient information must be provided to allow HRD to make an informed decision about a project's potential to affect historic properties. If sufficient information is not provided, review will be delayed until HRD receives the required information.
- **Applications and supporting documentation must be complete for review to begin.** HRD cannot concur with projects submitted with incomplete or missing information. Supplemental materials submitted for review will not be returned. Review of the project will begin only after all missing information has been received.
- **The form is a fillable Word document.** The check boxes are clickable. To enter text into the form, click on the appropriate area with blue text. As you type, the boxes will expand. The font is set differently in those text boxes to allow the reviewer to more easily distinguish the questions from the responses, allowing for a more efficient review. If you have text that is too long to fit in the form or will be cumbersome to insert – such as a table or graphics – indicate in the text box that the information will be provided as an attachment and note the attachment on the Attachment Checklist at the end of the form.
- **To initiate Section 106 consultation with the City of Detroit Housing & Revitalization Department, attach the Section 106 Application, along with any supporting attachments (up to 30 MB each and 250MB), through the following link: <https://app.smartsheet.com/b/form/1faa296eedac476a9fbf2ef1916ddb99>. Files too large to upload may be shared to [ciavattonet@detroitmi.gov](mailto:ciavattonet@detroitmi.gov).**



## PREPARING THE APPLICATION FOR SECTION 106 REVIEW

### I. GENERAL INFORMATION

The Application for Section 106 Review requests applicants to indicate whether this project is a new submittal or more information on an existing project.

#### a. PROJECT NAME

The project name should be something that briefly, but clearly, provides a summary of the project.

#### b. PROJECT ADDRESS

If you do not have a single address for the project (for example, streetscapes, utility improvements, new industrial parks, etc.), list the streets where the project will be located or provide clear verbal boundaries for the project location.

##### Examples:

- Streetscapes, utility improvements, street repaving/reconstruction, etc.: Michigan Ave between 1<sup>st</sup> and 10<sup>th</sup> Streets. Union St and Townsend Ave between Main St and Liberty Rd.
- Rural projects without addresses and or extremely large project: 14 blocks roughly bounded by Dunkley to the north, Edwards to the east, Paterson to the south, and Church to the west.

### II. FEDERAL AGENCY INVOLVEMENT AND RESPONSE CONTACT INFORMATION

This section will provide HRD with the names of any other agencies that should receive a copy of our determination, as well as the contacts to whom the copies should be directed and mailing addresses. We cannot guarantee a copy will go to anyone for whom we are lacking a correct and complete mailing address.

#### Tribal Consultation

The Preservation Specialist may be required to facilitate Government-to-Government consultation with local Tribes. This will be based on the project information submitted in the application, and should only be conducted through a federal, state, or local government agency. Applicants are encouraged to communicate with tribes through early coordination in order to identify historic resources. Guidance on early coordination with Indian Tribes during pre-application processes can be viewed here:

[https://www.achp.gov/sites/default/files/documents/2019-10/EarlyCoordinationHandbook\\_102819\\_highRes.pdf](https://www.achp.gov/sites/default/files/documents/2019-10/EarlyCoordinationHandbook_102819_highRes.pdf)

A list of Tribal Contacts can be found in Appendix A.

#### a. STATE AGENCY

If the federal funding is being passed through a state agency, identify the agency and



provide the name(s) of the contact person(s) and contact information for the state agency. If there is no state agency involved in your project, simply leave this section blank.

#### **b. APPLICANT**

The applicant is the party applying for federal funding, not a consultant. Complete this section by providing contact information for the party receiving federal funding.

#### **c. CONSULTANTS**

If a consultant prepared the information for Section 106 review, please provide the consultant's information. If a consultant was not involved in the preparation of this information, simply leave this section blank **SHPO and HRD require that applications for Section 106 consultation and all supporting material be prepared a by or under the supervision of a 36 CFR Part 61 federally qualified professional.** If qualifications have not previously been provided to HRD, please include them with your Section 106 application packet.



### III. PROJECT INFORMATION

#### a. PROJECT LOCATION AND AREA OF POTENTIAL EFFECTS (APE)

##### i. MAPS

All projects must provide a minimum of one map to identify the project location. In many cases, more than one map may be necessary to adequately convey both the project footprint and the Area of Potential Effects (APE). Maps need to allow a reviewer who is not familiar with either your project or its location to clearly understand the exact location where the project will take place as well as the extent of the APE. Maps must have your project footprint/direct effects as well as the extent of indirect effects APE clearly marked and labeled. Street names at the cross streets nearest your project must be visible. If necessary for clarity, separate maps may be submitted for project location and APE, but these must be clearly labeled.

Maps must include a scale, a north arrow, the city and county contained on the map, and any streets or geographic features that are labeled must be legible.

Projects that have a ground-disturbing component **must** also include a 7.5' USGS topographic quadrangle map graphic marked with the project footprint and APE. These maps can be downloaded for free at the USGS Topo View website (<https://ngmdb.usgs.gov/topoview/>). This map should be appropriately cropped and zoomed to clearly show the relevant area(s) and project information. Label this graphic with the official USGS map name. See Section IV Archaeology.

Photographs (see below) must also be marked on a map, with the number of the photograph, and an arrow indicating the direction the camera was facing when the photo was taken.

Aerial images may be included as supplemental documents but will not be accepted in place of the maps required above. Hand-drawn maps are not acceptable, unless they are to scale and used to supplement other maps. An example of an acceptable hand-drawn map would be a site map indicating the location of buildings on a rural property. Hand-drawn maps cannot be substituted for required maps.

##### ii. SITE PHOTOGRAPHS

Photographs must provide clear views (i.e., subject of the photograph should not be obscured by shadows, trees, cars, or any other type of obstruction) of the site of the project and the Area of Potential Effects. If the project covers a large area, provide several views. Aerial photographs are not a substitute for ground-level photographs, although they may be submitted as supplemental to those photographs. Key all photographs to your localized map.

Historic photographs of your APE may be required in certain instances. If your project involves the rehabilitation of a historic property, especially a commercial property, historic



photographs should be submitted. Submissions for streetscape projects should also include historic photographs, especially those that show historic lights and street furniture.

Photographs may be color or black and white and may be printed on regular paper. It is not necessary to use photographic paper when printing digital photos. The printed photos must have a high dpi and clear resolution and should be printed at an appropriate scale to see the content of the photo. Photographs may be printed no more than two per page. Submitting grainy, dark, washed out, or blurry photographs will delay review of your project until the HRD receives clear photographs. Faxed or photocopied photographs are not acceptable.

### **AREA OF POTENTIAL EFFECTS (APE)**

The APE is defined as the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. It is critically important to note that the APE is not simply the project's physical boundaries or right-of-way. In defining the APE, you must consider not only the potential for physical effects but also the potential for visual, auditory, vibratory, and sociocultural (i.e. land use, traffic patterns, public access) effects.

As the APE is influenced by the scale and nature of an undertaking, it will be different for different types of projects. For example, the APE for a new bypass will be larger than the APE for a single site development project.

#### **iii. DESCRIBE THE APE**

Provide a brief verbal description of the APE as it exists now, what types of effects are expected to be caused by the project, and what changes may result from those effects. Verbally identify the boundaries of the APE. If the APE for direct impacts differs from the APE for indirect impacts, identify the boundaries of each.

#### **iv. DESCRIBE THE STEPS TAKEN TO DEFINE THE APE BOUNDARIES CHOSEN**

Provide a written narrative describing the steps that were taken to identify the APE and justify the boundaries chosen.

### **b. PROJECT WORK DESCRIPTION**

Provide a detailed description of all work that will be undertaken as part of the project including both federally funded and non-federally funded activities. Include any information about the scope of the work, building removals, rehabilitation, and landscape alterations such as sidewalk or tree removals.

Plans and specifications or other materials cannot be substituted for this project work description; however, it may be necessary to include them to fully illustrate the scope and nature of the project. If there are historic properties in your APE, HRD will require more detailed project information, including project plans and specifications, to fully assess the effects your project may have on those historic properties.

The work description should include all actions that may impact above or below ground



components of the project area or its area of potential effect. Include information about the project support work, including but not limited to building removals, rehabilitation, new construction, relocations, landscape alteration, tree/vegetation removals, excavations, temporary workspaces, access roads, work site parking, work trailer locations, equipment and materials storage areas, staging, street or sidewalk removal, repair replacement, and the like.

The economic benefits of a project which do not impact historic properties, either architectural, cultural, or archaeological, while important to the project itself, may not be relevant to the Section 106 review. If the economic benefit is such that it will result in a change of land use, traffic patterns, public access, etc., that is something that could have an indirect impact on historic properties and should be included. If the economic benefits will be limited and not have an impact, either directly or indirectly, on the physical environment, then it is not necessary to discuss those economic benefits.





## IV. IDENTIFICATION OF HISTORIC PROPERTIES

Historic properties are defined as any prehistoric or historic district, site, building, structure, object, or landscape listed in, or eligible for inclusion in, the National Register of Historic Places. Failure to identify historic properties may result in HRD requesting additional information and could delay the review of your project.

**SHPO and HRD require that identification and evaluation of historic properties be done by professionals who meet the Secretary of the Interior's Professional Standards in the appropriate field.** For projects involving ground disturbance, agencies must utilize a federally qualified archaeologist; for projects that have the potential to directly or indirectly affect above-ground historic properties, agencies must utilize a federally qualified architectural historian. For agencies that do not have qualified professionals on staff, SHPO maintains lists of consultants meeting the federal qualifications on their website at <https://www.miplace.org/historic-preservation/research-resources/consultant-resources/>

36 CFR Part 800.11(a) requires that any determinations under Section 106 be supported by sufficient documentation to enable any reviewing parties to understand its basis. Include copies of any pertinent resources used to identify historic properties. These could include excerpts from survey reports, copies of Sanborn maps, copies of information found in county histories, etc.

Any documentation submitted in support of recommendations of eligibility for the National Register must clearly identify the source of the materials.

### a. SCOPE OF EFFORT APPLIED

Provide a list of sources consulted for information on historic properties in the project area (including but not limited to the SHPO, THPO offices and/or other locations of inventory data). Additional repositories of data could include local historical societies, local libraries, the Library of Michigan, and universities.

The city encourages applicants to offer early coordination with Tribes, in order to identify historic resources in their Section 106 application. This coordination will not serve as consultation, and formal consultation will be initiated through HRD once a Section 106 application is submitted, and an undertaking is defined.

The SHPO maintains an inventory of previously identified architectural properties and districts that have been determined to be eligible for listing in the National Register. The SHPO's State Archaeological Site File is the only comprehensive listing of previously reported archaeological sites and surveys in the state. These resources are not yet available online. Access to these resources is limited to review in the SHPO office and is by appointment only. Appointments can be made by federally qualified professionals by contacting the research appointment email [SHPOresearch@michigan.gov](mailto:SHPOresearch@michigan.gov). Note that the SHPO and HRD do not conduct file reviews for historic resources. A preliminary research request must be submitted by the qualified individual following the steps outlined on the SHPO website, <https://www.miplace.org/historicpreservation/research-resources/consultant-resources/schedule-a-research-appointment/>, and may take up to 30 days.



Federally qualified archaeologists may submit requests for architectural information as this is publicly available information, but our expectation is that federally qualified architectural historians will make recommendations regarding eligibility for architectural resources. If your project requires both archaeological and architectural records, please coordinate and reduce the number of requests when possible.

Provide information on previously identified historic properties located within your APE using maps and the appropriate Michigan SHPO Identification Form. The map should show the relationships between the direct and indirect APEs and the previously identified historic properties. Include photographs and indicate whether there will be direct or indirect impacts to each of these historic properties.

## **b. IDENTIFICATION RESULTS**

### **i. ABOVE-GROUND HISTORIC PROPERTIES**

The scope of identification efforts should be based on the scope and size of the project. If you are unsure of the level of identification required for your project, please contact HRD staff to discuss. Depending on the scope and nature of the project, additional identification efforts may be required after preliminary materials are reviewed by HRD.

As part of your application package, complete the appropriate [Michigan SHPO Identification Form](#) for each resource over 50 years of age. This includes at a minimum the following information: address, municipality, county, property type, photograph, architectural information (when available for buildings), eligibility recommendation, integrity, survey date/recorder, architectural description, and statement of significance. The architectural description should be a brief description of the building, structure, or object. Provide information on existing materials outbuildings, building form and style, as applicable. The Statement of Significance should include a description of the reasons the property is or is not eligible for inclusion in the National Register, based on the National Register criteria.

If the APE contains an eligible historic district complete a *Michigan SHPO Architectural District/Complex Identification Form* including a description of the district, map or aerial photograph with boundaries, district type, eligibility, integrity, survey date/recorder, statement of significance, and list of historic resources. In this case, do not complete an individual form for each property.

If your APE contains a landscape, use the *Michigan SHPO Cultural Landscape Identification Form* to access the significance of the landscape and associated features.

If your APE has a large (more than 25) number of previously unidentified resources consult with HRD staff prior to completing identification forms to develop a plan appropriate to the scope of work.

### **APPLYING THE NATIONAL REGISTER CRITERIA**

For each identified resource, include a recommendation for eligibility by applying the National Register Criteria for Evaluation found in *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* on the National Park Service website.



(<https://www.nps.gov/subjects/nationalregister/index.htm>) All identification forms must include a brief statement from the qualified professional recommending the whether the property is eligible or not for the National Register, including which of the criteria have been met or not and how they are applicable, or not.

## ii. ARCHAEOLOGY

The SHPO's State Archaeological Site File is the only comprehensive listing of previously reported archaeological sites and surveys in the state. Therefore, HRD and SHPO have outlined requirements for archeological investigations within the City of Detroit under their Programmatic Agreement. Please include the information requested for HRD to determine if further archaeological investigation is required.

Projects that involve temporary or permanent ground disturbance and the total project area is equal to, or greater than a .5-acre in size, must complete this section with the assistance of a federally qualified archaeologist. Projects located within the City's archaeological sensitivity zone require an archaeology assessment regardless of site size when there is ground disturbing activity. When additional assessment, beyond literature review is required, study plans for projects within the sensitivity zone, and/or larger than 2-acres in size require additional consultation with SHPO, prior to any fieldwork commenting. This consultation will be initiated by the City's Preservation Specialist. Consultants should verify archaeology requirements for each specific application and provide as much information as possible for every site, regardless of size.

**A.** Attach a 7.5' USGS topographic quadrangle map showing both the direct and indirect effect APE boundaries, the contextual research radius employed, and the boundaries of any associated previously reported archaeological sites and surveys. Label the graphic Archaeological Sensitivity Map (Not for Public Distribution) and caption with the official quadrangle map name(s). Appropriate base maps can be downloaded free from the USGS topoView website; alternative base maps (e.g. street maps or aerials) may not be substituted but may be included as supplemental. This map should be appropriately cropped and zoomed to clearly show the relevant area(s). This map demonstrates the spatial relationships between the project, reported archaeological sites and surveys, and the larger environmental context, and is the main visual exhibit supporting the related determination of effect.

**B.** Summarize any previously reported archaeological sites and surveys in the project area; this information may be presented in a table.

**C.** List all Town/Range/Section or Private Claim numbers of the project area.

**D.** Describe width(s), length(s), and depth(s) of proposed ground disturbance(s). This may be presented in a table if multiple activities require varying disturbance. Include permanent, temporary (e.g. workspaces or staging areas), and minimal disturbance.

**E.** Will work impact previously undisturbed soils? If so, summarize new ground disturbance. This helps us assess the potential for impacting intact resources.

**F.** Briefly summarize the past and present land use of the project area (any relevant supporting documentation should be submitted as attachments). This research effort should



be proportional to the scope of work. This helps us assess the potential for impacting historically referenced properties that could retain significant archaeological signatures and the horizontal and vertical extent of prior soil disturbance.

**G.** Considering the background research, the overall environmental context, and the proposed scope of work, assess the project's potential (low, moderate, or high) to adversely affect significant archaeological resources, both previously reported and yet undiscovered. This is your research-based opinion. For moderate and high assessments, briefly justify whether archaeological fieldwork is recommended. If fieldwork is recommended, briefly describe what is prescribed (e.g. pedestrian and/or shovel test survey, deep testing, or monitoring). Note that if an adequate survey is conducted, rarely do we support additional monitoring (an exception may be reported human remains in the immediate area).

**Note that archaeological fieldwork is not required for every project, nor is it appropriate for many projects. The need for fieldwork, typically survey, should be determined by HRD in consultation with the SHPO. The archaeological consultant contributing to this form will produce the baseline information to inform these decisions; the consultant cannot require survey.**

**H.** Sometimes a project area has been previously (and adequately) surveyed during an earlier research initiative. If this is the case, check **Yes** and refer to the part a. map and b. summary.

Sometimes fieldwork is conducted for a new project prior to the initiation of HRD or SHPO consultation (e.g. some telecommunications projects or when otherwise required by a federal agency). If this is the case, check **Yes**, provide the full report reference on the form, and attach both a standalone color hardcopy and a consolidated/single PDF (on USB drive or CD) of the new report for review and file.

**I.** Unless previously provided, attach archaeological qualifications and resume for the consultant.



## V. DETERMINATION OF EFFECT

Following a reasonable and good faith effort to identify historic properties within the project's APE (area of potential effects), the City is responsible for providing the SHPO with its finding of effect upon historic properties within the project's APE. While project effects can potentially be either positive or negative, the Section 106 process requires special attention to those impacts that could negatively affect historic resources.

### CRITERIA OF ADVERSE EFFECT

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the national Register. More specifically, the project's effect on the integrity of the property's location, design, setting, materials, workmanship, feeling, or association, including those characteristics that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the project that may occur later in time, be farther removed in distance, or be cumulative.

#### Examples of adverse effects include, but are not limited to:

- Physical destruction of or damage to all or part of the property;
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that **is not** consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines;
- Removal of the property from its historic location;
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

### DETERMINATIONS

After applying the criteria, select the appropriate determination and provide required justification or documentation.

- For a determination of no historic properties affected (36 CFR Part 800.4(d)(1)) in which there are either no historic properties present, or no historic properties affected, include the basis for this determination.
- For a determination of no adverse effect (36 CFR Part 800.5(b)), explain why the criteria of adverse effect (36 CFR Part 800.5(a)(1)) were not found applicable and include any conditions to avoid, minimize, or mitigate adverse effects.
- For a determination of adverse effect (36 CFR Part 800.5(d)(2)), explain why the criteria of adverse effect (36 CFR Part 800.5(a)(1)) were found applicable and include



any conditions to avoid, minimize, or mitigate adverse effects.

**You must provide a statement explaining the basis for the determination of effect above. If your determination is No Adverse Effect or Adverse Effect, you must include copies or summaries of public comment on the affects to historic properties. Applications without this statement will be considered incomplete and cannot be reviewed until the statement is provided.**

The official responsible for the determinations must sign the form.

## **ATTACHMENT CHECKLIST**

The attachment checklist is provided as a quick reference to ensure that all the expected attachments are included with the submission. It will also allow the Preservation Specialist to confirm that all intended maps, qualifications, reports, etc., have been received.

## **CONTACT INFORMATION**

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## APPENDIX A

### Detroit Unanticipated Discoveries Plan Template

#### **Purpose**

This document outlines the procedures to prepare for and address the unanticipated discovery of historic properties or human remains for the [Click or tap here to enter text](#). Project. It provides direction to personnel and their consultants regarding the proper procedures to follow in the event that unanticipated historic properties or human remains are encountered during construction. An unanticipated discovery can result when previously undocumented or unknown historic properties are discovered during the course of construction, demolition, or other work undertaken for remodeling projects. Work should be conducted in accordance with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*.

**Historic structures or buildings** can be districts, sites, buildings, structures, or objects significant in American history, architecture, engineering, archaeology, or culture at the national, State, or local level. Sometimes elements of historic buildings or structures may be hidden by recent additions or alterations. For example, siding may obscure the historic character of a historic home or log cabin.

**Cultural materials** include man-made objects (prehistoric and historic period items) and features (e.g., walls constructed of natural materials such as cobbles; surfaces paved by cobbles, brick, or other material; or other remnants of cultural activity).

Examples of cultural materials include:

- An accumulation of shell, burned rocks, or other food related materials,
- Bones or small pieces of bone,
- An area of charcoal or very dark stained soil with artifacts,
- Stone tools or waste flakes (i.e., an arrowhead, or stone chips),
- Clusters of tin cans or bottles,
- Logging or agricultural equipment that appears to be older than 50 years,
- Buried railroad tracks, decking, or other industrial materials.

**Human remains** are physical remains of a human person or persons, including, but not limited to, bones, teeth, hair, ashes, and preserved soft tissues (mummified or otherwise preserved) of an individual. Remains may be articulated or disarticulated bones or teeth. Any human remains, regardless of antiquity or ethnic origin, will at all times be treated with dignity and respect.



## **A. PROCEDURES FOR UNANTICIPATED DISCOVERY OF HISTORIC BUILDINGS OR STRUCTURES OR CULTURAL MATERIALS**

STOP WORK. If any professional employee, contractor, or subcontractor believes that they have uncovered a historic property, object, or human remains at any point in the project, all work within 100 feet of the discovery must stop. The discovery location should be secured and monitored at all times to prevent looting. Minimize movement of vehicles and equipment in area immediately surrounding the discovery. For the unanticipated discovery of human remains, Native American funerary objects, sacred objects, items of cultural patrimony, or burial features, see procedures in Section B.

- 1) The monitor or construction manager will notify the Preservation Specialist (PS). The PS will make all calls and notifications to SHPO and Tribal Liaisons.
  - a. SHPO and identified Tribal representatives will be invited to observe the implementation of any proposed work.
- 2) Within 24 hours, if possible, a professional archaeologist will examine the location of the discovery.
  - a. If the archaeologist determines that the discovery is not a historic resource, the archaeologist will immediately advise the PS. The archaeologist will submit a report including photographs of the discovery site to the City of Detroit for distribution to Tribal Liaisons and SHPO with a request for expedited review.
  - b. If the archaeologist determines that the discovery is a historic or cultural resource, the archaeologist will immediately advise the PS. The PS will notify the SHPO and Tribal Liaisons by telephone and e-mail. The SHPO will assign an Archaeological Site Number to the discovery.
    - i. If the resource is determined to hold Tribal associations, the PS, archaeologist, SHPO, and Tribal Liaisons will coordinate to determine appropriate preservation, excavation, and disposition of the discovery.
      1. If any photographs or sketches are collected of Native American human remains or funerary objects, disposition of all images, including electronic and physical copies, will be subject to consultation with Tribes and any digital files will be destroyed.
    - ii. If the resource is believed to represent National Register of Historic Places significance, the archaeologist will prepare a proposal for data recovery and will request SHPO and Tribal Liaison approval to immediately implement the work scope.
    - iii. If the resource is determined ineligible for inclusion on the NRHP, the archaeologist will document the discovery in a report (including photographs of the discovery site). The report must also include a completed site form for the discovery and an explanation of why they believe the resource is not significant. The archaeologist will formally request permission from SHPO, and participating Tribal Liaisons, for construction to recommence.
- 3) When the evaluation of the cultural resources is complete The City of Detroit will notify SHPO, and participating Tribal Liaisons, by telephone and discuss the project archaeologist's opinion concerning the potential significance of the resource and next steps if mitigation is required.
- 4) A final report on the findings will be provided to the PS, participating Tribal Liaisons, and SHPO upon completion.





**B. SPECIAL PROCEDURES FOR THE DISCOVERY OF HUMAN REMAINS, NATIVE AMERICAN FUNERARY OBJECTS (ASSOCIATED AND UNASSOCIATED), SACRED OBJECTS, ITEMS OF CULTURAL PATRIMONY, OR BURIAL FEATURES**

1. STOP WORK. If any professional employee, contractor, or subcontractor believes that he or she has uncovered human remains, Native American funerary objects (associated and unassociated), sacred objects, items of cultural patrimony, or burial features at any point in the project, all work adjacent to the discovery must stop. The location should be secured at all times.
  - a. We recommend establishing a 300-foot radius around the finding, setting up of fencing or other protective barrier, and covering the remains for protection. Be careful not to further disturb the remains. Ensure the location is secure and monitor the location to prevent looting or vandalism.
  - b. Procedures will follow steps set forth in the Michigan Attorney general Opinion No. 6585 of 1989, Cemeteries and Dead Bodies and recommended by the SHPO.
2. Call 911 to notify the law enforcement agency. They will then determine if the remains are human, and whether the discovery constitutes a crime scene
3. Notify the PS.
4. Within 48 hours, Tribes should be informed of the discovery by phone and then in writing via U.S. mail or electronic mail. This notification will include pertinent information regarding human remains, funerary objects, sacred objects, or items of cultural patrimony discovered inadvertently or in areas of prior disturbance, their condition, and the circumstances of the discovery.
5. Within 24-hours of the discovery, if possible, a physical anthropologist with forensic experience or expertise or an archaeologist specializing in human osteology, or a forensic scientist will examine the human remains to determine if they are Native American or non-Native American.
  - a) Photography shall/will be limited to those required for forensic examination and criminal investigations and the resultant photographs shall be kept secure. If any photographs or sketches are collected of Native American human remains or funerary objects, disposition of all images, including electronic and physical copies, will be subject to consultation with Tribes and any digital files will be destroyed.
  - b) Pursuant to the Michigan Compiled Laws (§ 333.2853) and the Michigan 1982 Annual Administrative Code Supplement (AACS) (R 325.8052) an application for disinterment must be filed with the local health officer prior to excavation and disinterment of human remains.
  - c) If skeletal remains are determined to be non-human and there is no archaeological association, the archaeologist making the determination will immediately advise the PS, Tribal Liaisons, and SHPO, and construction may resume. The archaeologist will submit a letter report including photographs of the discovery site to the PS within 15 business days of the determination.
  - d) If the skeletal remains are non-human, but are associated with an archaeological site, follow the steps described in Section A, of the Unanticipated Discovery Plan.
  - e) If the skeletal remains are human and not associated with an archaeological context, the PS will notify the Tribal Liaisons and SHPO.
  - f) If the skeletal remains are human and associated with an archaeological context the archaeologist, SHPO, and Tribal Liaisons will coordinate to determine appropriate preservation, excavation, and disposition of remains.
6. When the evaluation of the human remains and/or cultural resources is complete, the City of Detroit will notify Tribal Liaisons and SHPO by telephone or e-mail and discuss the project archaeologist's opinion concerning the potential significance of the resource and next steps if mitigation is required.



7. A final report on the findings will be provided to the PS, Tribal Liaisons, and SHPO upon completion.

### Contact Information

Wayne County Sheriff  
Sheriff Raphael Washington  
4747 Woodward Avenue Detroit, MI 48201  
(313) 224-2222

Detroit Police Department Emergency line- 911  
non-emergency line (313)267-4600

State Historic Preservation Office  
Sarah Surface-Evans, Ph.D., RPA  
Senior Archaeologist  
(517)282-7959  
[surfaceevanss1@michigan.gov](mailto:surfaceevanss1@michigan.gov)

City of Detroit Preservation Specialist  
Tiffany Ciavattone  
(313) 628-0044  
[ciavattonet@detroitmi.gov](mailto:ciavattonet@detroitmi.gov)

City of Detroit Environmental Review Officer  
Penny Dwoinen  
(313) 224-2933  
[dwoinenp@detroitmi.gov](mailto:dwoinenp@detroitmi.gov)

Designated Cultural Resource Firm/Archaeologist (to be contacted in case of discovery)  
Name:  
Title:  
Phone:  
E-mail:

Property Owner/Developer  
Name:  
Title:  
Phone:  
E-mail:



**Tribal Representatives/Liaisons (as of July 2022)**

<p>Bay Mills Indian Community Paula Carrick, THPO 12104 W. Lakeshore Drive Brimley, MI 49715 (906) 248-3241 <a href="mailto:paulacarrick@baymills.org">paulacarrick@baymills.org</a></p>	<p>Forest County Potawatomi Community of Wisconsin Ben Rhodd, THPO P.O. Box 340 Crandon, WI 54520 (715) 478-7354 <a href="mailto:Benjamin.Rhodd@fcp-nsn.gov">Benjamin.Rhodd@fcp-nsn.gov</a></p>
<p>Grand Traverse Bay Band of Ottawa and Chippewa Indians Sammie McClellan-Dyal, Cultural Department Manager <a href="mailto:Sammie.dyal@gtbindians.com">Sammie.dyal@gtbindians.com</a></p>	<p>Hannahville Indian Community Kenneth Meshigaud, Chairperson N14911 Hannahville B1 Road Wilson, MI 4989 (906) 466-2932 <a href="mailto:tyderyien@hannahville.org">tyderyien@hannahville.org</a></p>
<p>Ketegitigaaning Ojibwe Nation THPO / Lac Vieux Desert Band of Lake Superior Chippewa Indians Alina Shively, THPO P.O. Box 249 Watersmeet, MI 49969 (906) 358-0137 <a href="mailto:alina.shively@lvd-nsn.gov">alina.shively@lvd-nsn.gov</a></p>	<p>Keweenaw Bay Indian Community of the Lake Superior Band of Chippewa Indians Alden Connor, THPO 16429 Beartown Rd. Baraga, MI 49908 (906) 353-6623, ext. 4178 <a href="mailto:aconnor@kbic-nsn.gov">aconnor@kbic-nsn.gov</a></p>
<p>Lac du Flambeau Band of Lake Superior Chippewa Indians Sarah Thompson, Tribal Preservation Officer PO Box 67 Lac du Flambeau, WI 54538 (715) 588-2139 <a href="mailto:ldfthpo@ldftribe.com">ldfthpo@ldftribe.com</a></p>	<p>Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (Gun Lake) Lakota Pochedley, THPO 2872 Mission Drive Shelbyville, MI 49344-9580 (269) 397-1780 ext. 1296 <a href="mailto:Lakota.Pochedley@gl-nsn.gov">Lakota.Pochedley@gl-nsn.gov</a></p>
<p>Little Traverse Bay Bands of Odawa Indians Melissa Wiatrolik, THPO 7500 Odawa Circle Harbor Springs, MI 49740 (231) 242-1408 <a href="mailto:Mwiatrolik@LTBBODAWA-NSN.GOV">Mwiatrolik@LTBBODAWA-NSN.GOV</a></p>	<p>Little River Band of Ottawa Indians Jay Sam, THPO 2608 Government Center Drive Manistee, MI 49660  (231) 398-6893 <a href="mailto:jsam@lrboi-nsn.gov">jsam@lrboi-nsn.gov</a></p>
<p>Menominee Indian Tribe of Wisconsin David Grignon, Tribal Historic Preservation Officer PO Box 910 Keshena, WI 54135-0910 (715) 799-5258 <a href="mailto:mitwadmin@mitw.org">mitwadmin@mitw.org</a></p>	<p>Miami Tribe of Oklahoma Diane Hunter, THPO PO Box 1326 Miami, OK 74355 (260) 639-0600 <a href="mailto:THPO@miamination.com">THPO@miamination.com</a></p>
<p>Pokagon Band of Potawatomi Indians Matthew Bussler, THPO 59291 Indian Lake Road Dowagiac, Michigan 49047 (269) 462-4316 <a href="mailto:Matthew.Bussler@pokagonband-nsn.gov">Matthew.Bussler@pokagonband-nsn.gov</a></p>	<p>Sault Ste. Marie Tribe of Chippewa Indians Marie Richards, Cultural Repatriation Specialist 531 Ashmun Street Sault Ste. Marie, MI 49783 (906) 635-6050 <a href="mailto:mrichards@saulttribe.net">mrichards@saulttribe.net</a></p>
<p>Saginaw Chippewa Indian Tribe Marcella Hadden, THPO 6650 E. Broadway Mt. Pleasant, MI 48858 (989) 775-4751 <a href="mailto:mlhadden@sagchip.org">mlhadden@sagchip.org</a></p>	<p>Michigan Anishinaabek Cultural Preservation and Repatriation Alliance William Johnson <a href="mailto:WJohnson@sagchip.org">WJohnson@sagchip.org</a></p>



**Housing and Revitalization  
Department**

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2 Woodward Avenue, Suite 908  
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<p>Seneca Cayuga Nation William Tarrant, THPO PO Box 453220 Grove, OK 74345 (918) 787-5452 ext. 344 <a href="mailto:wtarrant@sctribe.com">wtarrant@sctribe.com</a></p>	<p>Nottawaseppi Huron Band of the Potawatomi Jamie Stuck, Tribal Council Chairperson 1485 Mno-Bmadzewen Way Fulton, MI 49052 (269) 729-5151 <a href="mailto:jamie.stuck@nhbp-nsn.gov">jamie.stuck@nhbp-nsn.gov</a></p>
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Updated contact information can be found through HUD's Tribal Directory Assessment Tool (TDAT) <https://egis.hud.gov/TDAT/> and the Bureau of Indian Affairs (BIA) Tribal Leaders search tool <https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes>.



## Definitions

**Documentation of Archaeological Materials** Archaeological deposits discovered during construction will be assumed eligible for inclusion in the National Register of Historic Places under Criterion D until a formal Determination of Eligibility is made. The consultant shall ensure the proper documentation/assessment/curation of any discovered cultural resources in cooperation with the City, SHPO, and affected tribes. All precontact and historic cultural material discovered during project construction will be recorded by a 36 CFR Part 61 qualified archaeologist on cultural resource site or isolate form using standard techniques. Site overviews, features, and artifacts will be photographed; stratigraphic profiles and soil/sediment descriptions will be prepared for subsurface exposures. Discovery locations will be documented on scaled site plans and site location maps. Refer to 36 CFR Part 79 for standards for curation of archaeological collections. Tribes will be given the opportunity to object to the photography of site overviews, features, and artifacts. If any such affected Tribe objects, the same shall not be photographed.

**Funerary Objects (associated and unassociated)**- any artifacts or objects that, as part of a death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later.

**Ground Disturbing Activities**- Ground disturbance is defined as any activity that compacts or disturbs the ground within a project area or staging areas.

**Items of Cultural Patrimony**- An object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian Tribe or Native Hawaiian Organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group. [25 USC 3001 (3)(D)]

**Monitoring Plan**- observation of construction excavation activities by an archaeologist and/or Tribal monitor in order to identify, recover, protect and/ or document archaeological information or materials. An archaeologist who meets the Secretary of the Interior's Professional Qualification Standards must be present for all monitored excavations. The selection of a precontact or historic qualified archaeologist should be based upon the type of archaeological deposits that are anticipated to be encountered. During monitoring, excavation is not under the control of the archaeologist although the archaeologist may be given authority to temporarily halt construction work. Therefore, a protocol for construction work stoppages must be developed to enable the archaeologist's time for recordation and/or for any archaeological evaluation or data recovery that may be needed.

**Phase I**- Identification/Technical Report/Preliminary archaeological assessment- Initial investigation as part of 106 application, development of context and background.

If, at the conclusion of the preliminary archaeological assessment, the City of Detroit Preservation Specialist, the Tribes, and SHPO Archaeologists determine either that the site plan area has no substantial



archaeological significance, or that the proposed construction or development will not have a substantial adverse impact on any known or potential archaeological resources. The Preservation Specialist will submit a letter certifying that no historic properties are affected (NHPA) or a letter stating there is no adverse effect on a historic resource (NAE) and no further review shall be required.

Example activities include:

Literature review

Inventory of all previously identified cultural resources within 1/2 mile of the project area

Field reconnaissance, including pedestrian survey, shovel testing and remote sensing of the property

Consultation with local residents, historians, archaeologists

Other non-permitted investigations

**Phase II-** Evaluation of site- Complete when enough information is gathered to make a determination.

A Phase II study should determine the historic/cultural significance of sites/materials located during the Phase I survey.

Example activities:

Trenching or Wide-area stripping

Test excavations

Feature excavation

Soil/flotation samples

The research design for any projects in the sensitivity areas should be reviewed by SHPO prior to fieldwork. Outside of the sensitivity areas, study plans for projects over 2 acres in size should be sent to SHPO for comment prior to fieldwork.

**Phase III-** Data Recovery Plan/Mitigation- If Phase I & II evaluations conclude there are Historic Properties on the site, and the project is determined to have an effect on that resource, the Preservation Specialist will coordinate with SHPO and the Tribes to issue a Conditional Approval, Conditional Approval with No Adverse Effects (CNAE), or a finding of an Adverse Effect (AE).

If the City determines that it is not feasible to preserve or avoid NRHP-eligible or listed archaeological resources, the City shall consult with the SHPO archaeologists and the Tribes to develop a site-specific mitigation or treatment plan consistent with the Advisory Council on Historic Preservation (ACHP) publication, Treatment of Archaeological Properties: A Handbook (1980).

- a. Section 106 requires that a Memorandum of Agreement (MOA) be prepared for those projects which will have an adverse effect on the identified archaeological resources. The City shall ensure that the treatment plan is implemented and documented by a qualified archaeologist once it is approved by the SHPO Archaeologist and consulting Tribes.

Ex: Official site registration, deliverable reports, archaeological artifact inventory, curatorial services

- b. In the case of a failure to reach an agreed-upon treatment plan, the ACHP will issue formal advisory comments to the head of the agency. The head of the agency must then consider and



respond to those comments.

**Sacred Objects**- Specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. [25 USC 3001 (3)(C)]