

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER, THE POKAGON
BAND OF POTAWATOMI INDIANS,
THE MICHIGAN STATE POLICE EMERGENCY MANAGEMENT
AND HOMELAND SECURITY DIVISION, THE
MATCH-E-BE-NASH-SHE-WISH BAND OF POTTAWATOMI INDIANS, THE
NOTTAWASEPPI HURON BAND OF THE POTAWATOMI, AND THE MIAMI TRIBE
OF OKLAHOMA**

WHEREAS, the mission of the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards; and

WHEREAS, FEMA makes assistance available to States, Territories, Commonwealths, local governments, Federally recognized Indian Tribes (Tribes), nonprofit organizations, institutions of higher education, individuals, and other eligible entities through programs (Programs) set forth in Appendix A, pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (codified as amended at 42 U.S.C. § 4001 *et seq.*); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (codified as amended at 6 U.S.C. § 741 *et seq.*); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407, Public Alert and Warning System, (2006), and such other acts, executive orders, or implementing regulations as are enacted from time to time; and

WHEREAS, FEMA has determined that implementing its Programs may result in Undertakings (as defined by 54 U.S.C. § 300320 and 36 CFR § 800.16(y)) that may affect properties listed in or eligible for listing in the National Register of Historic Places (National Register) pursuant to 36 CFR Part 60 (historic properties), and FEMA has consulted with the Michigan State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA), Pub. L. No. 89-665 (1966) (codified as amended at 54 U.S.C. § 306108), and the regulations implementing Section 106 of the NHPA (Section 106) at 36 CFR Part 800 (Protection of Historic Properties); and

WHEREAS, FEMA, the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) have determined that FEMA's Section 106 requirements can be more effectively and efficiently implemented and delays to the delivery of FEMA assistance minimized if a programmatic approach is used to stipulate roles and responsibilities, exempt certain Undertakings from Section 106 review, establish protocols for consultation, facilitate identification and evaluation of historic properties, and streamline the assessment and resolution of adverse effects; and

Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

WHEREAS, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the ACHP and NCSHPO to serve as a basis for negotiation of a State/Tribal specific Programmatic Agreement (Agreement) with the SHPO, State/Tribal Emergency Management Agency, and/or participating Tribe(s); and

WHEREAS, this Agreement conforms to the FEMA Prototype Agreement as designated by the ACHP on December 17, 2013, and therefore does not require the participation or signature of the ACHP; and

WHEREAS, in order to implement its Programs, FEMA will provide assistance to State of Michigan and/or Tribes (Recipient(s)) that may provide monies and other assistance to eligible Subrecipients, and as such, FEMA has invited the Michigan State Police Emergency Management and Homeland Security Division, one Recipient responsible for administering funds provided under these Programs, to execute this Agreement as a Invited Signatory; and

WHEREAS, FEMA also may directly perform its own Undertakings pursuant to this Agreement; and

WHEREAS, in anticipation or in the immediate aftermath of an event, impacted communities and the State of Michigan, and/or affected Tribes, may conduct critical preparedness, response and recovery activities to safeguard public health and safety and/or to restore vital community services and functions before, during, and or following an event. Some of these activities may become Undertakings requiring Section 106 review subject to the terms of this Agreement, and FEMA shall coordinate the appropriate review as warranted; and

WHEREAS, FEMA has determined that its Programs may result in Undertakings with the potential to affect historic properties having religious and cultural significance to Tribes, including sites that may contain human remains and/or associated cultural items; and

WHEREAS, FEMA in meeting its Federal trust responsibility, recognizes that the following Tribes may have sites of religious and cultural significance on or off Tribal lands in Michigan [as defined in 36 CFR § 800.16(x)]:

Resident Tribes

- Bay Mills Indian Community
- Grand Traverse Band of Ottawa and Chippewa Indians
- Hannahville Indian Community
- Keweenaw Bay Indian Community of the Lake Superior Band of Chippewa Indians
- Lac Vieux Desert Band of Lake Superior Chippewa Indians
- Little River Band of Ottawa Indians
- Little Traverse Bay Bands of Odawa Indians
- Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
- Nottawaseppi Huron Band of the Potawatomi
- Pokagon Band of Potawatomi Indians
- Saginaw Chippewa Indian Tribe of Michigan
- Sault Ste. Marie Tribe of Chippewa Indians of Michigan

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Non-Resident Tribes

- Bad River Band of Lake Superior Tribe of Chippewa Indians
- Bois Forte Band of Chippewa Indians
- Chippewa Cree Tribe of the Rocky Boy's Reservation of Montana
- Citizen Potawatomi Nation, Oklahoma
- Delaware Nation
- Delaware Tribe
- Fond du Lac Band of Lake Superior Chippewa
- Forest County Potawatomi Community of Wisconsin
- Grand Portage Band of Lake Superior Chippewa
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
- Leech Lake Band of Ojibwe
- Menominee Indian Tribe of Wisconsin
- Miami Tribe of Oklahoma
- Mille Lacs Band of Ojibwe Indians
- Ottawa Tribe of Oklahoma
- Prairie Band of Potawatomi Nation
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Red Lake Band of Chippewa Indians of Minnesota
- Sac and Fox Tribe of the Mississippi in Iowa
- St. Croix Chippewa Indians of Wisconsin
- White Earth Band of Ojibwe
- Wyandotte Nation
- Shawnee Tribe

WHEREAS, the following Tribes have assumed the responsibilities of the SHPO in their Tribal lands in Michigan through appointment of a Tribal Historic Preservation Officer (THPO) in accordance with Section 101 of the NHPA:

- Bay Mills Indian Community, Michigan
- Keweenaw Bay Indian Community
- Lac Vieux Desert Band of Lake Superior Chippewa Indians
- Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
- Nottawaseppi Huron Band of the Potawatomi
- Pokagon Band of Potawatomi Indians
- Saginaw Chippewa Indian Tribe of Michigan
- Little Traverse Bay Bands of Odawa Indians

and FEMA shall consult with the THPO in lieu of the SHPO for Undertakings occurring on or affecting their Tribal lands; and

WHEREAS, FEMA has invited the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Pokagon Band of Potawatomi Indians to enter into this Agreement as Signatory party to fulfill the requirements of Section 106; and

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WHEREAS, the Pokagon Band of Potawatomi Indians, having participated in the development of this Agreement, have agreed to sign this Agreement as Signatory party to fulfill the requirements of Section 106; and

WHEREAS, the following Tribes, having participated in the development of this Agreement, have agreed to sign this Agreement as Invited Signatories: Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma; and

WHEREAS, FEMA may invite additional Tribes that have sites of religious and cultural significance to enter into the terms of this Agreement as Signatories or concurring parties in accordance with 36 CFR § 800.14(f), and nothing in this Agreement prevents a Tribe from entering into a separate Programmatic Agreement or other agreement with FEMA for administration of FEMA Programs; and

WHEREAS, the terms of this Agreement shall not apply to Undertakings on or affecting Tribal lands without prior execution of the Agreement by the affected Tribe(s); and

WHEREAS, for the review of specific Undertakings under this Agreement, FEMA may invite other agencies, organizations, and individuals to participate as consulting parties; and

NOW, THEREFORE, FEMA, the Recipient(s), SHPO, and participating Tribe(s) (Signatories) agree that FEMA Programs in the State of Michigan and/or on Tribal lands within the State of Michigan shall be administered in accordance with the following Stipulations to satisfy FEMA's Section 106 and Section 110 responsibilities for all resulting Undertakings and effectively integrate historic preservation compliance considerations into the delivery of FEMA assistance. FEMA will not authorize implementation of an individual Undertaking until Section 106 review is completed pursuant to this Agreement.

STIPULATIONS

To the extent of its legal authority, and in coordination with other Signatories, FEMA shall ensure that the following measures are implemented:

I. GENERAL

A. Applicability

1. The execution of this Agreement supersedes the terms of any previously executed Programmatic Agreements and Protocol Documents in the State of Michigan.
2. For FEMA Undertakings that also are within the jurisdiction of the Federal Communications Commission (FCC) and within the scope of its Section 106 Programmatic Agreements for communication facilities, FEMA defers Section 106 review in accordance with the ACHP Program Comment as amended on July 31, 2020 (Program Comment to Avoid Duplicative Reviews for Wireless Communications Facilities Construction and Modification | Advisory Council on

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Historic Preservation (achp.gov)). The approval of funding for the FEMA Undertaking shall be conditioned upon the compliance of the Subrecipient with FCC's applicable Section 106 review, including any required consultation with Tribes. FEMA shall notify the SHPO/THPO when it applies the ACHP Program Comment to an Undertaking. FEMA remains responsible for any FEMA Undertakings it determines are outside the jurisdiction of FCC.

3. In the event of a Stafford Act major disaster or emergency declaration (Declaration), State, Tribal and local governments may lack the capability to perform or to contract for emergency work, and instead request that the work be accomplished by a Federal agency. FEMA may perform this work directly, or through a mission assignment (MA), may direct appropriate Federal agencies to perform the work pursuant to Titles IV and V of the Stafford Act and 44 CFR Part 206. This Agreement shall apply to such Federal assistance undertaken by or directed by FEMA.
4. FEMA may utilize this Agreement to fulfill its Section 106 responsibilities and those of other Federal agencies that designate FEMA as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2) with appropriate notification to the other Signatories and the ACHP regarding Undertakings that fall within the scope of this Agreement. When FEMA is not designated as the lead Federal agency, all Federal agencies, including FEMA, remain individually responsible for their compliance with Section 106. This provision does not prevent FEMA from recognizing another Federal agency as lead Federal agency for specific Undertakings as appropriate.
5. If another Federal program or Federal agency has concluded Section 106 consultation review and approved an Undertaking within the past five (5) years, FEMA has no further requirement for Section 106 review regarding that Undertaking provided that FEMA:
 - a. confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of its Undertaking are the same as that of the Undertaking reviewed by the previous agency, and;
 - b. determines that the previous agency complied with Section 106 appropriately; and
 - c. adopts the findings and determinations of the previous agency.

FEMA shall document these findings in its project file in order to confirm that the requirements of Section 106 have been satisfied. Should FEMA, in consultation with SHPO and participating Tribe(s), determine that the previous Section 106 review was insufficient or involved interagency disagreements about eligibility, effect, and/or treatment measures, FEMA shall conduct additional Section 106 consultation in accordance with the terms of this Agreement.

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6. With the written concurrence of the Signatories, other Federal agencies providing financial assistance for the same type of activities covered under the terms of this Agreement as outlined in Appendix A may satisfy their Section 106 responsibilities for such activities by accepting and complying in writing with the terms of this Agreement.
 - a. Other Federal Agencies may include States, Tribes, and units of general local government who have assumed environmental responsibilities of the U.S. Department of Housing and Urban Development and, acting as the Responsible Entity pursuant to 24 CFR Part 58, are responsible for environmental review, decision-making and action.
 - b. In such situations, the other Federal Agency shall notify the Signatories in writing of its intent to use this Agreement to achieve compliance with its Section 106 requirements and consult with the Signatories regarding its Section 106 compliance responsibilities. Resumes of staff who meet the (Secretary's) Professional Qualification Standard(s) and will review Second Tier projects in accordance with Appendix B of this Agreement shall be provided to FEMA and the SHPO/THPO.
7. FEMA has determined that the following types of activities have limited or no potential to affect historic properties and FEMA has no further Section 106 responsibilities with regards to them, pursuant to 36 CFR § 800.3(a)(1):
 - a. Pursuant to 44 CFR § 206.110(m), assistance to individuals and households provided under 44 CFR Part 206, Subpart D and Section 408 of the Stafford Act, including funding for owner occupied home repair, content replacement, personal property, transportation and healthcare expenses, is exempt from the provisions of Section 106. For ground disturbing activities, and construction related to 44 CFR §§ 206.117(b)(1)(ii) (temporary housing), 206.117(b)(3) (replacement housing), 206.117(b)(4) (permanent housing construction), 206.117(b)(2)(ii)(F) (repair of a structure's access and egress, including privately owned access roads and privately owned bridges), and repair of multi-family housing units, FEMA shall conduct Section 106 review.
 - b. Administrative actions such as personnel actions, travel, procurement of services, supplies (including vehicles and equipment) for the support of day-to-day and emergency operational activities, and the temporary storage of goods provided storage occurs within existing facilities or on previously disturbed soils.
 - c. Granting of variances, and actions to enforce Federal, Tribal, State, or local codes, standards, or regulations.
 - d. Monitoring, data gathering, and reporting in support of emergency and disaster planning, response and recovery, and hazard activities.

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- e. Research and development of hazard warning systems, hazard mitigation plans, codes and standards, and education/public awareness programs.
 - f. Assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding.
 - g. Assistance provided for training, management and administration, exercises, and mobile/portable equipment purchases; with the exception of potential ground-disturbing activities and modification of existing structures.
 - h. Community Disaster Loans for funding to perform governmental functions for any eligible jurisdiction in a designated disaster area that has suffered a substantial loss of tax and other revenue pursuant to Section 417 of the Stafford Act.
 - i. Funding the administrative action of acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements.
 - j. Funding the administrative action of acquiring properties in acquisition projects, including the real estate transaction.
 - k. Labor, equipment and materials used to provide temporary security in the Declaration area, including lease, rental, purchase or repair of equipment or vehicles and payment for staff and contract labor.
 - l. Application of pesticides to reduce adverse public health effects, including aerial and truck-mounted spraying.
 - m. Unemployment assistance pursuant to Section 410 of the Stafford Act.
 - n. Distribution of food coupons pursuant to Section 412 of the Stafford Act.
 - o. Legal services pursuant to Section 415 of the Stafford Act.
 - p. Crisis counseling pursuant to Section 416 of the Stafford Act.
8. Any FEMA Programs authorized by the United States Congress in the future may be included in this Agreement in accordance with Stipulation IV.A, Amendments. Any change in the FEMA name, Programs, or organizational structure shall not affect this Agreement.

B. Roles and Responsibilities of the Signatories

1. FEMA:

- a. FEMA shall use Federal, Tribal, State, Subrecipient, or contractor staff whose qualifications meet the Secretary of the Interior's (Secretary's) Professional Qualifications Standards (Professional Qualifications) set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended

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(Qualified), in identifying the area of potential effects, completing identification and evaluation of historic properties, making determinations of effects, and applying Tier II Programmatic Allowances as outlined in Appendix B. FEMA shall review any National Register eligibility determination and make its own findings of effect resulting from the performance of these activities prior to submitting such determinations to the SHPO and participating Tribe(s).

- i. FEMA acknowledges that Tribes possess special expertise in assessing the National Register eligibility of properties with religious and cultural significance to them. Tribal leaders, and as appropriate, their representatives, shall decide who meets qualifications/standards as defined by their Tribes for review of Undertakings affecting properties with religious and cultural significance to them.
- b. FEMA alone shall conduct all Section 106 consultation with Tribes. In accordance with 36 CFR § 800.2(c)(4), FEMA may authorize the Recipient(s), or a Subrecipient through the Recipient(s), to initiate the Section 106 process with the SHPO and other consulting parties, assist in identifying other consulting parties with a demonstrated interest in the Undertaking, and prepare any necessary analyses and documentation, but FEMA shall remain responsible for determinations of National Register eligibility and findings of effect recommended by the authorized party. FEMA shall follow the process set forth in Stipulation I.B.1(a), FEMA Roles and Responsibilities, and notify the SHPO in writing when a Recipient or Subrecipient has been authorized to initiate consultation on FEMA's behalf.
- c. Prior to authorizing the release of funds for individual Undertakings requiring grant conditions pursuant to this Agreement, FEMA shall inform the Recipient(s) of all stipulations and conditions and ensure that they are understood so they can be adequately conveyed to the subrecipient. FEMA shall work in partnership with the Recipient(s) to provide Subrecipients with guidance on in-kind repair pursuant to *The Secretary of the Interior's Standards for the Treatment of Historic Properties 2017 (Secretary's Standards)*, 36 CFR Part 68, or the most updated version, and techniques to avoid or minimize adverse effects to historic properties.
- d. FEMA shall provide the other Signatories and the ACHP with an annual report for the previous calendar year by March 31 of each year that this Agreement is in effect. This annual report will summarize the actions taken to implement the terms of this Agreement, statistics on Undertakings reviewed, and recommend any actions or revisions to be considered, including updates to the appendices.
- e. FEMA shall confer annually and as necessary with the other Signatories within sixty (60) days after issuance of the annual report, to review the report

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and/or discuss issues and concerns in greater detail. This review shall occur in person or by telephone as determined by FEMA.

- f. FEMA shall notify the SHPO and affected Tribe(s), as soon as practicable, following a Declaration to provide specific points of contact and other pertinent information about the Declaration.
 - g. FEMA may convene an initial scoping meeting with the Signatories and other interested parties as soon as practicable after each Declaration to address Declaration-specific issues and procedures.
 - h. FEMA shall ensure that all documentation resulting from Undertakings reviewed pursuant to this Agreement is consistent with applicable SHPO and Tribal guidelines and the confidentiality provisions of 54 U.S.C. § 307103 and 36 CFR § 800.11(c).
2. State and Tribal Historic Preservation Officers (S/THPOs):
- a. The S/THPO shall review FEMA's determination of the Areas of Potential Effects (APE), National Register eligibility determinations, and effect findings and respond within timeframes required by this Agreement.
 - b. Upon request, the S/THPO may provide FEMA and/or its designee(s) with available information about historic properties (such as access to online systems or site files, GIS data, survey information, geographic areas of concern). Such data sharing may be memorialized in an agreement. Only Qualified FEMA staff and/or designee(s) shall be afforded access to protected historic property information. Data will be protected per the most current MI SHPO Data Confidentiality Standards for Archaeology, Attached as Appendix F (https://www.miplace.org/49f0bc/globalassets/documents/shpo/programs-and-services/archaeology/crm-106-and-research/data_confidentiality_standards_for_shpo_archaeology.pdf).
 - c. The S/THPO shall identify staff or consultants to assist FEMA staff with their Section 106 responsibilities, and identify, in coordination with FEMA, those activities within the Section 106 review process that S/THPO may perform for specific Undertakings as agreed in writing with FEMA.
 - d. As requested, S/THPO staff shall be reasonably available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media. In those instances where consultation with S/THPO has occurred, FEMA shall provide a written summary via e-mail or regular mail to S/THPO, including any decisions that were reached.
 - e. In accordance with state and Tribal law, the S/THPO may delegate some or all of its responsibilities under this Agreement to one or more Liaisons to serve as a dedicated point of contact for consultation with FEMA. The S/THPO and FEMA shall collaborate regarding the selection of any Liaisons, the scope of

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responsibilities delegated and related implementing procedures. S/THPO shall formally document these decisions for FEMA. Liaisons are not required to be members of the S/THPO staff.

- f. The S/THPO shall participate in an initial scoping meeting for a Declaration.
 - g. The S/THPO may assist local jurisdictions and/or the Recipient(s) in the State of Michigan with advance planning efforts to consider historic properties in the context of homeland security considerations, including disaster preparedness, response, recovery, and mitigation programs for which FEMA funding may be requested.
 - h. The S/THPO shall coordinate with FEMA, to identify consulting parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
 - i. The S/THPO shall participate in annual reviews convened by FEMA to review the effectiveness of this Agreement in accordance with Stipulation I.B.1(e).
3. Recipient(s):
- a. The Recipient(s) shall ensure that their Subrecipients understand and acknowledge conditions and potential requirements that may be placed upon Undertakings as a result of Section 106 consultation and the provisions of this Agreement.
 - b. The Recipient(s) shall participate in an initial scoping meeting for a Declaration.
 - c. The Recipient(s) shall ensure that their Subrecipients understand that failure to comply with any project-specific conditions that have been placed on their grants could jeopardize FEMA funding.
 - d. The Recipient(s) shall notify FEMA as soon as possible of any proposed change to the approved scope of work. The Recipient(s) shall direct their Subrecipient not to implement the changes to the proposed scope of work until any additional review required by this Agreement is complete.
 - e. The Recipient(s) shall ensure that its Subrecipients are made aware that in the event of an unexpected discovery involving an Undertaking that has affected a previously unidentified historic property or human remains or affected a known historic property in an unanticipated manner, the Subrecipient will comply with Stipulation III.B, Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects.
 - f. The Recipient(s) shall ensure that in its subgrant agreements, any scope of work involving ground disturbance, and resultant contracts to execute said

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work, provide for the protection of and notification protocols for unexpected discoveries or unexpected effects to historic properties and human remains.

- g. If a Signatory Tribe assumes the role of Recipient for projects on Tribal lands, the Tribe shall assume the same responsibilities as outlined in Stipulation I.B.3 of this Agreement, Roles, and Responsibilities of the Signatories.

C. Tribal Consultation

1. For FEMA Undertakings on Tribal lands or affecting properties of religious and cultural significance, and where no tribe-specific consultation agreements or protocols are in place, FEMA shall consult with affected Tribe(s) or in accordance with 36 CFR Part 800. In determining who the affected Tribe(s) may be, FEMA will first establish that it is a type of Undertaking with potential to affect historic properties with religious and cultural significance and may consult with the SHPO, Tribe(s), the Michigan Anishinaabek Cultural Preservation & Repatriation Alliance, the United Tribes of Michigan, and access any database or other tools to identify geographic tribal interests.
2. To the extent permitted by Section 304 of the NHPA, Section 9(a) of the Archeological Resources Protection Act (ARPA) (16 U.S.C. §470aa – 470mm), and any other applicable laws, FEMA shall ensure it withholds information protected by such laws from public disclosure.
3. FEMA shall invite affected Tribe(s) to participate in the initial scoping meeting within their geographic area of interest for each Declaration.

D. Public Participation

1. FEMA recognizes that the views of the public are essential to informed decision making throughout the Section 106 consultation process. FEMA shall notify the public of proposed Undertakings in a manner that reflects the nature, complexity, significance of historic properties likely affected by the Undertaking, the likely public interest given FEMA's specific involvement, and any confidentiality concerns of Tribe(s), private individuals and businesses.
2. FEMA may consult with the Recipient(s), Subrecipient, SHPO, and participating Tribe(s), and other consulting parties to determine if there are individuals or organizations with a demonstrated interest in historic properties that should be included as a consulting party for the Undertaking in accordance with 36 CFR § 800.2(c)(5). If such parties are identified or identify themselves to FEMA, FEMA shall provide them with information regarding the Undertaking and its effects on historic properties, consistent with the confidentiality provisions of 36 CFR § 800.11(c).
3. In accordance with the outreach strategy developed for an Undertaking in consultation with the SHPO and participating Tribe(s) for involving the public,

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FEMA shall identify the appropriate stages for seeking public input during the Section 106 consultation process. FEMA shall consider all views provided by the public regarding an Undertaking.

4. FEMA may also provide public notices and the opportunity for public comment or participation in an Undertaking through the public participation process of the National Environmental Policy Act (NEPA) and its implementing FEMA's implementing policies set forth in DHS Directive No. 023-01, Implementation of the National Environmental Policy Act (Oct. 31, 2014); DHS Instruction No. 023-01-001-01, Implementation of the National Environmental Policy Act (Nov. 6, 2014); FEMA Directive No. 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements (Oct. 10, 2018); FEMA Instruction No. 108-1-1, Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements (Oct. 10, 2018); and/or Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands, as set out in 44 CFR Part 9, and Executive Order 12898, Environmental Justice, provided such notices specifically reference Section 106 as a basis for public involvement.
5. Should a member of the public object in writing to the implementation of this Agreement's terms, FEMA will notify the other signatories in writing and take the objection into consideration. FEMA shall consult with the objecting party and, if that party so requests, the other Signatories, for not more than thirty (30) days from the date that FEMA notifies the objecting party of FEMA's receipt of their comments. In reaching its decision regarding the objection, FEMA shall take into consideration all comments from these parties. Within fifteen (15) days after closure of this consultation period, FEMA shall provide the other parties with its final decision in writing.

E. Timeframes and Communications

1. All time designations shall be in calendar days unless otherwise stipulated. If any Signatory does not object to FEMA's finding or determination related to an Undertaking within an agreed upon timeframe, FEMA may proceed to the next step in the consultation process as described in Stipulation II, Project Review.
2. Due to the varied nature of Undertakings, the individual response times to FEMA's requests for comment/concurrence will vary. These response times are contingent upon FEMA ensuring that its findings and determinations are made by Qualified staff and supported by documentation as required by 36 CFR § 800.11(d) and 36 CFR § 800.11(e), and consistent with FEMA guidance.
 - a. For Emergency Undertakings as outlined in Stipulation II.B, Expedited Review of Emergency Undertakings, the SHPO and participating Tribe(s) shall respond to any FEMA request for comments within three (3) days after

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receipt, unless FEMA determines the nature of the emergency action warrants a shorter time period.

- b. For Undertakings associated with the Individual Assistance (IA) and Public Assistance (PA) programs, the response time for each request for concurrence while the Joint Field Office (JFO) is open shall be a maximum of fifteen (15) days, or in accordance with temporary timelines established by FEMA and agreed to by the SHPO and participating Tribe(s) on a Declaration-by-Declaration basis.
 - c. For the Hazard Mitigation Grant Program (HMGP), all non-disaster programs, and IA and PA undertakings to be reviewed after the JFO is closed, the response time for each request for concurrence shall be a maximum of thirty (30) days.
3. The consulting parties may send and accept official notices, comments, requests for further information and documentation, and other communications required by this Agreement by e-mail.

II. PROJECT REVIEW

A. Programmatic Allowances

1. If FEMA determines that the entire scope of an Undertaking conforms to one or more allowances in Appendix B of this Agreement, with determinations for Tier II allowances being made by Qualified staff, FEMA shall complete the Section 106 review process by documenting this determination in the project file, without S/THPO review or notification.
2. If the Undertaking involves a National Historic Landmark (NHL), FEMA shall notify the SHPO, participating Tribe(s), and the NPS NHL Program Manager of the NPS Midwest Regional Office that the Undertaking conforms to one or more allowances. FEMA shall provide information about the proposed scope of work for the Undertaking and the allowance(s) enabling FEMA's determination.
3. If FEMA determines any portion of an Undertaking's scope of work does not conform to one or more allowances listed in Appendix B, FEMA shall conduct expedited or standard Section 106 review, as appropriate, for the entire Undertaking in accordance with Stipulation II.B, Expedited Review for Emergency Undertakings, or Stipulation II.C, Standard Project Review.
4. Allowances may be revised, and new allowances may be added to this Agreement in accordance with Stipulation IV.A.3, Amendments.

B. Expedited Review for Emergency Undertakings

1. Determine Expedited Review

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- a. As part of the Declaration process, FEMA shall define the time interval during which the disaster causing incident occurs (the incident period, as defined in 44 CFR § 206.32(f)). FEMA may approve direct Federal assistance and/or funding for emergency work (as defined in 44 CFR § 206.201(b)) that occurs during the incident period, including work already completed, in response to an immediate threat to human health and safety or property. Pursuant to 36 CFR § 800.12(d), FEMA may conduct expedited review of emergency Undertakings for thirty (30) days from the beginning of the incident period.
 - b. Should FEMA determine that it is necessary to extend the expedited review period for emergency Undertakings beyond the initial thirty (30) days, FEMA shall, in thirty (30)-day increments, as needed, notify in writing the ACHP, Recipient, SHPO and participating Tribe(s).
2. Conduct Expedited Reviews
- a. If the emergency Undertaking is an immediate rescue and salvage operation conducted in response to an event to preserve life and property, FEMA has no Section 106 consultation responsibilities in accordance with 36 CFR § 800.12(d); or
 - b. If the emergency Undertaking meets one or more of the Allowances in Appendix B of this Agreement, FEMA shall complete the Section 106 review process pursuant to Stipulation II.A.1, Programmatic Allowances.
 - c. If FEMA determines that the emergency Undertaking would adversely affect a historic property during this expedited review period:
 - i. To the extent practicable, FEMA will propose treatment measures that would address adverse effects during implementation and request the comments of the SHPO and participating Tribe(s) within three (3) calendar days of receipt of this information unless FEMA determines the nature of the emergency warrants a shorter time period.
 - ii. FEMA may provide this information through written requests, telephone conversations, meetings, or electronic media of official SHPO transmission channels. In all cases, FEMA shall clarify that an “expedited review” is being requested for the Undertaking.
 - iii. FEMA shall take into account any timely comments provided by SHPO and/or participating Tribe(s) in making a decision on how to proceed.
 - iv. Should the SHPO and/or participating Tribe(s) not comment within three (3) calendar days, FEMA shall complete Section 106 consultation for the Undertaking based on the available information.

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- v. FEMA shall notify the SHPO and participating Tribe(s) of the final decision, indicating how any comments received were considered in reaching that decision.
 - vi. FEMA will also provide any reports or treatment plans resulting from the emergency Undertaking to the SHPO and participating tribes for their records.
- C. Standard Project Review: For Undertakings not exempt from further Section 106 review, FEMA shall ensure that the following standard project review steps are implemented. In the interest of streamlining, FEMA may combine some or all of these steps during consultation in accordance with 36 CFR § 800.3(g).
- 1. *Consulting Parties:* FEMA shall consider all written requests of individuals and organizations to participate as consulting parties, and consult with the SHPO and participating Tribe(s) to identify any other parties that meet the criteria to be consulting parties and invite them to participate in the Section 106 process. FEMA may invite others to participate as consulting parties as the Section 106 consultation proceeds. FEMA shall invite any individual or organization that will assume a specific role or responsibility outlined in a Memorandum of Agreement (MOA) or Programmatic Agreement to participate as an invited Signatory to the agreement.
 - 2. *Area of Potential Effects:*
 - a. For standing structures not adjacent to or located within the boundaries of a National Register listed or eligible district, Qualified staff may define the Area of Potential Effects (APE) as the individual structure when the proposed Undertaking is limited to its repair or rehabilitation (as defined in 36 CFR § 68.2(b)).
 - b. For all other Undertakings, Qualified staff shall determine the APE in consultation with the SHPO and participating Tribe(s). FEMA may consider information provided by other parties, such as local governments and the public, when establishing the APE.
 - 3. *Identification and Evaluation:* Qualified staff shall determine, in consultation with the SHPO and participating Tribe(s) if the APE contains historic properties, including properties of religious and cultural significance. This may include the review of documentation provided by the Recipient(s) or Subrecipient in coordination with the S/THPO.
 - a. *Level of Effort:* FEMA shall make a reasonable and good faith effort to identify historic properties in accordance with 36 CFR § 800.4(b)(1). FEMA may consult with the S/THPO to determine the level of effort and methodology necessary to identify and evaluate a variety of historic property types. For properties of religious and cultural significance to affected Tribe(s),

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FEMA shall consult with the affected Tribe(s) to determine geographical areas containing them that may be affected by an Undertaking and determine the necessary level of effort to identify and evaluate or avoid any such historic properties.

- b. *National Historic Landmarks:* When FEMA identifies an Undertaking with the potential to affect an NHL, FEMA shall contact the NPS NHL Program Manager of the NPS Midwest Regional Office in addition to the SHPO, participating Tribe(s), and other consulting parties. The purpose of this notification is to ensure early coordination for the Undertaking which FEMA later may determine adversely affects the NHL as outlined in Stipulation II.C.6.
 - c. *Determinations of Eligibility:* FEMA shall review or determine National Register eligibility based on identification and evaluation efforts, and consult with SHPO, participating Tribe(s), and other consulting parties regarding these determinations. Should the SHPO, participating Tribe(s), or another consulting party disagree with the determination of eligibility, FEMA shall either:
 - i. Elect to consult further with the objecting party until the objection is resolved;
 - ii. Treat the property as eligible for the National Register; or
 - iii. Obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR § 63.2(d)-(e) and 36 CFR § 800.4(c)(2).
4. *Findings of No Historic Properties Affected:*
- a. FEMA shall make a finding of “no historic properties affected” under the following circumstances:
 - i. If no historic properties are present in the APE;
 - ii. The Undertaking is designed to avoid effects to historic properties, including National Register listed or eligible properties of religious or cultural significance to participating Tribe(s); or
 - iii. The Undertaking does not affect the character defining features of a historic property.
 - b. FEMA shall notify the SHPO, participating Tribes(s), and any other consulting parties of this finding and provide supporting documentation in accordance with 36 CFR § 800.11(d). Unless the SHPO or participating Tribe(s) objects to the finding within the applicable timeframe outlined in Stipulation I.E, Timeframes and Communications, the Section 106 review of the Undertaking will have concluded.

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- c. If the SHPO, or participating Tribe(s) objects to a finding of “no historic properties affected,” FEMA shall consult with the objecting party to resolve the disagreement.
 - i. If the objection is resolved, FEMA either may proceed with the Undertaking in accordance with the resolution or reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation II.C.5, Application of the Criteria of Adverse Effect, below.
 - ii. If FEMA is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review FEMA’s finding in accordance with 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C). FEMA shall consider the ACHP’s recommendation in making its final determination. If FEMA’s final determination is to reaffirm its “no historic properties affected” finding, the Section 106 review of the Undertaking will have concluded. Otherwise, FEMA will proceed to Stipulation II.C.5., below.
- 5. *Application of the Criteria of Adverse Effect:* If FEMA finds an Undertaking may affect historic properties in the APE, including those of religious or cultural significance to affected Tribe(s), FEMA shall apply the criteria of adverse effect to historic properties within the APE(s), taking into account the views of the consulting parties and the public concerning effects in accordance with 36 CFR § 800.5(a).
 - a. If FEMA determines that an Undertaking does not meet the adverse effect criteria, FEMA shall propose a finding of “no adverse effect” in accordance with 36 CFR § 800.5(b).
 - i. FEMA shall notify the SHPO, participating Tribe(s), and all other consulting parties of its finding and provide supporting documentation pursuant to 36 CFR §800.11(e).
 - ii. Unless a consulting party objects within the applicable timeframe outlined in Stipulation I.E, Timeframes and Communications, FEMA will proceed with its “no adverse effect” determination and conclude the Section 106 review.
 - iii. If a consulting party objects to a finding of “no adverse effect,” FEMA will consult with the objecting party to resolve the disagreement.
 - 1) If the objection is resolved, FEMA shall proceed with the Undertaking in accordance with the resolution, or;
 - 2) If the objection cannot be resolved, FEMA shall request that the ACHP review the findings in accordance with 36 CFR § 800.5(c)(3)(i)-(ii) and submit the required supporting documentation.

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FEMA shall consider the ACHP's comments in making its final determination.

- b. If FEMA finds the Undertaking may adversely affect historic properties, FEMA shall request through the Recipient(s) that the Subrecipient revise the scope of work to substantially conform to the *Secretary's Standards* for standing structures, or avoid or minimize adverse effects for National Register listed or eligible archaeological properties.
 - i. If the Subrecipient modifies the scope of work to avoid the adverse effect(s), FEMA shall notify the SHPO, participating Tribe(s), and all other consulting parties, and provide supporting documentation. Unless a consulting party makes a timely objection in accordance with the applicable timeframe outlined in Stipulation I.E, Timeframes and Communications, FEMA shall proceed with its "no adverse effect" determination, including any conditions, and conclude the Section 106 review.
 - ii. If an Undertaking is not modified to avoid the adverse effect(s), FEMA shall initiate consultation to resolve the adverse effect(s) in accordance with Stipulation II.C.6, Resolution of Adverse Effects.
6. *Resolution of Adverse Effects*: If FEMA determines that an Undertaking may adversely affect a historic property, it shall resolve the effects of the Undertaking in consultation with the SHPO, Recipient(s), Subrecipient, participating Tribe(s), the ACHP, if participating, and other consulting parties, by one of the following methods depending upon the severity of the adverse effect(s) as well as the determination of the historic property's significance on a local, state or national level. When FEMA determines an Undertaking will adversely affect an NHL, FEMA shall notify and invite the Secretary and ACHP to participate in consultation in accordance with 36 CFR § 800.10. When the ACHP participates in consultation related to an NHL, the ACHP shall report the outcome of the consultation to the Secretary and the FEMA Administrator.
 - a. *Abbreviated Consultation Process*: After taking into consideration the significance of the historic properties affected, the severity of the adverse effect(s) and avoidance or minimization of the adverse effect(s), FEMA may propose in writing to the consulting parties to resolve the adverse effects of the Undertaking through the application of one or more Treatment Measures outlined in Appendix C as negotiated with the SHPO, participating Tribes, and other consulting parties. The use of these Treatment Measures shall not require the execution of a MOA or Programmatic Agreement.
 - i. In consultation with the SHPO, participating Tribe(s), and other consulting parties, FEMA shall propose in writing the implementation of a specific Treatment Measure, or combination of Treatment Measures, with the intent of expediting the resolution of adverse effects, and provide

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documentation as required by 36 CFR § 800.11(e) and subject to the confidentiality provisions of 36 CFR § 800.11(c)). Unless a consulting party or the ACHP objects within fifteen (15) days of receipt of FEMA's proposal, FEMA shall proceed with the implementation of the Treatment Measure(s) and will conclude the Section 106 review.

- ii. If any of the consulting parties or the ACHP objects within the fifteen (15) day review and comment period to the resolution of adverse effects through the application of the Abbreviated Consultation Process, FEMA shall resolve the adverse effect(s) using procedures outlined below in Stipulation II.C.6(b), MOA or Stipulation II.C.6.(c), Programmatic Agreement.
 - iii. Because funding and implementation details of Treatment Measures for specific Undertakings may vary by program, FEMA shall provide written notice to the consulting parties within sixty (60) days of the completion of the Treatment Measure(s). This written notice will serve as confirmation that the Treatment Measure(s) for a specific Undertaking have been implemented. FEMA also shall include information pertaining to the completion of Treatment Measures in the annual report pursuant to Stipulation I.B.1(d), FEMA Roles and Responsibilities.
- b. *Memorandum of Agreement:* FEMA shall provide the ACHP with an adverse effect notice in accordance with 36 CFR § 800.6(a)(1) if it has not already provided such under the Abbreviated Consultation Process of this Agreement, if a consulting party or the ACHP objects in accordance with Stipulation II.C.6(a)(ii), or if FEMA, in consultation with the SHPO, participating Tribe(s), and other consulting parties, has determined that an MOA would be more appropriate to resolve adverse effects. In consultation with the SHPO, participating Tribe(s), and other consulting parties, including the ACHP (if participating), FEMA shall develop an MOA in accordance with 36 CFR § 800.6(c) to agree upon treatment measures to avoid, minimize, and/or mitigate the adverse effect(s) on historic properties. The MOA may also include treatment measures that serve an equal or greater public benefit in promoting the preservation of historic properties in lieu of more traditional treatment measures.
- c. *Programmatic Agreement:* Should the execution of an MOA be inappropriate given the similar nature of effects on historic properties, the inability to determine effects prior to approval of an Undertaking, or where other circumstances warrant, FEMA, shall consult with the SHPO, participating Tribe(s), the ACHP, if participating, and any other consulting parties to develop a Programmatic Agreement in accordance with 36 CFR § 800.14(b) and identify programmatic conditions or treatment measures to govern the resolution of potential or anticipated adverse effects from certain complex

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project situations for an Undertaking or for multiple but similar Undertakings by a single Subrecipient.

7. *Objections:* Should any Signatory or consulting party object within the timeframes established by this Agreement to any plans, specifications, or actions taken pursuant to resolving an adverse effect, FEMA shall consult further with the objecting party to seek resolution. If FEMA determines the objection cannot be resolved, FEMA shall address the objection in accordance with Stipulation IV.B, Dispute Resolution.

III. OTHER CONSIDERATIONS

- A. Changes to an Approved Scope of Work: The Recipient(s) shall notify FEMA and shall require a Subrecipient to notify it immediately when a Subrecipient proposes changes to an approved scope of work for an Undertaking.
 1. If FEMA determines the change meets a Programmatic Allowance or has no effect on the property, FEMA shall approve the change.
 2. If the change can be modified to meet a Programmatic Allowance, or conform to any applicable Secretary's Standards, FEMA shall conclude its Section 106 review responsibilities.
 3. If FEMA determines that the change does not meet an Allowance, FEMA shall initiate consultation pursuant to Stipulation II.C, Standard Project Review.
- B. Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects:
 1. Upon notification by a Subrecipient of an unexpected discovery, or if it appears that an Undertaking has affected a previously unidentified property or affected a known historic property in an unanticipated manner, in accordance with Stipulation I.B.3(e), Recipient(s) Roles and Responsibilities, the Recipient(s) shall immediately notify FEMA and require the Subrecipient to:
 - a. Stop construction activities in the vicinity (defined as one hundred feet (100')) of the discovery.
 - b. Take all reasonable measures to avoid or minimize harm to the property until FEMA has completed consultation with the SHPO, participating Tribe(s), and any other consulting parties. Upon notification by the Recipient of a discovery, FEMA shall immediately notify the SHPO, participating Tribe(s), and other consulting parties that may have an interest in the discovery, previously unidentified property, or unexpected effects, and consult to evaluate the discovery for National Register eligibility and/or the effects of the Undertaking on historic properties. Please refer to Appendix H for the Unanticipated Encounters/Discoveries Plan templates provided by Tribes and SHPO for appropriate process steps in documentation.

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- c. If human remains are discovered, the vicinity is defined as two hundred feet (200'), and the next step is to notify the local law enforcement office and coroner/medical examiner and SHPO in accordance with applicable Michigan Attorney General's Opinion No. 6585 dated June 7, 1989, and protect the remains from any harm. Discoveries of human remains on Federal or Tribal lands shall be subject to the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. §3001-3013, 18 U.S.C. § 1170) and ARPA, as applicable.
- d. Assist FEMA in completing the following actions, as required:
 - i. FEMA shall consult with the SHPO, participating Tribe(s), and other consulting parties in accordance with the consultation process outlined in Stipulation II, Project Review, to develop a mutually agreeable action plan with timeframes to identify the discovery or previously unidentified property, take into account the effects of the Undertaking, resolve adverse effects if necessary, and ensure compliance with applicable Federal, State, and local statutes.
 - ii. FEMA shall coordinate with the Recipient(s) and the Subrecipient regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.
 - iii. In cases where discovered human remains are determined to be Native American, FEMA shall consult with the appropriate Tribal representatives and SHPO. In addition, FEMA shall follow the guidelines outlined in the ACHP's updated *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2023) and the Michigan Attorney General's Opinion No. 6585 (June 7, 1989) regarding the disinterment and reinterment of human remains.

C. Curation

1. In cases where archaeological survey and testing are conducted on private land, any recovered collections remain the property of the landowner. In such instances, FEMA and the Recipient(s), in coordination with the SHPO, and affected Tribe(s), shall encourage landowners to donate the collection(s) to an appropriate public or Tribal entity. In cases where the property owner wishes to transfer ownership of the collection(s) to a public or Tribal entity, and in the case of artifacts recovered from public lands, FEMA and the Recipient(s) shall ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by FEMA, SHPO, and affected Tribe(s), and following applicable State or Tribal guidelines.
2. When an Undertaking will adversely affect a National Register listed or eligible archaeological site, FEMA may treat the adverse effect by providing for the

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recovery of significant information through archaeological data recovery. FEMA shall consult with the SHPO, participating Tribe(s), and other consulting parties to prepare a research design (data recovery plan), including a specific plan for curation. This plan will incorporate any relevant curation provisions contained in the SHPO's most current Archaeological Standards, the ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 Federal Register 27085-27087 (May 18, 1999)), or other provisions agreed to by the consulting parties. No excavation should be initiated before FEMA acceptance and approval of the curation plan.

- a. As stipulated in the curation plan, artifacts, as well as field and laboratory records sufficient to document the collection, shall be curated at a facility, preferably in-state, that meets the standards of, and in accordance with the provisions of 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections," and applicable State or Tribal requirements.

D. Review of Undertakings Initiated Before Initiation or Completion of Section 106 Review

1. In accordance with Section 110(k) of the NHPA, FEMA shall not grant assistance to a Subrecipient who, with intent to avoid the requirements of this Agreement or Section 106 of the NHPA, has intentionally, significantly, and adversely affected a historic property to which the assistance would relate, or having legal power to prevent it, allowed an adverse effect to occur. However, if after consultation with the SHPO, appropriate Tribes(s), Recipient, and ACHP, FEMA determines that extraordinary circumstances justify granting assistance despite the adverse effect created or permitted by the Subrecipient, FEMA shall complete consultation for the Undertaking pursuant to the terms of this Agreement.
2. FEMA shall specifically advise the Recipient(s) and shall require that the Recipient(s) advise its Subrecipients in writing that they may jeopardize Federal funding if work is performed without all required local, State, and Federal licenses, permits, and/or approvals, including the completion of the Section 106 process. FEMA also shall document this requirement in its Record of Environmental Consideration, as applicable, as well as all project approval documents specifying the project scope and limits, and containing all conditions and caveats.
3. In circumstances where FEMA determines a Subrecipient has initiated an Undertaking without willful intent to avoid the requirements of this Agreement or Section 106 of NHPA, FEMA shall proceed as follows:
 - a. Determine if the Undertaking is of a type for which FEMA has no further Section 106 responsibilities, namely:

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- i. An Undertaking listed in Stipulation I.A.7; or
 - ii. An immediate rescue and salvage operation in accordance with 36 CFR § 800.12(d); or
 - iii. A Programmatic Allowance as described under Stipulation II.A.
- b. In any such cases listed in Stipulation III.D.3.a., above, FEMA shall document this determination in the project files, and consider the Undertaking Section 106 compliant.
- c. If FEMA determines the Undertaking would have required Section 106 review, FEMA shall coordinate with the SHPO and appropriate Tribe(s) to determine if consultation is feasible.
 - i. If after coordination with the SHPO and appropriate Tribes, FEMA determines that consultation is feasible, FEMA shall review the Undertaking in accordance with Stipulation II.C, Standard Project Review.
 - ii. If after coordination with the SHPO and appropriate Tribe(s), FEMA determines that review is infeasible, FEMA shall document the outcome to the Section 106 review process and inform FEMA's Federal Preservation Officer (FPO) of the outcome. The applicable FEMA program shall take the outcome into account before making a decision whether to fund the Undertaking. FEMA shall provide written notification of its funding decision to the SHPO, appropriate Tribe(s), Recipient, and the ACHP.
4. FEMA shall ensure that all Undertakings considered for after the fact review in accordance with this stipulation are included in the annual report.

IV. IMPLEMENTATION OF AGREEMENT

A. Amendments

1. If any Signatory determines that an amendment to the terms of this Agreement must be made, the Signatories shall consult for no more than thirty (30) days to seek amendment of the Agreement.
2. An amendment to this Agreement, exclusive of the appendices, shall be effective only when it has been signed by all the Signatories. An amendment shall be effective for Undertakings occurring on or affecting historic properties on Tribal lands only when the Tribe has signed the Agreement and its amendment.
3. Appendix A (FEMA Programs), Appendix B (Programmatic Allowances), Appendix C (Treatment Measures), and Appendix D (Workflow Diagrams) may be amended at the request of FEMA or another Signatory in the following manner:

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- a. FEMA, on its own behalf or on behalf of another Signatory, shall notify the Signatories of the intent to modify the current Appendix or Appendices and shall provide a draft of the updated Appendix or Appendices to all Signatories.
- b. If no other Signatory objects in writing within thirty (30) days of receipt of FEMA's proposed modification, FEMA shall date and sign the amended Appendix and provide a copy of the amended Appendix to the other Signatories. Such an amendment shall go into effect on the date FEMA transmits the amendment to the other Signatories.

B. Dispute Resolution

1. Should any Signatory object in writing to the terms of this Agreement, FEMA shall consult with the objecting party for not more than thirty (30) days to resolve the objection.
2. If the objection is resolved within thirty (30) days, FEMA shall proceed in accordance with the resolution.
3. If FEMA determines within thirty (30) days that the objection cannot be resolved, FEMA shall forward to ACHP all documentation relevant to the objection, including FEMA's proposed resolution. Within thirty (30) days of receipt, ACHP will:
 - a. Concur in FEMA's proposed resolution; or
 - b. Provide FEMA with recommendations, which FEMA shall take into account in reaching a final decision regarding the objection; or
 - c. Notify FEMA that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so.
4. FEMA shall take into account any ACHP recommendations or comments, and any comments from the other Signatories, in reaching a final decision regarding the objection. FEMA shall provide in writing to the ACHP and Signatories a summary of its final decision before authorizing any disputed action to proceed. The Signatories shall continue to implement all other terms of this Agreement that are not subject to objection.
5. Should ACHP not respond within thirty (30) days, FEMA may assume ACHP has no comment and proceed with its proposed resolution to the objection after providing the ACHP and Signatories a written summary of its final decision.

C. Severability and Termination

1. In the event any provision of this Agreement is deemed by a Federal court to be contrary to, or in violation of, any applicable existing law or regulation of the

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United States of America, only the conflicting provision(s) shall be deemed null and void, and the remaining provisions of the Agreement shall remain in effect.

2. FEMA, the SHPO, ACHP, or Recipient(s) may terminate this Agreement by providing thirty (30) days written notice to the other Signatories, provided that the Signatories consult during this period to seek amendments or other actions that would prevent termination. If this Agreement is terminated, FEMA shall comply with Section 106 through other applicable means pursuant to 36 CFR Part 800. Upon such determination, FEMA shall provide all other Signatories and the ACHP with written notice of the termination of this Agreement.
3. A participating Tribe may notify the other Signatories that it is fully withdrawing from participation in the Agreement. Following such a withdrawal, FEMA shall review undertakings that may affect historic properties of religious and cultural significance to the Tribe, and Undertakings that occur on the Tribal lands of the relevant Tribe, in accordance with 36 CFR §§ 800.3 through 800.7, 36 CFR § 800.8(c), or an applicable alternative under 36 CFR § 800.14. Withdrawal from this Agreement by a Tribe does not terminate the Agreement. At any time that this Agreement remains in effect, a Tribe that has withdrawn from the Agreement may notify FEMA, the Recipient(s), and SHPO in writing that it has rescinded its notice withdrawing from participation in the Agreement.
4. This Agreement may be terminated by the implementation of a subsequent Agreement, pursuant to 36 CFR § 800.14(b), that explicitly terminates or supersedes this Agreement, or by FEMA's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

D. Duration and Extension

1. This Agreement shall remain in effect from the effective date for a period not to exceed ten (10) years unless otherwise extended pursuant to Stipulation IV.D.2 below, or terminated pursuant to Stipulation IV.C.2 or IV.C.4, Severability and Termination. The Agreement shall remain in effect for Declarations made prior to expiration of the Agreement in order to minimize delays in delivery of FEMA assistance.
2. The Signatories may collectively agree to extend this Agreement to cover additional calendar years, or portions thereof, through an amendment per Stipulation IV.A., provided that the original Agreement has not expired.

E. Execution and Implementation

1. This Agreement may be executed in counterparts, with a separate page for each Signatory, and shall become effective on the date of the final signature of FEMA, the SHPO, and participating Tribes.

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2. The Agreement shall go into effect regarding Undertakings occurring, or affecting historic properties, on Tribal lands when the relevant Tribe has signed the Agreement.
3. FEMA shall ensure that each Signatory is provided with a complete copy of the Agreement, including an original set of signatures.
4. Execution and implementation of this Agreement evidence that FEMA has afforded ACHP a reasonable opportunity to comment on FEMA's administration of all referenced Programs, and that FEMA has satisfied its Section 106 responsibilities for all individual Undertakings of its referenced Programs.

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Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
SIGNATORY**

By: _____

Thomas C. Sivak
Regional Administrator,
FEMA Region 5

_____ Date

DRAFT

Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

**MATCH-E-BE-NASH-SHE-WISH BAND
OF POTTAWATOMI INDIANS OF MICHIGAN
INVITED SIGNATORY PARTY**

By: _____

Melissa Brown
Senior Director of Operations

_____ Date

DRAFT

Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

**MICHIGAN STATE HISTORIC PRESERVATION OFFICE (SHPO)
SIGNATORY**

By: _____

Ryan M. Schumaker
SHPO

_____ Date

DRAFT

Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

**MICHIGAN STATE POLICE EMERGENCY MANAGEMENT
AND HOMELAND SECURITY DIVISION (MSP)
INVITED SIGNATORY**

By: _____

Captain Kevin Sweeney
Commander

_____ Date

DRAFT

Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI
INVITED SIGNATORY PARTY**

By: _____

Jaime Stuck
Chairperson

_____ Date

DRAFT

Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

**POKAGON BAND OF POTAWATOMI INDIANS
SIGNATORY PARTY**

By: _____

Tribal Council Chairperson

_____ Date

DRAFT

Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

**MIAMI TRIBE OF OKLAHOMA
INVITED SIGNATORY**

By: _____

Douglas G. Lankford
Chief

_____ Date

DRAFT

Michigan Statewide PA among FEMA, SHPO, the Pokagon Band of Potawatomi Indians, MSP, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of the Potawatomi, and the Miami Tribe of Oklahoma

**CONFERENCE ON MICHIGAN ARCHAEOLOGY
CONCURRING PARTY**

By: _____

John Chenoweth, Ph.D.
President

_____ Date

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Appendix A

FEMA Program Summaries

This Appendix may be amended in accordance with Stipulation IV.A., Amendments.

Disaster Programs

The following programs are authorized under Titles IV and V of the Stafford Act:

Community Disaster Loan Program

The Stafford Act authorizes FEMA to make community disaster loans to help local governments that have incurred significant revenue losses due to a presidentially declared major disaster if necessary for a local government to perform its governmental functions.

Fire Management Assistance Grant Program (FMAG)

The FMAG is available to State, Tribal, and local governments for the mitigation, management, and control of fires on publicly or privately owned lands.

Hazard Mitigation Grant Program (HMGP)

The HMGP provides grants to States, Territories, Tribes, local governments, and private nonprofit organizations to implement long-term hazard mitigation measures after a Declaration.

Individual Assistance Programs (IA)

The Stafford Act authorizes a wide variety of direct and financial assistance to individual and households affected by a Declaration, and FEMA has implemented these authorities under the umbrella of its Individual Assistance Program, which include crisis counseling (Section 416); disaster legal services (Section 415); unemployment assistance (Section 410); food coupons (Section 412); case management (Section 426); and funeral services, minor home repairs, and temporary housing assistance (Section 408). It should be noted that other Federal agencies provide disaster assistance programs, services, and activities to individuals as well, including the U.S. Small Business Administration, U.S. Department of Agriculture, and U.S. Department of Labor, but these other assistance programs are not subject to the terms of this Agreement.

Public Assistance Program (PA)

The Stafford Act authorizes federal assistance for state, territorial, tribal, and local governments and certain private non-profit entities to respond to emergencies and to respond to and recover from major disasters. FEMA has administratively combined these authorities under the umbrella of its Public Assistance Program. The Public Assistance Program provides a broad range of assistance. First, it provides direct services and financial assistance for emergency assistance, such as emergency evacuation, sheltering, and debris removal. Second, it provides financial assistance for the permanent restoration of disaster-damaged facilities. Third, it includes emergency transportation and emergency communications assistance.

Resilience Programs-Mitigation

Community Assistance Program – State Services Support Elements (CAP-SSSE)

The CAP-SSSE Program provides financial assistance to states to provide technical assistance to communities in the National Flood Insurance Program (NFIP) and to evaluate community performance in implementing NFIP floodplain management activities.

Cooperating Technical Partners Program (CTP)

The CTP Program provides financial assistance to states, local and Tribal governments, institutions of higher education, and other organizations to build upon and enhance the existing capabilities of these entities to increase local involvement in, and ownership of flood hazard identification, flood map maintenance, risk assessment, and risk communication to encourage responsible floodplain management and support their jurisdictional responsibilities as participating members of the NFIP.

Flood Mitigation Assistance Program (FMA)

The FMA Program provides grants to States, Territories, Tribal entities, and local governments for planning and carrying out activities designed to reduce the risk of flood damage to structures covered under contracts for flood insurance under the NFIP.

National Earthquake Hazard Reduction Program (NEHRP)

The NEHRP provides financial assistance to certain organizations to mitigate earthquake losses in the United States through basic and directed research and implementation activities.

National Public Infrastructure Pre-Disaster Hazard Mitigation Program (aka Building Resilient Infrastructure and Communities (BRIC))

Authorized by Section 1234 of the Disaster Recovery Reform Act, this Program is funded as six (6) percent set aside from disaster expenses, to provide support to states, local communities, tribes and territories a greater investment in a broad range of eligible hazard mitigation activities before a disaster. Guiding principles of the BRIC program are supporting communities through capability- and capacity-building; encouraging and enabling innovation; promoting partnerships; enabling large projects; maintaining flexibility; and providing consistency.

Resilience Programs-Preparedness

Assistance to Firefighters Grant Program

The AFG program provides funding for purchase of equipment and retrofit or construction of fire stations to improve first responder capabilities.

Emergency Operations Center (EOC) Grant Program

The EOC grant program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable Emergency Operations Centers (EOCs) with a focus on addressing identified deficiencies and needs. This program provides funding for construction or renovation of a State, local, or tribal governments' principal

EOC. Fully capable emergency operations facilities at the State and local levels are an essential element of a comprehensive national emergency management system and are necessary to ensure continuity of operations and continuity of government in major disasters caused by any hazard.

Emergency Management Performance Grants (EMPG)

The purpose of the EMPG program is to provide Federal funds to states to assist state, local, territorial, and tribal governments in preparing for all hazards emergency preparedness capabilities.

Homeland Security Grant Program (HSGP)

The HSGP plays an important role in the implementation of the National Preparedness System by providing funding to states and urban areas to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other threats.. HSGP is comprised of three interconnected grant programs.: (1) the State Homeland Security Program (SHSP), (2) the Urban Areas Security Initiative (UASI), and (3) the Operation Stonegarden (OPSG). Together, these grant programs and other future projects that may be included under the HSGP fund a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, management, and administration.

Integrated Public Alert and Warning System (IPAWS)

The Integrated Public Alert and Warning System (IPAWS) was established by Executive Order 13407 in 2006. In the event of a national emergency, the President may use IPAWS to send a message to the American people quickly and simultaneously through multiple communications pathways. FEMA has identified several radio transmission sites across the nation which provide significantly powerful signals for this purpose, and is responsible for upgrading, maintaining, and managing the agency installed and owned auxiliary fuel systems at each of these radio transmission sites.

Intercity Bus Security Grant Program (IBSGP)

The IBSGP provides funding to to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks. IBSGP provides funding for critical infrastructure hardening and other physical security enhancements to support transit operators serving the Nation's highest-risk metropolitan areas.

Intercity Passenger Rail (Amtrak)

Provides funds to protect critical surface transportation infrastructure and the traveling public from acts of terrorism and increase the resilience of the Amtrak rail system.

National Dam Safety Program (NDSP)

The NDSP provides financial assistance to states to strengthen their dam safety programs, to include activities such as dam safety training, increasing dam inspections, increasing the submission and testing of emergency action plans, coordinating with state preparedness officials, identification of dams to be repaired or removed, and conducting dam safety awareness workshops. NDSP also administers the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program which provides technical, planning, design, and construction assistance in the form of grants for rehabilitation of eligible high hazard potential dams.

Nonprofit Security Grant Program (NSGP)

NSGP provides funding to integrate the preparedness activities of nonprofit organizations that are at high risk of a terrorist attack with broader state and local preparedness efforts.

Operation Stonegarden (OPSG)

The OPSG Program supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and Federal, state, local, tribal, and territorial law enforcement agencies. The OPSG Program provides funding to support joint efforts to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

Pre-Disaster Mitigation Program (PDM)

The PDM Program provides competitive grants to States, Territories, Tribes, and local governments for mitigation planning and the project implementation.

Port Security Grant Program (PSGP)

The PSGP provides funding to port authorities, facility operators, and State and local agencies for activities associated with implementing Area Maritime Security Plans (AMSPs), facility security plans and other port-wide risk management efforts. PSGP funds are intended to improve port-wide maritime security risk management; enhance maritime domain awareness; support maritime security training and exercises; and maintain or reestablish maritime security mitigation protocols that support port recovery and resiliency capabilities with a focus on weapons of mass destruction, cybersecurity, and attacks on soft targets.

Staffing for Adequate Fire and Emergency Response Grant Program (SAFER)

The SAFER Program provides financial assistance to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of training front line firefighters available in their communities.

State Homeland Security Program (SHSP)

The SHSP supports state, tribal, territorial, and local preparedness activities that address high priority preparedness gaps across all core capabilities that support terrorism preparedness.

Transit Security Grant Program (TSGP)

The TSGP provides funds to eligible public transportation systems (which include intra-city bus, ferries, and all forms of passenger rail) for the protection of critical transportation infrastructure and the travelling public from acts of terrorism and to increase the resilience of transit infrastructure.

Tribal Homeland Security Grant Program (THSGP)

THSGP provides funding directly to eligible tribes to support the building, sustainment, and delivery of core capabilities to enable Tribes to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks.

Urban Areas Security Initiative (UASI) Program

The UASI program assists high-threat, high-density Urban Areas in efforts to build, sustain, and deliver the capabilities necessary to prevent, protect against, mitigate, respond to, and recover from acts of terrorism.

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Appendix B

Programmatic Allowances

This list of allowances enumerates FEMA funded activities that based on FEMA experience have no or limited effect on historic properties if implemented as specified in this Appendix and will not require review by the SHPO and participating Tribe(s).

The Programmatic Allowances consist of two tiers – First Tier and Second Tier. Staff may apply First Tier allowances without meeting any professional historic preservation qualification standards, while only staff meeting the applicable Secretary of the Interior’s (Secretary’s) Professional Qualification Standards (Professional Qualifications) (SOI)(Qualified) may apply Second Tier allowances.

When referenced in the allowances, “in-kind” shall mean that it is either the same or a similar material, and the result shall match all physical and visual aspects, including form, color, and workmanship. The in-kind repair provided for in both First and Second Tier allowances in Appendix B should be limited to pre-existing architectural features and physical components of buildings and structures.

The phrase “previously disturbed soils” typically refers to soils that are not likely to possess intact and distinct soil horizons and have the reduced likelihood of possessing archaeological artifacts, and features within their original depositional contexts. For the purpose of applying these allowances, “previously disturbed soils” will show obvious evidence of extensive ground disturbance, such as previous construction activities, utilities burials, road, or ditch construction, or the presence of artificial fill that extends below the depth of ground disturbance for the project under consideration. Based on this description, agricultural fields are not considered previously disturbed areas. Any substantial workspaces, access routes, or staging areas for these activities should be placed in previously disturbed or archaeologically surveyed areas, hard-top surface parking and/or recreational areas, public rights-of-way (well-defined utilities corridors). Protective mats or other measures should be used where appropriate to minimize ground disturbance.

I. First Tier Allowances

- A. GROUND DISTURBING ACTIVITIES AND SITE MODIFICATION**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

1. Debris and Snow Removal

- a. Debris removal and collection, including removal of snow, uprooted trees, limbs, and branches from public rights of way and public areas as well as the transport and disposal of such waste to existing licensed waste facilities or landfills. This includes the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard-topped or graveled surfaces (e.g., parking lots, roads, athletic courts) but not the creation of new or temporary access roads. This allowance does not include the

- removal of uprooted trees from single burial areas, cemeteries, burial grounds (any burial areas), known archaeological sites, Traditional Cultural Properties (TCPs), or Traditional Cultural Landscapes (TCLs).
- b. Removal of debris from private property, provided that buildings are not affected, ground disturbance is minimal, and in-ground elements, such as driveways, walkways or swimming pools are left in place.
 - c. Chipping and disposal of woody debris by broadcasting within existing rights-of-way.
 - d. Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and canals, to restore the facility to its pre-disaster condition. The sediment may be used to repair eroded banks or disposed of at an existing licensed or permitted spoil site.
 - e. Dewatering flooded developed areas of up to three acres by pumping.
2. **Temporary Structures and Housing:** Installation and removal of temporary structures for use as school classrooms, offices, or temporary shelters for essential public service agencies, such as police, fire, rescue, and medical care, as well as temporary housing for disaster personnel and survivors at the following types of locations:
- a. Single units on private residential sites when all utilities are installed above ground or tie into pre-existing utility lines.
 - b. Existing RV/Mobile Home Parks and campgrounds with pre-existing utility hookups.
 - c. Paved areas, such as parking lots and paved areas at such facilities as conference centers, shopping malls, airports, industrial port facilities, business parks, and military bases when all utilities are installed above ground or tie into pre-existing utility lines.
 - d. Sites that have been previously cleared and prepared for planned construction, such as land being developed for public housing, office buildings, city parks, ball fields, schools, etc., when all utilities are installed above-ground or tie into pre-existing utility lines.
 - e. Areas previously filled below the depth of proposed subsurface utility installation.
3. **Recreation and Landscaping Elements, Barriers, and Bollards**
- a. Installation of scaffolding, temporary barriers (e.g., chain link fences, etc.), polyethylene sheeting, or tarps, provided such work does not result in additional damage, significant loss of historic fabric, or irreversible alterations.

- b. In-kind repairs, installation, or replacement, and minor upgrades/mitigation of bollards and associated protective barriers when in previously disturbed areas and not in front of historic structures. This allowance does not apply to installations in historic districts.
- c. In-kind repair or replacement of landscaping and utilities, such as paving, planters, trellises, irrigation, and lighting.
- d. The establishment of defensible space around existing buildings by pruning trees and clearing vegetation, woody debris, and other flammable materials.

B. BUILDINGS AND STRUCTURES

1. Repair or retrofit of buildings less than forty-five (45) years old, that are not listed on the National Register or are non-contributing to a historic district, including for hazard mitigation purposes such as flood proofing, seismic retrofits, and/or wind proofing.
2. Removal of water by physical or mechanical means.
3. Installation of grab bars and other such minor interior modifications required for compliance with the Americans with Disabilities Act (ADA), provided that the installation is not located on historic architectural finishes such as decorative plaster trim, or plaster substrates for decorative materials such as murals, gold leaf, etc. Exterior bars on masonry buildings shall mount to the mortar joints as much as possible.
4. Installation of security bars over windows on rear or secondary elevations, not generally visible from the right-of-way, without damaging decorative trim or significant historic fabric.
5. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities.
6. Substantially in-kind repair or replacement of metal, wooden or masonry utilitarian structures (e.g., pump houses, flag poles, bleachers, dugouts, concession stands, etc.), including major exposed pipelines. Modern materials may be used, provided their finish is compatible with the context of the site. Structures such as bridges, water towers, and antenna towers are not considered metal utilitarian structures for the purposes of this allowance.
7. Residential safe rooms constructed within the footprint of a residence currently being built or within any building less than forty-five (45) years old, that is not listed in the National Register, or is non-contributing to a historic district.

C. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including any staging areas.

1. Roads and Roadways

- a. Paving and repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders medians, clearances, curbs, and side slopes. This allowance does not include improvement to existing roadways and appurtenances.
- b. Construction of temporary emergency access roads in previously disturbed soils to allow for passage of emergency vehicles.
- c. Repairs to road slips and landslides that do not require grading of undisturbed soils on the up-hill side of the slip.
- d. Re-establishment and/or armoring of existing roadway ditches.
- e. In-kind repair or replacement of traffic control devices such as traffic signs and signals, delineators, pavement markings, or traffic surveillance systems.
- f. Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencings.
- g. In-kind repair or replacement of roadway safety elements such as barriers, guardrails, and impact-attenuation devices. In the case of guardrails, the addition of safety end treatments is permitted.
- h. In-kind repair or replacement of driveways, parking lots, trails, and walkways.

2. Airports and Helipads: In-kind repair or replacement of existing runway surfaces and features (e.g., asphalt, concrete, gravel, and dirt) and associated air transportation safety components and systems (e.g., lighting bars, beacons, signage, and weather sensors), including those not on airport property as long as no new access is required.

3. Rail Systems

- a. In-kind repair or replacement of safety components.
- b. In-kind repair or replacement of existing track system and passenger loading areas.
- c. Repair of railroad crossings to pre-disaster conditions.
- d. In-kind replacement of existing bolt connected railroad tracks and wood ties.

D. WARNING SIRENS

1. In-kind replacement of existing sirens at their current locations.

2. Installation of new sirens on existing poles or on buildings that are less than forty-five (45) years old.

E. VECTOR CONTROL: Application of pesticides or herbicides in conformance with state or Tribal regulations to reduce adverse public health effects, including aerial and truck mounted spraying.

II. Second Tier Allowances

A. GROUND DISTURBING ACTIVITIES AND SITE WORK, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

1. Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems

- a. In-kind repair, replacement, and reinforcement of footings, foundations, retaining walls, slopes, and slope stabilization systems (e.g., gabion baskets, crib walls, soldier pile and lag walls) if related ground disturbing activities are within the boundary of previously disturbed soils.
- b. Stabilization of hazardous slopes within transportation rights-of-way. Stabilization methods include the installation of retaining walls and systems such as gabion baskets, crib walls, and soldier pile and lag walls. Work will not exceed the limits of the previously disturbed rights-of-way and will not take place within the area of potential effects (APE) of any historic property listed or eligible for listing in the National Register.
- c. Installation of perimeter drainage (e.g., French drains) when performed in previously disturbed soils.
- d. Grading of the top 2-3 inches of soil in the immediate vicinity of a demolished structure to clean up debris and/or re-seeding of properties where demolition has occurred.
- e. Vegetation management, including installation of natural wind breaks, living snow fences, shoreline stabilization, natural dune restoration using native vegetation and sand-fencing, urban-forest practices, and landslide stabilization.

2. Recreation and Landscaping Elements

- a. In-kind repair or replacement, and minor upgrades to landscaping elements (e.g., fencing, free standing walls, paving, planters, irrigation systems, lighting elements, signs, flag poles, ramps, steps, lagoon fountains and related water features, lagoon aerators). This allowance includes minor mitigation measures or upgrades that do not affect character-defining features, for example, hardening below-grade foundations, replacing contemporary fixtures with similar though not identical models, or installing new or replacement signage on new or existing poles when no additional ground disturbance is required, or work is done in previously disturbed soils.
- b. In-kind repair or replacement, and minor upgrades to recreational facilities and features (e.g., gazebos, bus shelters, playgrounds, campgrounds, fire pits, dump

stations and utility hook-ups, swimming pools, athletic fields and signage, athletic fencing, park restroom facilities, press boxes, concession stands, batting cages, basketball courts, swing sets, pathways, simple wooden/wire stream crossings, fish cleaning stations, boathouse facilities). This allowance includes minor mitigation measures or upgrades that do not affect character-defining features, for example, adding interior bracing to structures, minor upgrades to athletic field equipment and appurtenances, or replacing contemporary equipment with similar though not identical models, or installing new fencing when no additional ground disturbance is required, or work is done in previously disturbed soils.

- c. Installation or repair of, including upgrades to, concrete pads and/or related features, including new bus stops, benches, bike racks, signage, or other transit or landscaping features when no additional ground disturbance is required, or work is done in previously disturbed soils.
3. **Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers:** In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps, and dune crossovers in areas of previously disturbed soils.
 4. **Tree Removal:** Removal of significantly damaged trees by cutting the stump flush with the ground. If the disaster incident has damaged or uprooted trees such that the root ball is exposed, causing an immediate hazard, and making it impossible to cut flush with the ground, the stump may be pulled, and the resulting hole filled. Note: trees located in cemeteries, burial grounds, previously recorded archaeological sites, archaeologically sensitive areas, historic landscapes, sites of significance to Tribes, TCPS, or TCLS are not covered by this allowance.
 5. **Cemeteries**
 - a. Removal of woody debris such as branches and limbs, from cemeteries and burial grounds, provided that heavy equipment and other machinery are not operated or staged on areas potentially containing human remains. Best practice for stumps is to flush cut and cover with clean fill. This allowance does not cover Native American Mounds, TCPS, or TCLS.
 - b. Removal of uprooted trees in portions of cemeteries and burial grounds that the Applicant and an SOI qualified FEMA staff have determined to be free of human remains or that are considered unlikely to possess human remains.
 - c. In-kind repair of gravestones, monuments, fences, and other cemetery components.
 6. **Equipment Access:** Temporary access route formed using loose surfacing materials (e.g., gravel or mulch) to provide equipment access necessary to repair existing facilities. This allowance applies only to routes that are outside of previously recorded archaeological sites or archaeologically sensitive areas and are established without cutting the surface. Any tree removal necessary is achieved by cutting the stump flush to the ground. Surfacing materials must be reclaimed, and the site restored to its previous condition for this allowance to apply. Note: this allowance does not apply to

temporary access in cemeteries, burial grounds, previously recorded archaeological sites, sites of significance to Tribes, TCPs, or TCLs.

B. BUILDINGS AND STRUCTURES

1. Interior Work: Floors, Walls, Stairs, Ceilings and Trim

- a. In-kind repair and replacement of floors, walls, stairs, ceilings, and/or trim, including suspended or glued ceiling tiles. The allowance does not apply to decorative finishes, including, but not limited to, murals, glazed paint, gold leaf, or ornamental plaster.
- b. Replacement of heavily damaged plaster and lath with drywall where the plaster is not a character-defining detail. The decision to replace or repair shall be made on a room-by-room basis.
- c. Interior cleaning of surfaces using a weak solution of household bleach and water (or other non-destructive cleaning agent such as vinegar, trisodium phosphate, etc.), mold remediation, or mold removal. The allowance applies to interior finishes, including plaster and wallboard, provided the cleaning is restricted to damaged areas and does not affect adjacent materials.
- d. Non-destructive or concealed testing for hazardous materials (e.g., lead paint, asbestos) or for assessment of hidden damages.
- e. Replacement of damaged vinyl floor tile (including floor tile containing asbestos) with contemporary floor tile of the same dimension and thickness, and similar texture or pattern.
- f. Use of portable de-humidification systems provided no changes are made to character-defining features (specifically for mold remediation).
- g. Abatement of lead and asbestos in unfinished basements and historically unfinished upper floors/rooms, and attics.

2. **Building Contents:** Repair or replacement of building contents including furniture, movable partitions, computers, fixed cabinetry, supplies, and equipment and any other moveable items which are not character defining features of a historic property.

3. Utilities and Mechanical, Electrical, and Security Systems

- a. In-kind repair or replacement, or limited upgrading of interior utility systems, including mechanical (e.g., heating, ventilation, air conditioning), electrical, and plumbing systems, including the replacement of fixtures such as toilets, sinks and stoves, with the exception of historic fixtures. This allowance does not provide for the installation of new exposed ductwork except for interior exhaust systems in fire stations, garages, or similar buildings.
- b. Elevation of heating, ventilation, and air conditioning system (HVAC) and mechanical equipment as long as it is placed or located where it is not highly visible from the street.

- c. Installation or replacement of interior fire detection, fire suppression, or security alarm systems. The allowance does not apply to surface mounted wiring, conduits, piping, etc., unless previously existing, provided that installation of the system hardware does not damage or cause the removal of character-defining architectural features and can be easily removed in the future. New fire detection systems with exposed electric conduit are allowed in unfinished basements and historically unfinished areas, such as upper floors and attics and equipment bays for fire stations and similar buildings.
- d. Installation of communication and surveillance security systems, such as cameras, closed-circuit television, alarm systems, and public address systems, provided that installation of the system hardware does not damage or cause the removal of character defining architectural features and can be easily removed in the future and is installed so that it has minimal impact on historic character. New wiring will be sub-surface to the greatest extent possible or where exposed will be enclosed in conduit that is finished to match the existing surface.
- e. Installation of building access security devices, such as card readers, enhanced locks, door alarms, and security scanners (e.g., metal detectors), provided the device does not damage or cause the removal of character-defining architectural features and can be removed in the future without impacts to significant architectural features. New wiring will be sub-surface to the greatest extent possible or where exposed will be enclosed in conduit that is finished to match the existing surface.
- f. Replacement of damaged materials used in composting or sewerage treatment.
- g. New exposed ductwork, air handler units and electric conduit in unfinished basements and historically unfinished upper floors and attics and equipment bays for fire stations and similar buildings.
- h. In-kind repair, replacement, or limited upgrading of escalators, elevators, and/or other mechanical conveyance systems.
- i. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities. New wiring will be sub-surface to the greatest extent possible or where exposed will be enclosed in conduit that is painted to match the existing surface.

4. **Windows and Doors**

- a. In-kind repair or replacement of damaged or severely deteriorated windows and window frames, shutters, storm shutters, doors and door frames, and associated hardware, where profiles, elevations, details, and materials match those of the originals.
- b. In-kind replacement of windowpanes. Clear plate, double, laminated, or triple insulating glazing can be used, provided it does not result in altering the existing

window material, tint, form, muntin profiles, or number of divided lights. This allowance does not apply to the replacement of existing intact archaic or decorative glass. This allowance does not apply to the installation of low-e glass or tinted film.

- c. Installation of removable clear window film to historic windows or glazing.
- d. Replacement of exterior, utilitarian, non-character-defining metal doors and frames leading into non-character-defining spaces with metal blast resistant doors and frames.
- e. Replacement of previously existing contemporary (modern, non-historic) doors with similar models even if they open into character-defining spaces.

5. Exterior Walls, Cornices, Porches, and Foundations

- a. In-kind repainting of surfaces, provided that destructive surface preparation treatments are not used, such as water blasting, sandblasting, power sanding, and chemical cleaning.
- b. In-kind repair of walls, porches, foundations, columns, cornices, siding, balustrades, stairs, dormers, brackets, trim, and their ancillary components or in-kind replacement of severely deteriorated or missing or lost features, as long as the replacement pieces match the original in detail and material. Any ground disturbance will be limited to previously disturbed soils.
- c. In-kind repair or replacement of signs or awnings.
- d. Installation of temporary stabilization bracing or shoring, provided such work does not result in additional damage.
- e. Anchoring of walls to floor systems, provided the anchors are embedded and concealed from exterior view, such as in the Hilti systems, and disturbed historic fabric is restored in kind.
- f. In-kind repair of concrete and masonry walls, columns, parapets, chimneys, or cornices or limited in-kind replacement of damaged components including comparable brick, and mortar that matches the color, strength, content, rake, and joint width.
- g. Bracing and reinforcing of walls, chimneys, and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or reversible in the future.
- h. Strengthening of foundations and the addition of foundation bolts, provided that visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring.

- i. Repairs to and in-kind replacement of elements of curtain wall assemblies or exterior cladding that is hung on the building structure, usually from floor to floor, and when the color, size reflectivity, materials, and visual patterns are unaltered.

6. Roofing

- a. Installation of scaffolding, polyethylene sheeting, or tarps, provided such work will not result in additional damage or irreversible alterations to character defining features.
- b. In-kind repair, replacement, minor upgrades, or strengthening of roofing, parapets, rafters, fascia, soffits, gutters, verge boards, leader boxes, downspouts, or other damaged roof system components.
- c. Repairs to flat roof cladding, including changes in roofing materials, where the repairs are not highly visible from the ground level.
- d. Replacement of shingled roofing with metal roofing on buildings less than 45 years in age to meet state or local code requirements. This allowance does not apply to buildings listed in or eligible for listing in the National Register or any buildings located in historic districts.
- e. Replacement of metal roofs with in-kind materials. If the roofing material to be replaced is character defining, the replacement must be in-kind in both materials and profile, not just a different brand/profile/form of metal roofing.
- f. Installation or replacement of roof sprinklers which are less than ten (10) inches in height, require no associated plumbing or water storage facilities visible from a public way, and affect no character-defining features of residences more than forty-five (45) years old. This allowance includes establishing defensible space by pruning trees and clearing vegetation, woody debris, and other flammable materials from around the building.
- g. In-kind replacement of greenhouse glass panels.

7. Weatherproofing and Insulation

- a. Caulking and weather-stripping to complement the color of adjacent surfaces or sealant materials.
- b. In-kind repair, replacement, or installation of insulation systems, provided that existing interior plaster, woodwork, exterior siding, or exterior architectural detail is not altered. This allowance does not apply to urea formaldehyde foam insulation or any other thermal insulation containing water, when installed within wall cavities. All wall insulation must have an adequate vapor barrier or vapor retardant on the warm (heated) side of the wall consist of a pre-expanded, closed-cell foam insulation. Multiple coats of interior wall and ceiling paint are sufficient to meet the criteria of a vapor retardant. Minor necessary repairs to prepare exterior walls for insulation are exempted provided the repairs match the original surface

composite. No holes are drilled through original exterior (wood, brick, etc.) siding, or holes have no permanent visible alteration to the finish materials. Any holes drilled for insulation must be finished and returned to condition as close to the original as possible. Access holes in the walls must be patched or plugged with materials that match the original (no plastic plugs). Access holes may be patched or plugged with plastic plugs where the original siding was replaced with aluminum or vinyl siding prior to the project. Refer to the Michigan SHPO Policy Sheet 1 Insulation For Historic Residential Resources dated January 2011 and Policy Sheet 2 Insulation For Historic Commercial Resources (Appendix I).

8. Seismic Upgrades and Structural Retrofits

- a. The installation of the following retrofits/upgrades, provided that such upgrades are not visible on the exterior: attic bracing, cross bracing on pier and post foundations; fasteners; collar ties; gussets; tie downs; strapping and anchoring of mechanical, electrical, and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters, and on roofs; and automatic gas shut off valves. In masonry structures, bolts will be required to be installed through the mortar and not the stone or brick, as applicable.
- b. Replacement, repair, minor upgrades of existing, and/or installation of lightning rods.
- c. Earthquake bracing used on refrigerators and against-the-wall shelving in schools and other public facilities.
- d. Activities related to flood proofing and minor upgrades on secondary facades. A secondary façade is a façade that does not face a public thoroughfare, mews, or court and that does not possess historically significant architectural features. Minor upgrades include replacement of exterior utilitarian, non-character-defining doors or windows with new doors or windows, the addition of new elements (such as storm panels or flood panels) to exterior doors or windows, and the installation of metal grating at basement window wells.

9. Safe Rooms:

- a. Installation of individual safe rooms within the property limits of a residence where the installation would occur within the existing building or structure or in previously disturbed soils. This allowance does not apply to rooms attached to or abutting a residence or highly visible from a public right-of-way. For exterior safe rooms, after FEMA staff, using the appropriate archaeological database, must first verify that no part of any documented archaeological site lies within the boundary of the parcel on which the safe room is to be constructed.
- b. Modifications to buildings that are less than forty-five (45) years old, or modifications that are not visible on the exterior or in public interior spaces of buildings that are at least forty-five (45) years old, for community safe rooms.

10. **Elevation, Demolition, and Reconstruction:** Activities related to the elevation, demolition and/or reconstruction of buildings or structures less than forty-five (45) years of age so long as the proposed activities substantially conform to the original footprint and/or are performed in previously disturbed soils, including any staging area, and the buildings or structures are not located within or adjacent to a National Register listed or eligible historic district.
 11. **Utilitarian Structures:** Substantially in-kind repair or replacement of metal, wooden, or masonry utilitarian structures (e.g., public work facilities housing water/pump infrastructure) more than forty-five (45) years old, including major exposed pipelines. For structures that are part of a complex of buildings, materials and workmanship must be in-kind. Structures such as bridges, water towers, and antenna towers are not considered metal utilitarian structures for the purposes of this allowance.
- C. TRANSPORTATION FACILITIES**, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.
1. **Roads and Roadways**
 - a. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders, medians, clearances, curbs, and side slopes. This allowance permits minor improvement to meet current code and standards or hazard mitigation measures, such as those designed to harden exposed surfaces, including the application of gravel armoring to side slopes and ditches.
 - b. In-kind repair to historic paving materials for roads and walkways.
 - c. In-kind repair or replacement, or minor (one standard upsize in diameter, usually 12-16". Length upsizes determined in relation to prior footprint) upgrade of culvert systems and arches beneath roads or within associated drainage systems, and newly installed culverts on rails to trails, including provision of headwalls, riprap, and any modest increase in capacity for the purposes of hazard mitigation or to meet current codes and standards, provided that the work substantially conforms to the existing footprint and/or is performed in previously disturbed soils. Note: This allowance does not apply to cemeteries, burial grounds, previously recorded archaeological site, archaeology sensitive areas, historic landscapes, sites of significance to Tribes, TCPS, or TCLs. For stone or brick culverts or arches beneath roadways, this allowance only applies to in-kind repair.
 - d. In-kind repair or replacement of road lighting systems, including period lighting fixture styles.
 - e. In-kind repair or replacement of road appurtenances such as curbs, berms, fences, and sidewalks, parking lots, storm drains, catch basins, fire hydrants and sidewalks, and parking meters.
 - f. Installation of new culverts beneath trails or roads provided the work substantially conforms to the original footprint and/or is performed in previously disturbed soils.

Note: This allowance does not apply to cemeteries, burial grounds, previously recorded archaeological sites, archaeology sensitive areas, historic landscapes, sites of significance to Tribes, TCPs, or TCLs.

- g. Installation of speed bumps and/or enhanced curbs. This allowance does not apply to any work in historic districts listed or eligible for listing in the National Register.

2. **Bridges**

- a. Installation of a temporary (Bailey-type) bridge over an existing structure or at a previously disturbed location, such as a former bridge location, to allow passage of emergency vehicles.
- b. In-kind repair, replacement, or minor upgrade to codes and standards of bridges and bridge components (e.g., abutments, wing walls, piers, decks, and fenders) in previously disturbed soils.

D. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

1. **General**

- a. In-kind repair or replacement, hardening or minor upgrading, small scale realignment, and elevation of utilities and associated features and structures within previously disturbed soils, of rights-of-way or utility corridors.
- b. Installation of new utilities and associated features within existing, previously disturbed rights-of-way except when in close proximity (one hundred (100) meters or three hundred (300) feet) to known archeological sites or within view sheds of historic districts eligible or listed on the National Register. Note: This allowance does not apply to cemeteries, burial grounds, previously recorded archaeological site, archaeology sensitive areas, historic landscapes, sites of significance to Tribes, TCPs, or TCLs.
- c. In off-road alignments, relocations of poles in existing holes or within substantially disturbed areas, within 5 feet of damaged poles.
- d. The addition of one to four (1-4) new poles per mile in existing utility corridors in substantially disturbed areas if the impacted area is eight (8) miles or less in length.
- e. Replacement of power poles in pre-existing locations is allowed including increase in the pole diameter. Relocation or construction of new poles are allowed in (1) urban or suburban settings between the edge of roadway and the sidewalk, (2) rural settings along roadway shoulders, and (3) in off-road alignment settings in the existing utility corridor except when in close proximity (one hundred (100) meters or three hundred (300) feet) to a known archaeological site or within the view shed of historic districts listed or eligible for listing on the National Register.

- f. New construction of a single pole overhead line is permissible when the auguring, pole placement, and line placement is conducted from within the previously disturbed public or private rights-of-way, or when the lines will not pass within or through any areas known or suspected to contain human remains, archeological resources, or any other historic properties except when in close proximity (one hundred (100) meters or three hundred (300) feet) to a known archaeological site or within the view shed of historic districts listed or eligible for listing on the National Register.
 - g. Directional boring of new/replacement service line and related appurtenances involving boring or slit trenches within previously disturbed soils of rights-of-way or utility corridors, well-defined roadways, or beneath streams provided the ground disturbance at each bore hole does not disturb an area greater than approximately ten feet by ten feet (10' by 10') and is in line with the original utility trench.
 - h. In-kind repair or replacement, or minor upgrade of water towers less than forty-five (45) years old provided activities take place within previously disturbed soils. Ground-level facilities may be added or expanded in previously disturbed areas. This allowance does not apply to eligible or listed masonry or concrete tank water towers.
 - i. Temporary storage of supplies and equipment (poles, cable spools, pedestals, etc.) where no ground disturbance will occur; this does not include construction of temporary access routes.
2. **Generators and Utilities**
- a. In-kind repair or replacement, or minor upgrades, elevation, and/or installation of generators, HVAC systems, and similar equipment provided activities occur within previously disturbed soils, and any roof mounted equipment is not visible from the ground level.
 - b. Repair of metal utilitarian structures to house or protect utilities, such as pump house and electrical transformer houses, as well as related elements, such as above ground oil tanks and exposed pipelines, except when located within a historic district listed or eligible for listing on the National Register.
 - c. Underground cable replacements of any length when the replacement cable is placed within three feet of the same trench as an existing or failed cable except when in proximity (one hundred (100) meters or three hundred (300) feet) to a known archeological site.
 - d. Replacement, relocation, or installation of solar panels on the roofs of building less than forty-five (45) years of age and not located in a historic district listed or eligible for listing on the National Register.
3. **Communication Equipment/Systems and Towers.** Note: for this category of allowances, reviewers must research and inquire if compliance review/cultural resource review has been completed and/or submitted as part of a required work plan for utility services. This includes current and prior required compliance aspects which

may have been conducted or submitted by Sub-applicants/Applicants to SHPO, Tribes, or other federal agencies (OFA).

- a. Warning Sirens
 - i. Installation of a siren on a replacement utility pole that does not increase the height or width of the existing pole by more than 20% and that is installed within 15 feet of the existing pole's location, provided that review of the SHPO's most current data by FEMA or SHPO staff does not show an inventoried archaeological site in the immediate vicinity of the project.
 - ii. Installation of a new utility pole and associated siren within an existing utility pole corridor, road right-of-way or in previously disturbed ground, provided that the height of the new pole is within 20% of that of existing poles in the corridor and that review of SHPO's most current data by FEMA or SHPO staff does not show an inventoried archaeological site in the immediate vicinity of the project.
- b. Acquisition, installation, or operation of communication and security equipment/systems that use existing distribution systems, facilities, or existing infrastructure rights-of-way.
- c. The collocation of communication and security equipment on existing towers and buildings/structures less than forty-five (45) year in age, and not located in a historic district listed or eligible for the National Register, provided that the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- d. Enhancement, repair or replacement of existing communication towers and antenna structures provided the work does not increase existing tower height or footprint by more than ten percent (10%) and occurs within previously disturbed soils.
- e. Installation of new temporary (not to exceed twelve (12) months) communications towers and antenna structures provided that the work occurs does not require modification of buildings/structures forty-five (45) years or older and occurs within previously disturbed soils.
- f. Installation of new communication towers, less than 200 feet tall, in previously developed urban complexes when the work does not require modification of buildings/structures forty-five (45) years or older, occurs within previously disturbed soil, and is not within half a mile (1/2 mi) of the boundaries of a historic property.

E. WATER RESOURCE MANAGEMENT AND CONTROLS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged. Note: for this category of allowances, FEMA shall coordinate with SHPO and THPOs early and often, beginning with initial

disaster specific or initial project scoping meetings. Allowances may not be appropriate, and/or monitoring may be necessary.

1. **Canal Systems:** In-kind repairs or replacement to canal systems & related infrastructure, and associated elements.
2. **Breakwaters, Seawalls, Revetments, and Berms:** In-kind repair, replacement, and/or minor upgrade of breakwaters, bulkheads, berms, jetties, sand dunes, seawalls, and revetments, provided the work occurs in previously disturbed soils.
3. **Dams, Dikes, Levees, and Floodwalls:** In-kind repair, replacement, and/or minor upgrade of dams, dikes, levees, floodwalls, and related features, including spillways, tide gates, and fuse plugs, provided the work occurs in previously disturbed soils.
4. **Fish Hatcheries:** In-kind repair or replacement of fish hatcheries and fish ladders.
5. **Waste-Water Treatment Lagoon Systems:** In-kind repair or replacement, and/or minor upgrades of waste-water treatment lagoon systems, related infrastructure, and associated elements.
6. **Outfall Systems:** In-kind repair, replacement, or minor upgrades to outfall pipes along beaches or inland waterways.
7. **Flood Instrumentation Devices:**
 - a. Installation of flood or rain gauges that use existing distribution systems, facilities, or existing infrastructure rights-of-way.
 - b. Installation of flood or rain gauges in previously developed urban complexes when the work does not require modification of buildings, structures forty-five (45) years or older, is not within five hundred (500) feet of the boundaries of a historic property and occurs within previously disturbed soil or adjacent to streams where the gauge hole does not disturb an area greater than ten feet by ten feet (10' x 10').
NOTE: This allowance does not apply to installation of related facilities, such as stilling wells or job boxes, unless in previously disturbed soils, nor to work proposed in cemeteries, burial grounds, previously recorded archaeological sites, archaeologically sensitive areas, historic landscapes, sites of significance to Tribes, TCPs, or TCLs.
8. **Drainage Ditch Systems:** In-kind repair, reinforcement, or minor mitigation activities to slopes, culverts and access roads associated with existing drainage systems in previously disturbed soils.
9. **Lift/Pumping Stations:**
 - a. In-kind repair and/or minor mitigation of lift stations and/or associated components, pumping stations and/or associated components.
 - b. Replacement of lift stations and associated components, equipment cabinets, pumping stations, and associated components. This allowance does not apply to buildings or mechanical assemblies (equipment) listed on or eligible for listing on

the National Register, nor any buildings located in historic districts listed or eligible for listing on the National Register.

- F. GEOTECHNICAL STUDIES** which include drilling vertical soil test borings. Note: This allowance does not apply to work that may affect below-ground engineering features or that is conducted in cemeteries, burial grounds, previously recorded archaeological sites, archaeologically sensitive areas, historic landscapes, sites of significance to Tribes, TCPs, or TCLs.
- G. WASTE/STORM/RAIN/MELTWATER SYSTEMS (SEWERAGE & DRAINAGE); GRAVITY SYSTEMS AS WELL AS VACUUM AND EFFLUENT SYSTEMS**, when proposed activities substantially conform to the original footprint, right-of-way (ROW), and/or are performed in previously disturbed soils, including the area where the activity is staged.
1. In-kind repair, minor mitigation, and/or replacement of deteriorated/damaged drainpipes, traps, branch/trunk/lateral/main drain lines, sewer branch/lateral/trunk/mains, stormwater detention vaults, collectors, and interceptor outfalls.
 2. In-kind repair, minor mitigation, and/or replacement of deteriorated/damaged drainpipes receiving drains, manholes, storm overflows, gutters, scuppers, soil stacks and ventilation, clean outs, and screening chambers of combined sewer or sanitary systems.
 3. Cleaning of sewer/drain lines including root intrusion removal, incrustation removal, and/or sedimentation removal from any collection system.
 4. Sample collection, testing, camera and/or other inspection methods.
 5. Injection molded re-lining of piping.
 6. In-kind repair and/or minor mitigation of lift stations and/or associated components, pumping stations and/or associated components.

Appendix C

Treatment Measures

When avoidance or minimization of adverse effects is not appropriate, the following Treatment Measures are suggested for the resolution of adverse effects:

If Undertakings may or will result in adverse effects, FEMA, the Recipient(s), Subrecipient(s), SHPO, and participating Tribes(s) may develop a treatment measure plan that includes one or more of the following Treatment Measures, depending on the nature of historic properties affected and the severity of adverse effects. This Appendix may be amended in accordance with Stipulation IV.A.3 of this Agreement, Amendments.

A. Recordation

1. *Digital Photography Package*: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a digital photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate. The digital photography package will meet the most current version of the MI SHPO Documentation Guidelines (Appendix E) or the standards cited in the NPS' *National Register of Historic Places Photographic Policy Factsheet 2013* or subsequent revisions (https://www.nps.gov/subjects/nationalregister/upload/Photo_Policy_update_2013_05_15_508.pdf) and below; whichever is deemed most appropriate for the project.
 - a. The digital photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 - b. The digital photography package shall include printed color copies of the digital photographs (on appropriate paper, per *NPS Photographic Policy*), a CD/DVD/external drive or appropriate industry standard at the time, of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.
 - c. The designated responsible party shall submit two (2) copies of the digital photography package to the SHPO, and one (1) copy to participating Tribe(s) for review and approval. Once approved by the SHPO or participating Tribe(s), the designated responsible party shall submit copies of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.
 1. Prior to project implementation, FEMA, the Grantee(s), and/or subgrantee shall work with the SHPO and/or participating Tribe(s) to determine the specific materials required to document the historic property. The documentation package

shall consist of an appropriate combination of narratives, maps, drawings and photographs meeting the standards set forth in the Michigan State Historic Preservation Office Documentation Guidelines (included here as Appendix E).

2. The documentation shall be prepared by the responsible party's staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
 3. The designated responsible party shall submit the digital photography package to the SHPO and/or participating Tribe(s) for review and approval. Once approved by the SHPO and/or participating Tribe(s), the designated responsible party shall submit copies of the approved documentation to state or local archives, as requested by the SHPO and/or Participating Tribe(s).
2. *Reports:* Narrative reports following the HABS Level I, II, or III formats; historic structural analyses; historic structure reports; or other types of documentation as warranted by the resource type and condition.
 3. *Drawings:* Development of drawings, including site plans and floor plans, illustrating the current condition of the resource, at a variety of levels of detail as warranted by the resource type and condition.
 4. *35mm Black and White Photography Package:* Prior to project implementation, the designated responsible party shall oversee the successful delivery of a 35 mm film black and white film photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
 - a. The 35 mm film black and white film photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 - b. The 35 mm film black and white film photography package shall include one (1) full set of 35mm film black and white photographs printed on acid free paper, the corresponding 35mm film negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
 - c. The designated responsible party shall submit the 35 mm black and white film photography package the SHPO and/or participating Tribe(s) for review and approval. Once approved by the SHPO, participating Tribe(s), the designated

responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.

B. Tribal Treatment plan

FEMA shall work with participating Tribe(s) to develop a plan for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas, and cultural items, for known sites and in the event that any are discovered in conjunction with the Undertaking, including archaeological studies, excavation, geotechnical investigations, grading, and all ground-disturbing activity. The plan shall also formalize procedures for Tribal monitoring during archaeological studies, grading, and ground disturbing activities for the Undertaking.

C. Public Interpretation

Prior to project implementation, FEMA, the Recipient(s), and Subrecipient(s) shall work with the SHPO and/or participating Tribe(s) to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the parties, SHPO and/or participating Tribes, the designated responsible party shall continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the designated responsible party.

D. Historical Context Statements and Narratives

Prior to project implementation, FEMA, the Recipient(s), and Subrecipient(s) shall work with the SHPO and participating Tribe(s) to determine the topic and framework of a historic context statement or narrative the designated responsible party shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan. Once the topic of the historic context statement or narrative has been agreed to, the designated responsible party shall continue to coordinate with the SHPO and participating Tribe(s) through the drafting of the document and delivery of a final product. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

E. Oral History Documentation

Prior to project implementation, FEMA, the Recipient(s), and Subrecipient(s) shall work with the SHPO and/or participating Tribe(s) to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and/or participating Tribe(s) through the data collection, drafting of the document, and delivery of a final product. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

F. Historic Property Inventory

Prior to project implementation, FEMA, the Recipient(s), and Subrecipient(s) shall work with the SHPO and/or participating Tribe(s) to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and/or participating Tribe(s) through the data collection process. The designated responsible party shall use SHPO and/or participating Tribe(s) standards for the survey of historic properties and SHPO and/or participating Tribe(s) forms as appropriate. The designated responsible party shall prepare a draft inventory report, according to SHPO and/or participating Tribe(s) templates and guidelines, and work with the SHPO and/or participating Tribes until a final property inventory is approved. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

G. National Register and National Historic Landmark Nominations

Prior to project implementation, FEMA, the Recipient(s), and Subrecipient(s) shall work with the SHPO and/or participating Tribes to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the parties have agreed to a property, the designated responsible party shall continue to coordinate with the SHPO and/or participating Tribes through the drafting of the nomination form. The SHPO and/or participating Tribe(s) shall provide adequate guidance to the designated responsible party during the preparation of the nomination form and shall formally submit the final nomination to the Keeper for inclusion in the National Register. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

H. Geo-References of Historic Maps and Aerial Photographs

Prior to project implementation, FEMA, the Recipient(s), and Subrecipient(s) shall work with the SHPO and/or participating Tribe(s) to identify the historic maps and/or aerial photographs for scanning and geo-referencing. Once a list of maps and/or aerial photographs have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and/or participating Tribes through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to the SHPO, and/or participating Tribe(s) for review. The final deliverable produced by the designated responsible party shall include a paper copy of each scanned image, a geo-referenced copy of each scanned image, and the metadata relating to both the original creation of the paper maps and the digitization process. NOTE: Data will be protected per the most current MI SHPO Data Confidentiality Standards for Archaeology, Attached as Appendix F (https://www.miplace.org/49f0bc/globalassets/documents/shpo/programs-and-services/archaeology/crm-106-and-research/data_confidentiality_standards_for_shpo_archaeology.pdf).

I. Geographical Information Systems Data Layer

Prior to project implementation, FEMA, the Grantee(s), and subgrantee shall work with the SHPO and/or participating Tribe(s) to identify data regarding historic structures that may be useful for included in GIS systems maintained by the SHPO, Tribal or local governments. Potential uses of such data include facilitating the preparation of environmental review documents, assisting in the preparation of grant applications, and promoting public awareness and appreciation of historic properties. Typical data included in such layers may include, but is not limited to, properties listed on the National Register, those listed in state or local inventories, and data about these properties (construction dates, architectural styles, materials, etc.). The project may focus on preparing new data for inclusion in an existing system or updating existing data.

Once the type of data and repository have been identified, the designated responsible party shall continue to coordinate with the SHPO and/or participating Tribes and/or appropriate local governments to develop a data layer suitable for use in the target system. The SHPO and/or participating Tribe(s) shall have right of final approval on the quality of the data provided by the designated responsible party. The final deliverable shall include a copy of the data layer on disk, printed copies of data for representative records, and a statement from the owner of the target system indicating 1) when the data will be made available and 2) a brief description regarding plans for ongoing maintenance of the new data layer. NOTE: Data will be protected per the most current MI SHPO Data Confidentiality Standards for Archaeology, Attached as Appendix F

https://www.miplace.org/49f0bc/globalassets/documents/shpo/programs-and-services/archaeology/crm-106-and-research/data_confidentiality_standards_for_shpo_archaeology.pdf).

J. Archaeological Treatment Measures

Prior to project implementation, FEMA, the Recipient(s), and Subrecipient(s) shall work with the SHPO, participating Tribe(s), and other interested parties to create a research design to mitigate adverse effects to archaeological sites through proper data recovery, including identification of research questions, methodology, curation, and timelines. Once the parameters of the data recovery have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO, participating Tribe(s), and other interested parties through the data collection, drafting of the document, and delivery of a final product. The Michigan Archaeological Standards (attached Appendix G) must also be adhered to for any such project. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for Archaeology. NOTE: Data will be protected per the most current MI SHPO Data Confidentiality Standards for Archaeology, attached as Appendix F

https://www.miplace.org/49f0bc/globalassets/documents/shpo/programs-and-services/archaeology/crm-106-and-research/data_confidentiality_standards_for_shpo_archaeology.pdf).

In consultation with SHPO/Tribes/consulting parties, chosen alternative mitigation measures can include preserving selected eligible archaeological sites and incorporating them into heritage tourism plans; incorporating sites into the undertaking, for example,

maintaining green space for the site; using resources to develop syntheses of existing information on a region or area instead of, or in addition to, using them on data recovery; use of signage and/or barriers to route traffic away from eligible archaeological sites; in addition to any survey reports, for example, Phase I, II, or III reports, using resources to develop virtual or Web-based reports or educational media that otherwise would not be produced.

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Appendix D

Workflow Diagrams

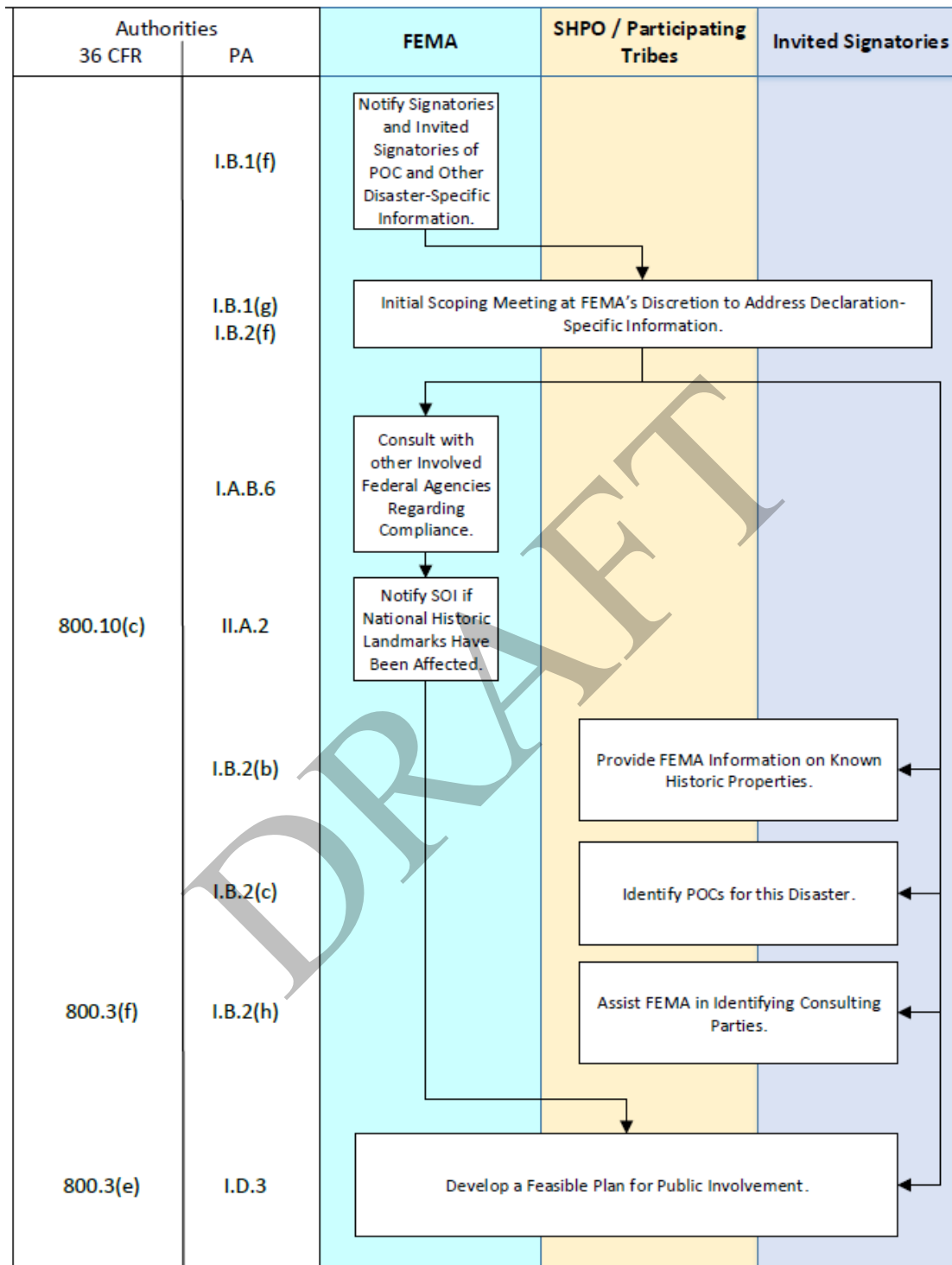
The following workflow diagrams represent the responsibilities of the Signatories to this Agreement in the following situations. References to the applicable authorities, including this Agreement, are noted.

- I. Declarations
- II. Expedited Emergency Reviews
- III. Disaster Recovery Reviews
- IV. Reviews with Authorized Recipients
- V. Changes to Scope of Work

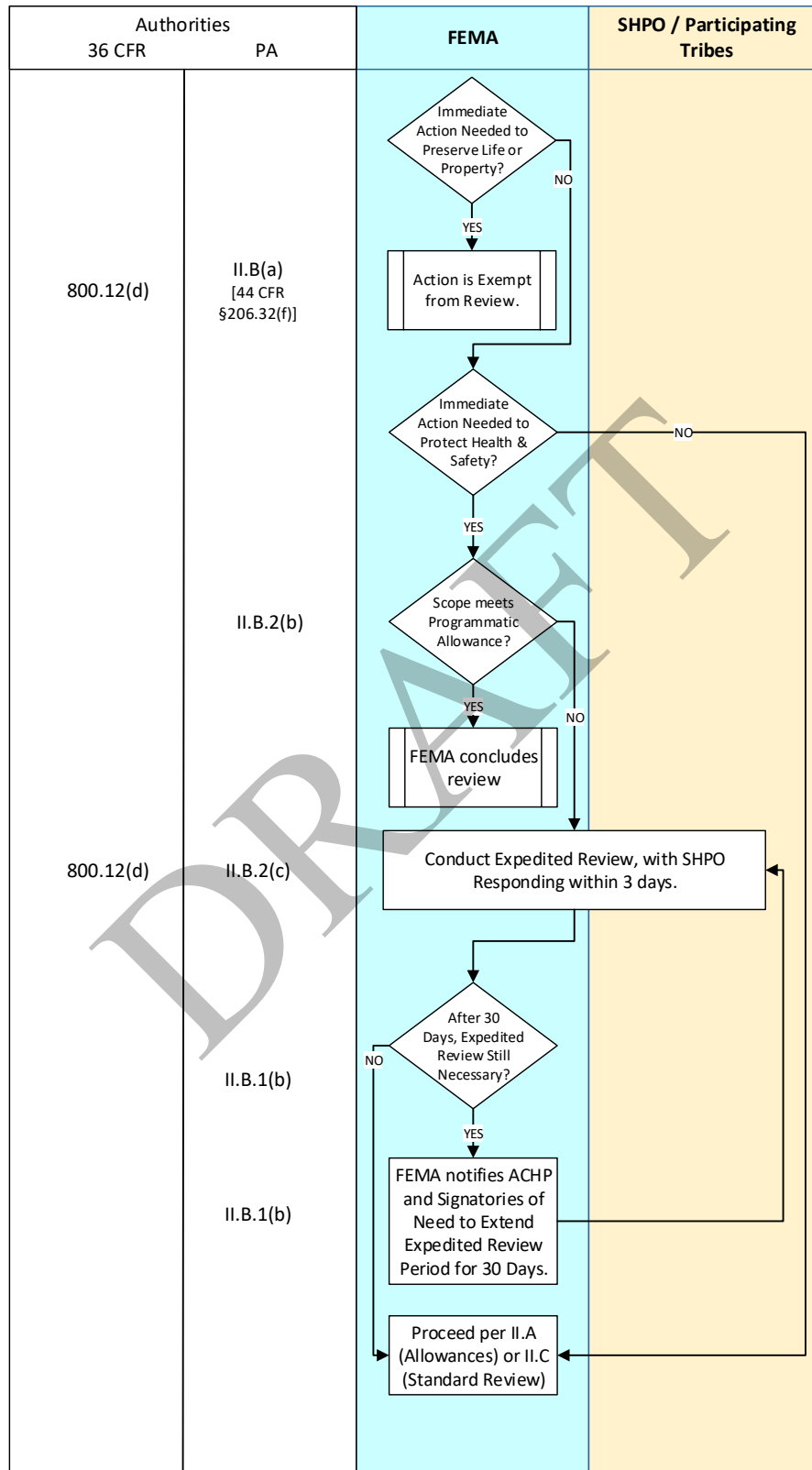
This Appendix may be amended in accordance with Stipulation IV.A, Amendments.

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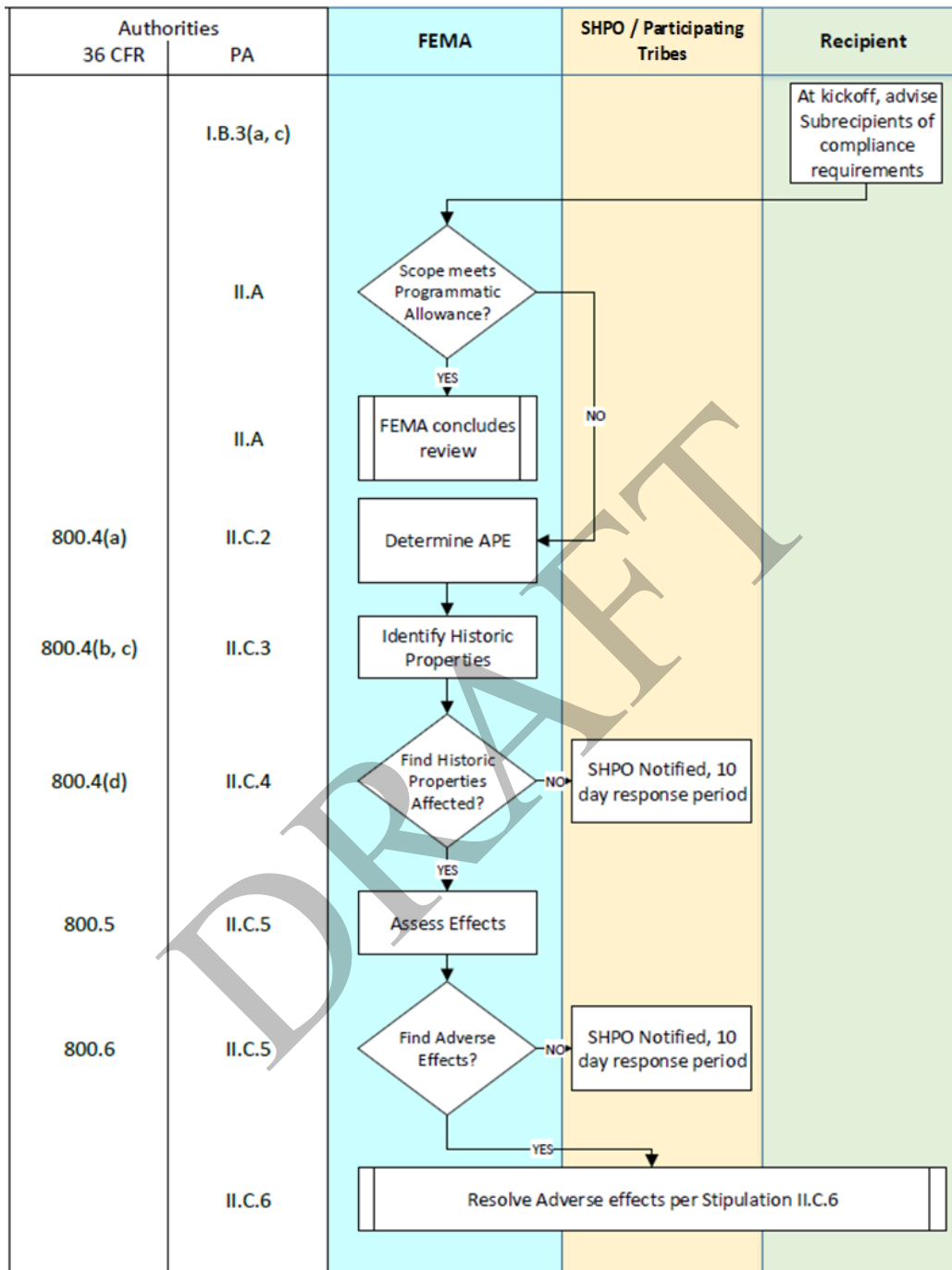
I. Declarations



II. Expedited Emergency Reviews

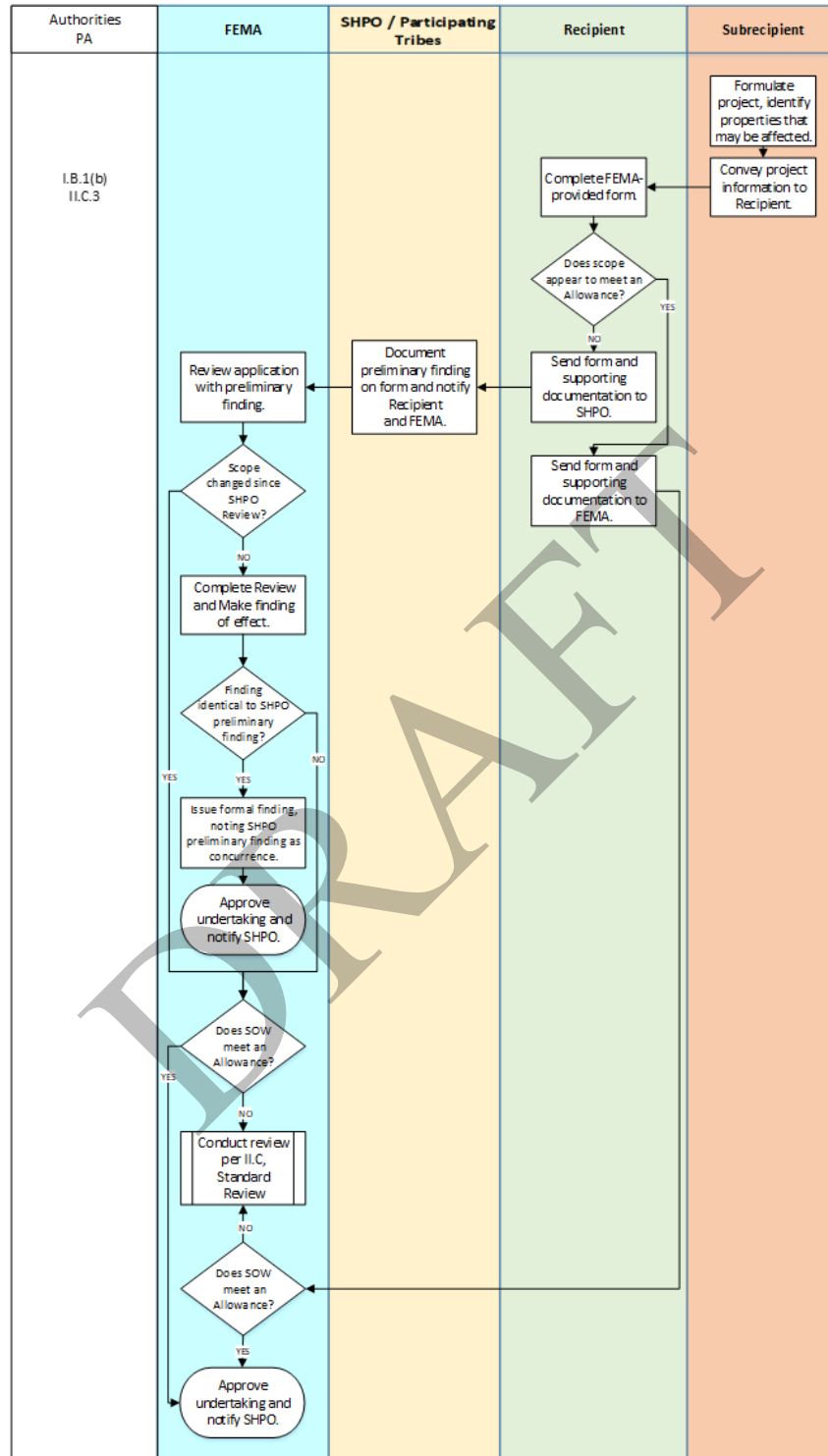


III. Disaster Recovery Reviews¹



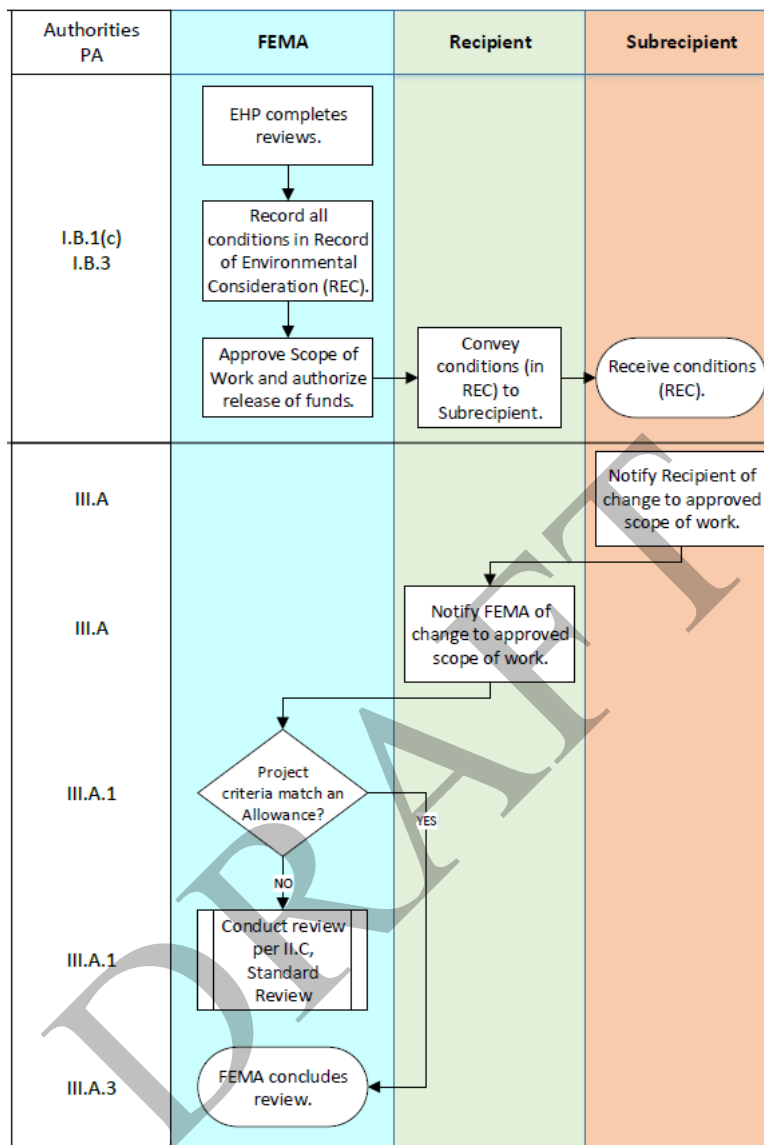
¹ The 10-day response time indicated here is only for consultations conducted while the Joint Field Office is open. See Stipulation I.E.2(b) for details.

IV. Reviews with Authorized Recipients²



² Per I.B.1(b), FEMA will notify the SHPO in writing when a recipient or subrecipient has been authorized to initiate consultation on FEMA’s behalf. All consultations with federally-recognized Tribes will be conducted only by FEMA.

V. Changes to Approved Scope of Work³



³ Note that if there is no Subrecipient, the responsibility for notifying FEMA of a change to an approved Scope of Work is wholly the Recipient's.

Appendix E

Michigan State Historic Preservation Office Documentation Guidelines

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MICHIGAN STATE HISTORIC PRESERVATION OFFICE DOCUMENTATION GUIDELINES

The following guidelines provide instruction for producing permanent documentation of historic properties. Following submittal to the State Historic Preservation Office, the photos produced will be transferred to the State Archives, where they will be maintained and made available to the public for research purposes. In many cases, this documentation will constitute the only visual public record of a resource. It is therefore important that reports, drawings and photographs adequately depict the salient visual characteristics of the resource, and that they be produced using archivally stable materials and procedures.

The specifications outlined in this memorandum are intended to ensure that the material will be of high quality and remain in usable condition for many years to come. The guidelines were adapted from those used for submitting nominations to the National Register of Historic Places, as described in **National Register Bulletin 16: Guidelines for Completing National Register of Historic Places Forms**. The complete text of this and other National Register Bulletins may be found on the web at <http://www.nps.gov/history/nr/publications/>.

I. REPORTS - GENERAL INSTRUCTIONS

Reports should be printed on archival paper and be 8½ by 11 inches in size.

II. DESCRIPTIVE AND HISTORICAL NARRATIVES

The report should contain a descriptive and historical narrative about the resource(s). The descriptive overview should concisely but thoroughly describe the resource, including discussion of its site and setting; overall design and form, dimensions, structural character, materials, decorative or other details, and alterations. The historical narrative should provide an account of the resource's history and explain its significance in terms of the national register criteria (information about the criteria for listing a resource in the national register may be found on the web at http://www.nps.gov/history/nr/publications/bulletins/nrb15/nrb15_2.htm). Published and unpublished sources should be used as needed to document the resource's significance. For bridges and public structures, public records and newspapers should be used for information concerning the historical background and construction of the resource and to identify those involved in its design and construction. All sources of information (including author, title, publisher, date of publication, volume and page number) should be listed in a bibliography.

III. MAPS

Documentation for the historical narrative must include one or more maps that encompass the whole development, including:

- **USGS Map** – an original United States Geological Survey (USGS) topographical map indicating the location of the subdivision and listing its UTM coordinates.
- **Other Map(s)** - The maps must show the locations of all historic and non-historic features of districts and complexes. If more than one map is required to cover the entire district, a key map should illustrate the entire district and its boundaries.

Information District Maps Must Provide

- District or property name
- Name of community, county, and state
- Significant natural features such as lakes and rivers, with names
- All streets, railroad lines, old railroad grades, and any other transportation rights of way, labeled in bold print with their names
- Lot or property lines
- Outlines or representations for all surveyed properties

(Attachment A)

- Patterned coding of footprints or representations of all buildings to indicate whether they are contributing or non-contributing to the district's or complex's historic character and significance. The outlines or representations of contributing resources must be darkened, while they are left light for non-contributing resources.
- For districts, street addresses for all properties listed in the description's inventory section; if the properties have numbered street addresses, no other form of identification may appear on the map.
- Boundary of the property associated with the district or complex property.
- Key identifying any symbols used
- North directional arrow
- Scale bar (in case map is copied in larger or smaller format)

Do Not:

- Use color coding. Photocopying in black and white will render color coding unreadable.

Map Standards

The final copies of maps must be printed on white paper meeting the national register's standards for archival stability – 20 pound acid-free paper with a two percent alkaline reserve. Tape, staples, and adhesive labels may not be used. Maps should be in 8 ½" X 11" format, if possible. Map sheets larger than 11" X 17" are not acceptable.

The district map should show both the lot lines and the outlines of the buildings. For business districts containing buildings that occupy most of their lots, the maps must show the building outlines. Outside of business districts, surveyed buildings can be shown by square boxes if maps showing building outlines are not available. Monuments and other objects may be represented by circles or dots.

IV. DRAWINGS - GENERAL INSTRUCTIONS

Drawings should be drawn or printed on archival paper and folded to fit an archival folder approximately 8½ by 11 inches. Use coding, crosshatching, numbering, transparent overlays, or other standard graphic techniques to indicate the information. Do not use color because it cannot be reproduced by microfilming or photocopying. Drawings should be used to document the existing condition of the resource, the evolution of a resource, alterations to a building or complex .of buildings, floor plans of interior spaces. - Site plans should have a graphic north arrow and include locations and types of trees, shrubs and planting beds. All architectural and site plans should include dimensions indicating the overall size of buildings, sizes of major interior spaces and distances between major site features. If original drawings of the resource(s) exist, add a graphic scale the drawings and reproduce them to fit on 8½ by 11 inch archival paper. Photographic reductions are permissible provided they meet the photographic requirements specified in these guidelines.

V. PHOTOGRAPHS - GENERAL INSTRUCTIONS

Submit clear and descriptive photographs and negatives in acid-free envelopes. Photographs should provide a clear visual representation of the historic integrity and significant features of the resource. The number of photographs needed will vary according to the project and the nature of the resource. The article by David Ames, *A Primer on Architectural Photography and the Photo Documentation of Historic Structures* (Vernacular Architecture Forum News, no date) provides helpful information for photographing buildings and structures. This article is available on the web at

<http://dspace.udel.edu:8080/dspace/bitstream/19716/2831/1/A%20primer%20on.pdf>.

GUIDELINES FOR PHOTOGRAPHIC COVERAGE

Photography should include at least two general views of each building to be demolished, each if possible showing two sides, so that all four sides are photographed, plus at least one streetscape view looking in each direction of the part of the street in which each building is located. Thus, for each building, four to six views, unless several buildings are in one short stretch of the same street. If there are any examples left of any of the

same building form that retain a high state of integrity, photos should be taken of one sample building for each building form, two views of each together showing all four sides.

Buildings, Structures and Objects

- Submit one or more views to show the principal facades and the environment or setting in which the resource is located;
- Additions, alterations, intrusions, and dependencies should appear in the photographs;
- Include views of interiors, outbuildings, landscaping, or unusual details if the significance of the resource is entirely or in part based on them.

Historic and Archaeological Sites

- Submit one or more photographs to depict the condition of the site and any aboveground or surface features and disturbances;
- If they are relevant to the site's significance, include drawings or photographs that illustrate artifacts that have been removed from the site;
- At least one photograph should show the physical environment and configuration of the land making up the site.

BASIC TECHNICAL REQUIREMENTS

Photographs must be:

- at least 5 x 7 inches, preferably 8 x 10 inches, unmounted (do not affix the photographs to paper, cards, or any other material); photographs with borders are preferred;
- submitted in acid free envelopes; the envelopes should be labeled in pencil (see labeling instructions below).

Envelope Labeling Instructions

Neatly print the following information on the upper right corner of the envelope in soft **lead pencil**:

1. Name of the resource;
2. Street Address, township, county, and state where the resource is located;
3. Name of photographer;
4. Date of photograph;
5. Description of view indicating direction of camera;
6. Photograph number.

Do not use adhesive labels for this information.

Film Photography

- Photographs must be printed on double or medium-weight black-and-white paper having a matte, glossy, or satin finish; fiber-based papers are preferred; resin-coated papers that have been processed automatically will be accepted provided they have been properly processed and thoroughly washed; we recommend the use of a hypo-clearing or neutralizing agent, and toning in selenium or sepia to extend the useful life of the photographs;
- The negatives must be submitted with the prints. Each strip of negatives should be submitted in acid free envelopes that have the following information submitted in soft lead pencil in the upper right corner of the envelope.

1. Name of the resource;
2. Name of the photographer;
3. Date of photograph;
4. Negative numbers

Digital Photography

Camera:

BEST: At Least 6 megapixel digital SLR Camera

Acceptable: Minimum 6 megapixel point-and-shoot digital camera

Acceptable: 2 – 5 megapixel SLR or point-and-shoot digital camera

Not acceptable:

- Camera phones
- Disposable or single-use digital cameras
- Digital cameras with fewer than 2 megapixels of resolution

Image format:

BEST: First generation Tag image file format (TIFF) or RAW

Acceptable:

- Joint Photographic Experts Group (JPEG) converted to TIFF
- JPEG must not be altered in any way prior to conversion
- After the image has been saved as a TIFF, use the guidelines outlined in the section titled "Labeling the Image."

Capturing the Image:

BEST: Minimum 6 megapixels (2000 x 3000 pixel image) at 300 dpi

Acceptable: Minimum 2 megapixels (1200 x 1600 pixel image) at 300 dpi

Printer paper and inks¹:

BEST Inks: Manufacturer recommended pigmented ink for photograph printing

- Some examples:
 - Epson UltraChrome K3
 - Kodak No. 10 Pigmented Inks
 - HP Vivera Pigment Inks
 - Epson Claria "Hi-Definition Inks"
 - Epson DuraBrite Ultra Pigmented Inks
 - HP Vivera 95 dye-based inks

BEST Papers: Photographic Matte Paper

Not acceptable:

- Regular copy or printer papers
- Glossy photographic paper papers
- Paper or ink not equivalent to the examples listed above
- Disk only, without prints

The Disk:

BEST: CD-R - with patented Phthalocyanine dye and 24 Karat gold reflective layer.

- Examples:
 - Delkin's Archival Gold™ (also referred to as eFilm® Archival Gold)
 - MAM-A Gold™ (also know as Gold-On-Gold™)
 - Verbatim UltraLife™ Gold Archival Grade CD and DVD-R

¹ The list below includes products known at this time to meet the minimum documentation specifications established for the compilation of National Register nomination documents. The list is not intended to be restrictive or comprehensive, and does not constitute, and shall not be taken as, endorsement by the State Historic Preservation Office of any of the specific products or manufacturers identified.

Acceptable: CD-R or DVD-R
Not acceptable: CD-RW or DVD- RW

Labeling the Disk

BEST: Labels printed directly on the disk by way of inkjet or laser printers

Acceptable: Labeled using CD/DVD safe markers,

- Examples:
 - Sharpies™
 - Prismacolor®

Not acceptable: Ammonia or solvent based markers

VI. ADDITIONAL ITEMS

In addition to the items described in these guidelines, the SHPO may request additional documentation, depending on the nature and significance of a particular resource.

If you have any questions, please contact the Environmental Review Coordinator at 517-335-2721.

State Historic Preservation Office
Michigan Historical Center
702 West Kalamazoo Street
PO Box 30740
Lansing, MI 48909-8240

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Appendix F

Michigan State Historic Preservation Office Data Confidentiality Standards For Archaeology

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DATA CONFIDENTIALITY STANDARDS FOR ARCHAEOLOGY

- Under the Michigan Freedom of Information Act (FOIA) (MCL 15.231), archaeological site locations are confidential and exempt from public disclosure. Therefore, Michigan's State Archaeological Site File is accessible only to professional archaeologists who meet the Secretary of the Interior's *Professional Qualifications Standards* (36 CFR Part 61).
- Qualified professionals who conduct research in the State Archaeological Site File must not disclose site locations on maps or other locational data (such as map coordinates, addresses, or Township/Range/Section information) with the public.
 - When site information is presented to clients for Section 106 and compliance purposes, qualified professionals must ensure that their clients are aware that archaeological site locations are protected and confidential. Maps and documents must be marked with a statement of confidentiality.
- Research requests for information from the State Archaeological Site Files that are not associated with Section 106 or other regulatory compliance processes must be accompanied with a statement/research design outlining the nature of the research (i.e., research questions), the intended use of the data, as well as the intended audience.
- When site information is presented in technical reports or other documents, a confidentiality clause must be present in the front matter, to ensure that the report will not be circulated beyond the intended audience.
 - If a report has both Archaeological findings and Architectural findings, SHPO asks for either separate reports or a redacted copy for the Architectural Survey files to maintain the confidentiality of archaeological site information.
- If publishing data from the Michigan Archaeological Site File, SHPO should be cited as the source, and the author(s) must make maps low resolution enough to obfuscate precise site locations.
- All researchers who use SHPO data are expected to submit copies of their research reports or publications for the Archaeological Site File. Please submit reports, as a pdf file, to Senior Archaeologist Sarah Surface-Evans at surfaceevanss1@michigan.gov. This request includes reports created for academic and due diligence projects.
 - Also submit shape files of the project and survey area, and shapefile files for each respective site in the project area (if applicable). [Follow SHPO geospatial data requirements.](#)
 - If reporting new archaeological site(s), submit an [Archaeological Site Form](#) to Sarah Surface-Evans.
 - Submit Section 106 and compliance reports with the [Application for SHPO Section 106 Consultation.](#)

Appendix G

Michigan State Historic Preservation Office Archaeological Standards: Technical Guidance for Archaeologists in the State of Michigan

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ARCHAEOLOGICAL STANDARDS

Technical Guidance for Archaeologists in the State of Michigan



Guide 1 | www.michigan.gov/archaeology/

Methodological Standards Brief Fact Sheet

Draft revised: September 18, 2023

This guidance document is for archaeologists conducting Federal compliance work in the State of Michigan. The standards provided here are also relevant for academic and non-compliance research.

General:

- Follow SHPO guidance to ensure that your work will be accepted. If you need to deviate from our guidance, contact SHPO *prior to fieldwork*.
- Seek SHPO consultation for large-scale, complex or potentially culturally sensitive, and/ or controversial projects prior to fieldwork.
- The Principal Investigator (PI) and Project Manager (PM) for all archaeological projects shall meet the Secretary of the Interior's Professional Qualification Standards for Archaeology as set forth in 48 FR 44716 (Sept. 1983) and published in the Code of Federal Regulations, 36 CFR Part 61.
- Seek qualified specialists whenever expertise is not present within your organization. This may include urban archaeology specialists, geoarchaeologists, geophysical specialists, historic archaeologists faunal specialists, or biological anthropologist/osteologists, etc. Evidence of demonstrated expertise, including training, experience, and completion of reporting, is required for specialists.
- [Permits](#) are required for archaeology on state-owned land, bottomland, and where the state retains antiquity rights, and are obtained through the Michigan Department of Natural Resources (MDNR).
 - ◆ Permits may take up to 45 days to process and cannot be expedited unless for an emergency response or salvage operation.

Pre-Field Assessment:

- Prior to fieldwork, an archaeological assessment must be conducted. At a minimum, this includes researching the State Archaeological Site File (SASF) at SHPO, but should include all relevant background research.
- For urban or other complex contexts, such as underwater settings or areas with potential for deeply buried deposits, additional archival, ethnographic, & mapped resources must be consulted.

Field Methods:

- Pedestrian survey and shovel test transects must be no larger than 15 m intervals, without pre-approval from SHPO. Survey transect intervals may be shortened in particularly sensitive areas.
 - ◆ Site stratigraphy at surface scatters must be verified with shovel tests, as appropriate.
 - ◆ Judgmental shovel tests may also be used in addition to systematic transects, where warranted.
- Shovel testing is required in areas with less than 25% surface visibility unless obvious and substantial ground disturbance can be documented. Documentation of a soil core or excavated shovel test is required to demonstrate soil disturbance or fill and the spatial extent of disturbance.
 - ◆ Shovel tests should be about 40 cm in diameter. Round shovel tests are acceptable.
 - ◆ Shovel tests must penetrate at least 10 cm into the subsoil or culturally sterile horizons.
 - ◆ Screening through 1/4 inch mesh or smaller is required.
 - ◆ Radial shovel tests shall be excavated 5 m intervals or less (as warranted). Excavation of radial shovel tests should emphasize the delineation of site boundaries and internal artifact concentrations as indicated by the primary shovel tests. Radial shovel tests should be excavated both parallel and perpendicular to the transect orientation until at least two sequentially negative shovel tests are excavated.
- All artifacts shall be collected in the field. Exemptions can include nondiagnostic items recorded and discarded in the field such as brick, mortar, clinker, etc. provided that these are summarized in the report. At a minimum, count and weights must be collected on non-field collected artifacts.
- Fieldwork conducted in snow-covered or frozen ground is not acceptable, unless the work is classified as an emergency response or salvage operation and consultation with SHPO occurs in advance of fieldwork.
- Geophysical standards are covered in [Standards Guide 4](#).

Burials & Human Remains:

- In Michigan, cemeteries, burials, and human remains are regulated by several laws and administrative rules.
 - ◆ [Act 251 of 1968 is the Cemetery Regulation Act](#)
 - ◆ [Michigan Administrative Code Rule 325.8051](#)
 - ◆ [Michigan Attorney General Opinion No. 6585 Cemeteries and Dead Bodies](#)
- *When an unanticipated discovery of human remains occurs, local law enforcement must be contacted immediately and all work at the discovery site shall cease.*
- If human remains are discovered on private land or during the course of Section 106 projects, contact SHPO Senior Archaeologist Sarah Surface-Evans, surfaceevanss1@michigan.gov. If human remains are discovered on state lands or bottomlands, contact DNR Archaeologist Stacy Tchorzynski, tchorzynskis@michigan.gov, 517-388-4657.
- SHPO recommends preparing an Unanticipated Discoveries Plan (UDP) prior to fieldwork. Contact SHPO for template UDP that can be adapted for your project.

Underwater Surveys:

- For Section 106 projects, research designs for underwater surveys must be approved by SHPO in advance of fieldwork. If your project area corresponds to a lake, river, or dam impoundment, please contact SHPO to initiate early consultation and to discuss our expectations for level of effort for identification.
 - ◆ An underwater assessment is requested to illustrate the nature and character of the submerged area for purposes of addressing the potential for historic resources that may be underwater. The data used for an assessment may include existing environmental assessment of the bottom substrates, photographs, historical records and mapping, current and historic nautical charts, and documents related to the intrusion of fill and/or dredging or soil boring.
- Underwater archaeological research must be conducted by a qualified marine archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology (48 FR 44738- 44739) and with demonstrated experience in Great Lakes marine archaeology.

ARCHAEOLOGICAL STANDARDS

Technical Guidance for Archaeologists in the State of Michigan



Guide 2 | www.michigan.gov/archaeology/

Reporting Standards Brief Fact Sheet

Draft revised: September 18, 2023

General:

- Reports must be submitted as a single, searchable PDF file.
- Reports must adhere to SHPO [Data Confidentiality Standards for Archaeology](#). A confidentiality clause must be present in the front matter, to ensure that the report will not be circulated beyond the intended audience.
- Use the SHPO [Management Summary Form](#) behind the title page of your report to ensure that you include all required information in the correct order. This aids our office with required NPS reporting.
- Due to differing levels of confidentiality and accessibility, Archaeology Reports should be stand-alone documents separate from Above Ground Historic Properties reporting.
- Reports must include a table of contents, list of illustrations, and list of tables.
- We encourage you to utilize our [Short Report Form](#) for small, simple projects. The Short Report Form can be used for projects meeting the following conditions:
 - Project is in a rural setting, not within a city or village boundary
 - Project is a Phase I survey, such as a Cell Tower Survey, with a survey area of 5 acres or less
 - No sites were identified, or if sites were identified, they are isolated finds or small artifact scatters not eligible for NRHP listing.

Contexts & Methods Reporting:

- The cultural contexts section of your reports must reflect the current, regional understanding of Michigan pre- and post-contact history. Cultural contexts should be reflective of the scale and scope of the project and be appropriate for the specific Project Area and surrounding area/region. Overly generalized, state-wide, or outdated contexts will not be accepted.
 - ◆ All sources, including archival maps, must be cited in the references.
- The environmental context section should reflect the scale and scope of the project being reported. At a minimum the physiography, soils, and pre-settlement vegetation of the Project Area and surrounding area must be discussed.
- SHPO expects that environmental and cultural contexts will be synthesized into a narrative that discusses the archaeological sensitivity of the Project Area and surrounding region.
- If field conditions, such as disturbed soils, wet areas, or steep slopes are encountered, we expect demonstrated evidence of these conditions, including:
 - ◆ Photographs of all field conditions.
 - ◆ Photographs of disturbed soil profiles.
 - ◆ Descriptive text summarizing soils and/or conditions encountered in the field.
 - ◆ Mapping that indicates the areas of disturbance, low and wet areas, and steeply sloped areas.
- Provide summary tables for all shovel tests, excavation units, and/or trenches excavated. Tables should include a summary of soils, size, depths, and artifact content.

Site Reporting:

- The National Register of Historic Places (NRHP) eligibility and criteria for significance must be clearly addressed for each site identified or investigated.
- State-issued trinomial site numbers must be included in reports, including existing and newly discovered sites. For projects on federal land, federal site numbers also must be included in addition to state trinomials.
- Contact Sarah Surface-Evans, surfaceevanss1@michigan.gov for new site trinomials.
- Complete [Michigan Terrestrial Archaeological Site Forms](#) are required with report submissions for both newly identified sites and revisited/updated sites.

Figures & Photographs:

- All figures, images, and maps must be numbered, captioned, *and* referenced in text.
- Photographs of the conditions present in the project area *at the time of the survey* must be included. The photographs should include general overviews as well as pictures of individual sites and specific parts of the project area if site conditions vary across it.
 - ◆ Online screenshots extracted from the internet (e.g., Google Maps Street View, Bing Maps Streetside, and other online roadway image equivalents) are not acceptable.
- Photographs of representative soil profiles (including disturbed soils) must be included for shovel test surveys, test unit excavations, or trenching/mechanical excavations.
- Photographs of diagnostic artifacts and any other noteworthy artifacts are required. Artifact photographs should be clear, in focus, and include a scale.
- Mapping standards are covered in [Standards Guide 3](#).

Artifacts & Curation:

- When artifacts are encountered, we expect that they are fully analyzed in the report.
 - ◆ Include artifact catalogs as tables with counts and weights of all artifacts.
 - ◆ Photograph all diagnostic materials/artifact typologies or categories and any other noteworthy artifacts.
 - ◆ Label all artifact photographs with the object number and description.
- The curation plan for artifacts recovered during fieldwork must be stated in the report if it is somewhere other than with the landowner.
- State-owned artifacts must be curated with the State of Michigan following a project unless a loan agreement for research or exhibition is executed. With landowner permission, collection donations will be accepted by the State. Contact Senior Archaeologist Sarah Surface-Evans, surfaceevanss1@michigan.gov or DNR Archaeologist Stacy Tchorzynski, tchorzynskis@michigan.gov for more information regarding curation.

ARCHAEOLOGICAL STANDARDS

Technical Guidance for Archaeologists in the State of Michigan



Guide 3 | www.michigan.gov/archaeology/

Mapping & Geospatial Standards Brief Fact Sheet

Draft revised: September 18, 2023

Mapping:

- Project area, survey, and site boundaries must be shown centered on a 7.5' USGS topographic quadrangle map citing the correct quadrangle name(s).
 - ◆ Free historical and current 7.5' topographic maps can be downloaded at the USGS [TopoView](#) website.
 - ◆ The name of the topographic map must be included in the figure caption and references.
- All maps must include a north arrow, scale, key/legend, and a figure caption that describes what is illustrated in the figure.
- Maps must be at sufficient size and resolution to show map features, especially topographic maps.
 - ◆ Use insets, landscape view, 11x17 page, or multiple maps as necessary.
- The locations of field conditions (such as disturbed soils, low/wet areas, and steep slopes) must be illustrated and mapped.
- The locations of all field methods must be mapped, including pedestrian survey, shovel tests, units, geophysical grids, etc.
- Include all relevant historic mapping or imagery referenced as contexts in your report text. Cite all map sources, including historic maps in the report references.
- Archaeological sensitivity maps must not be copies of SHPO maps.
- When sites are encountered, sketch maps are required.
 - ◆ Site boundaries must be mapped and justified in the report text.
 - ◆ Illustrate methods used in site delineation.
 - ◆ Obtain site trinomial before submitting the report & label the site with its trinomial number.

Geospatial Data:

- To submit GIS data and layers, follow SHPO [Geospatial Data Requirements](#).
- All maps shall use the NAD_1983_Michigan_GeoRef_Meters WKID (3078) projection.
- All data layers should be named with the following conventions: use a project specific name, without spaces, no symbols (other than underscores), without "SHPO" in the name.
- Provide sites and surveys as separate shapefiles.
- Archaeological data must be submitted as separate layers from historic (above-ground) layers.
- Archaeological layers should be submitted as polygons only.
- Surveys should be submitted as polygons only.
 - ◆ When submitted under Section 106 consultation, if the areas surveyed are not identical to the area of potential effects, the surveyed areas must be specifically indicated
- GIS data should not be submitted without survey reports and accompanying information.
- How to submit files:
 - ◆ If files are individually under 30MB, they can be submitted through our [submission portal](#).
 - ◆ For multiple files with combined size of greater than 30MB, you can make multiple submissions to the portal.
 - ◆ Please note that file names may not contain any special characters or punctuation besides the period/dot before the file name.
 - ◆ Shapefiles should be submitted as a zipped folder to reduce file size.
 - ◆ If any single file is greater than 30MB, it must be submitted on a USB drive to State Historic Preservation Office, 300 North Washington Square, Lansing, MI 48913.

ARCHAEOLOGICAL STANDARDS

Technical Guidance for Archaeologists in the State of Michigan



Guide 4 | www.michigan.gov/archaeology/

Geophysical Standards Brief Fact Sheet

Draft revised: September 18, 2023

As of 2023, only a handful of projects using geophysical methods are logged into the Michigan State Archaeological Site File. Of the projects that employed geophysics in Michigan, 70% are related to academic research or student theses and 30% are related to Federal compliance projects. These projects include investigating cemeteries for unmarked graves, examining possible Pre-contact mound or earthwork features, identifying sub-surface structural features at historic sites, and detecting sites underwater. The Michigan SHPO encourages more widespread use of geophysical techniques in Michigan, particularly as these methods are less invasive and in many cases faster and more economical than traditional survey methods.

Geophysical methods are complex and currently there are no international or national level standards for archaeological geophysics. Because of this, SHPO strongly recommends that researchers and consultants using geophysical methods work closely with our office to develop approaches that fit the specific goals of their project and environmental contexts of their project area. This guidance document provides the baseline expectations for archaeological geophysics in Michigan.

Demonstrated Expertise

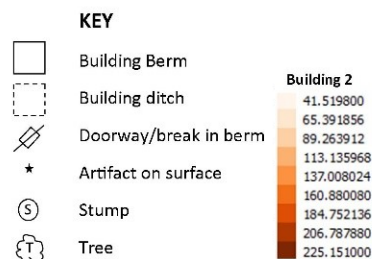
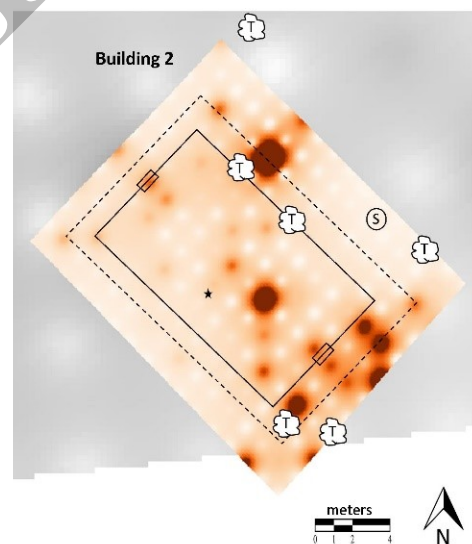
- Consultants and researchers planning to conduct geophysical surveys must include documentation of their training and experience in their research plan.
- Principal Investigators and/or Project Managers overseeing primarily geophysical projects must demonstrate previous experience overseeing geophysical investigations to completion.
- In projects where the scale and geological contexts are complex, a Professional Geoscientist or P.G. (a geologist, geophysicist, or soil scientist), is recommended to oversee geophysical investigations.
- Qualified professional with proven experience in archaeological geophysics must conduct interpretation of geophysical data and classification of geophysical anomalies.
- Copies of CVs for all key personnel must accompany geophysical prospection proposals and reports.

Research Design:

- A clear statement of how geophysical methods are capable of identifying the targeted cultural resources, as well as the limitations of the methodology in the specific contexts where it will be deployed must be included in the research design.
- The research design must demonstrate that there is an understanding of 1) the local geological and environmental conditions in the project area, 2) how the geophysical equipment will perform in these conditions, and 3) the cultural and historical background of the area with clear expectations of the types of features that could be detected (as well as those that cannot be detected) via the selected geophysical method(s).
- The goals of a geophysical project should be clearly stated. Geophysical research can be categorized into three general goals: prospection to **identify** areas of archaeological potential and individual strong anomalies; **delineation** to map archaeological sites and features; and **characterization** to analyze in detail the shape of individual anomalies.
- The research design should specify the transect spacing and sampling interval, or spatial resolution of the data. The effective spatial resolution of data collection should be discussed in relationship to the types and size of cultural features expected in the project area.
- Justification that geophysical technology selected is appropriate for detecting the types of features expected. We recommend that a multi-methodology strategy be employed where appropriate, utilizing several different geophysical techniques.
- The research design should detail how data will be collected in the field and the methods for processing data. Provide an outline of proposed steps for how data will be processed and analyzed for anomalies.
- Geophysical anomalies must be ground-truthed to be verified. At minimum, this should include solid soil coring.

Reporting:

- Geophysical reports are expected to follow the same SHPO and best practices [reporting standards](#) for all other archaeological reports.
- Geophysical reports of completed fieldwork and analysis must be detailed enough that it is possible for an independent researcher to reproduce and remeasure the results of any geophysical survey.
- Provide a detailed description of data collection methods and field conditions. Include the steps and strategies for data processing and analysis.
- Researchers must maintain a copy of the unprocessed raw data for quality control and to allow for future analysis or reprocessing.
- Include sketch maps of the grid locations including cultural and natural features within and nearby the geophysical grid(s).
- All anomalies must be evaluated for archaeological potential. Clearly highlight anomalies in figures and discuss possible cultural and/or natural interpretations of the anomalies.
- Environmental conditions of the project area must be discussed in detail vis-à-vis detected geophysical anomalies. For example, in some cases soil conditions and natural inclusions preclude the successful use of geophysical methods.
- Geophysical figures must include a scale bar, a scale indicating the range and magnitude of the data on display, and a north arrow. Both radargrams and interpolated maps should be included for ground penetrating radar data.



Additional References & Resources:

- [Ohio History Connection, Archaeology Guidelines Supplement: Geophysical Survey](#)
- [EAC Guidelines for the use of Geophysics in Archaeology](#)
- [Archaeological Geophysics for DoD Field Use: a Guide for New and Novice Users](#)

Appendix H

Unanticipated Encounters Plan & Unanticipated Discoveries Plan

Attached on the following pages are the templates relating to Tribe's Unanticipated Encounters Plan and the Michigan SHPO's Unanticipated Discoveries Plan

1. **Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians.** This plan is also valid for the Pokagon Band Of Potawatomi Indians, as communicated by Tribal Historic Preservation Officer, Matthew Bussler, in meeting May 13, 2024.
2. **Michigan SHPO.** Current as of May 13, 2024.

DRAFT



Unanticipated Encounters Plan

Project:

Project Lead/Organization:

Location:

County:

Date:

This Unanticipated Encounters Plan (UEP) will be followed upon the unanticipated encounter with human remains and cultural materials during any ground-disturbing activities. The UEP should always be kept at the project site during all project activities. All staff, contractors, and volunteers should be familiar with its contents and know where to find it. During any positive encounters, all of the individuals listed on the contact sheet of the UEP must be contacted within 72 hours of the suspected encounter and Section 106 consultation should immediately resume to address the unanticipated encounter, especially if outside of the scope of the initial Section 106 consultation's identification, avoidance, minimization, and mitigation of adverse effects to historic properties.

1. During the planning stage(s) of construction activities (before excavation or other ground-disturbing activities)
 - a. Clearly define the Area of Potential Effects (APE), which can be impacted by construction activities, per 34 CFR Part 800.
 - b. Consult and review archaeological survey documents such as the State Historic Preservation Office (SHPO) Archaeological Inventory, Hinsdale Archaeological Atlas; "An Archaeological Survey of Allegan County, Michigan: 1978 Multiple Transect Surveys in the Middle Kalamazoo River Valley; and Western Michigan University, Department of Anthropology's Archaeological Report No. 3, for example.
 - c. Utilize 34 CFR Part 800 to identify historic properties and to avoid, minimize, and mitigate any adverse effects to the historic properties.
 - d. In the instance that Native American historic properties, including burials and cultural materials (e.g. funerary objects, sacred objects, objects of cultural patrimony), are identified, Section 106 consultation should identify if:
 - i. A Tribal or Archaeological Monitor should be contracted for the entirety or a limited section of the project; or
 - ii. Staff from the Tribal Historic Preservation Office (THPO) will conduct intermittent monitoring site visits throughout the duration of the project.
 - e. Invite a Tribal representative to visit the site and provide training for field personnel on how to identify significant resources such as human remains and cultural materials.

2. Unanticipated encounter with suspected human remains
 - a. Upon encounter with suspected human remains, the contractors/onsite archaeologist/etc. will immediately stop all activity within the affected area, defined as at least 50 feet (dependent on the situation) and install a buffer zone of at least 100 feet.
 - b. The affected area will be closed off according to the following parameters or as established through Section 106 consultation. The remains will not be touched, moved, or further disturbed.
 - i. If the area is in a very public, high traffic location, orange construction fencing will be used to close off the area and a secured tarp or plastic sheeting will be used to close off the area and a secured tarp or plastic sheeting will be used to cover and protect the exposed human remains.
 - ii. If the area is in a public, low-medium traffic location, Section 106 consultation should address how the site should be best protected and secured.
 - iii. If the area is in a highly remote location with limited accessibility due to situational factors (i.e., weather, or other hazardous conditions), the exposed human remains will be covered by a tarp or plastic sheeting and the buffer zone will be demarcated with marking flags or tape if in a location that will not draw unwanted attention (and when it is safe to do so).
 - c. The contracted workers will notify the Project Manager and other agency staff as identified in this UEP. Furthermore, the County Sheriff, medical examiner/coroner, SHPO, and THPO will be notified.
 - d. The medical examiner/coroner will determine whether the human remains are forensic or non-forensic.
 - i. Examination and analysis of suspected Native American human remains shall be non-destructive and non-invasive unless authorized by the affected Tribes.
 - ii. Any photography of suspected Native American human remains, funerary objects, and sacred objects shall be limited to those essential to forensic examination and criminal investigations and shall be kept secure and confidential. Copies of all photographs and field sketches shall be provided to specified Tribal representatives at the time the remains are transferred to the Tribe and may be destroyed.
 - e. The Gun Lake Tribe's THPO will be notified within 72 hours and will work with the relevant agencies to initiate consultation per 34 CFR Part 800.
 - f. Staff will meet with the involved parties and provide recommendations and insight as to what to do about the human remains.
 - i. Topics may include (a) considerations for handling and treating the encountered remains, (b) evaluation of whether excavation or removal is appropriate and necessary, (c) if leaving the remains *in situ* is appropriate, (d) determination of any additional measures in order to secure the site and document the encounter, and (e) any Memorandum of Agreement (MOA)/Memorandum of Understanding (MOU)/plan of action that provides protocols for the treatment, handling, custodianship, and disposition of the human remains (e.g. reinterment or reburial).
 - g. In most cases, it is preferred that burial sites be preserved, adequately documented, and maintained in place. If this is not possible, the remains and any associated materials would need

to be moved for their protection. The following sequence of steps will be employed if it is not possible to preserve and maintain an unanticipated burial in place:

- i. All remediation/removal work must be conducted by qualified, state-certified archaeological personnel.
 - ii. Tribal monitors may be present during the exhumation process to observe and report progress back to Tribal representatives. Monitors may provide immediate direction should questions arise during the process.
 - iii. All human remains that constitute each single individual will be kept together, along with any funerary objects collected with the individual.
 - iv. The curation facility to house the remains will be determined through consultation and will qualify as a secure location with experience in handling ancestral remains as well as the Native American Graves Protection and Repatriation Act (NAGPRA) repatriation process.
 - v. A preliminary inventory of remains and funerary objects and standard archaeological data collection will be conducted throughout the process and delivered to the Tribe.
 - vi. Any photography or artistic rendering of the site, including human remains and funerary objects, can only be approved through prior consultation with the Tribe.
 - vii. Location identifying information, such as GPS coordinates, and any approved photography and/or artistic renderings and archaeological data must be considered sensitive information not for distribution to the public or other unauthorized personnel.
 - viii. Care and handling protocols:
 - (1) The archaeological team will follow all professional processes and procedures throughout.
 - (2) Human remains will be removed in articulated sections as much as possible. Each section will be wrapped in bubble wrap and nested in a plastic tub for protection.
 - (3) If the remains are too fragile, they should be removed with stabilizing soil attached.
 - (4) If there is more than one individual, there must be distinct identification labels.
 - (5) Exhumed human remains and funerary objects must not be left unprotected or unattended at the remediation site.
3. Unanticipated encounter with cultural materials
- a. Upon an unanticipated encounter with cultural materials, ground-disturbing activities in the vicinity of the find will be immediately stopped.
 - b. The area will be further investigated with a buffer installed of at least 50 feet.
 - c. The Project Supervisor will notify the Responsible agency official and interested Tribes.
 - d. A qualified archaeologist will determine if the encounter is part of an archaeological site or an isolated cultural item. Work in the immediate area will not resume until treatment of the encountered materials has been completed or the encountered materials has been adequately protected.
 - e. [See Section 4 for archaeological monitoring activities]
 - f. Precontact archaeological materials include (but are not limited to): intact deposits of shell midden sentiments, stone chips or tools, clusters of charcoal or other evidence or fire-related activities, and faunal remains.

- g. Historic-period archaeological materials may include (but are not limited to): refuse or trash concentrations, domestic items, machinery fragments, or house foundations.
 - h. Under 43 CFR Part 10 (the implementing regulations for NAGPRA), archaeological materials suspected to be funerary objects, sacred objects, and objects of cultural patrimony.
4. Section: Archaeological/Tribal Monitoring
- a. Upon notification of the unanticipated encounter(s), THPO staff may travel to the project site location to observe the remains or materials. Accommodations will be made for any necessary traditional or ceremonial practices in association with the Native American human remains, funerary objects, sacred objects, objects of cultural patrimony, and cultural materials.
 - b. Depending on the situation, THPO staff may continue monitoring efforts during other ground-disturbing activities at the site to protect other cultural resources that may be disturbed, including human remains and cultural materials.
 - i. Staff will coordinate with onsite contractors to view the excavation efforts and watch for human remains, artifacts, or other features that may be disturbed.
 - ii. The monitor may stop excavation if they find evidence of human remains or cultural items that need to be further examined.
 - (1) The monitor may take notes on the location observed (e.g. depth in metric units below surface), the sedimentary context, and other pertinent information, and will document the area with photographs. It may be necessary for the monitor to request continued mechanical excavation of soils adjacent to the find to confirm the extent and integrity of the find. The monitor will coordinate with the onsite supervisor to direct the contractor in those cases. The monitor will watch for precontact or historic-period artifacts or layers of organic material or shell, and organically enriched midden soils that might indicate past human use.
5. Contact list
- a. To ensure the protection, preservation, and proper, respectful treatment of any encountered human remains and any object(s), pursuant to applicable law, the nature and location of any encounter shall remain confidential. Only those persons and entities identified in this Plan shall be notified of the encounter or given information about the encounter. The Agency/Organization will ensure all staff and consulting personnel are appropriately trained for their respective roles in implementing this Plan.

Project Lead	Project Secondary Contact	Law Enforcement Contact
Name	Name	Name
Title	Title	Title
Phone	Phone	Phone
Email	Email	Email

SHPO Contact	SHPO Secondary Contact	Coroner/Medical Examiner
Sarah Surface-Evans	Scott Slagor	Name
Senior Archaeologist	Section 106 Cultural Resource Protection Manager	Title
517-282-7959	517-285-5120	Phone
Surfaceevanss1@michigan.gov	Slagors2@michigan.gov	Email

MBPI Contact	MBPI Secondary Contact	Lead Agency/Institution
Lakota Hobia	Kaila Akina	Name
THPO	Deputy THPO	Title
269-525-8125	269-370-2503	Phone
Lakota.hobia@glt-nsn.gov	Kaila.akina@glt-nsn.gov	Email

Other Tribe/THPO Contact	Other Tribe/THPO Contact	Other Tribe/THPO Contact
Name	Name	Name
Title	Title	Title
Phone	Phone	Phone
Email	Email	Email

Other Tribe/THPO Contact	Other Tribe/THPO Contact	Other Tribe/THPO Contact

SHPO Unanticipated Discoveries Plan

****INSERT: FEDERAL AGENCY, PROJECT NAME, LOCATION, DATE****

Purpose

This document outlines the procedures to prepare for and address the unanticipated discovery of historic properties or human remains. It provides direction regarding the proper procedures to follow in the event that unanticipated cultural materials 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 projects.

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 human-made objects (both pre-contact and historic period) and features (e.g., foundation walls, hearths, middens, or other remnants of cultural activity) that are part of an archaeological site. 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 body or bodies, 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 skeletal remains, regardless of antiquity or ethnic origin, will at all times be treated with dignity and respect.

Procedures for Historic Structures & Buildings or Archaeological Discoveries

- 1) STOP WORK. If any employee, contractor, or subcontractor believes that he or she has uncovered cultural materials relating to an archaeological site or historic structure or building at any point in the project, all work at and adjacent to the discovery must stop. The discovery location should be secured at all times. Minimize movement of vehicles and equipment in area immediately surrounding the discovery.
- 2) CONTACT. If the discovery does not appear to be human remains, the applicant will contact **AGENCY** and **AGENCY** will notify the SHPO/THPO of the discovery and the possible actions within two business days of discovery if the discovery occurs Monday through Friday. If the discovery occurs during a weekend or Federal holiday, **AGENCY** will notify the SHPO/THPO on the first working day after the weekend and/or holiday. The

SHPO/THPO will respond within 48 hours of the notification or on the first working day if preceded by a weekend or holiday. **AGENCY** will take into account the SHPO's/THPO's recommendations and advise the Applicant to carry out appropriate and specific actions.

3) EVALUATE.

Historic buildings and structures will be identified and evaluated by qualified professional who shall meet, at a minimum, the Secretary of Interior's Professional Qualification Standards (44 FR 44738-9) in History or Architectural History.

- a) If the historian determines that the discovery is not a cultural resource, they will immediately advise **AGENCY** in writing and will notify the SHPO/THPO of their findings.
- b) If the historian determines that the discovery is a cultural resource, they will immediately advise **AGENCY** and **AGENCY** will notify the SHPO/THPO. and complete Architectural Properties Identification Forms for each newly identified cultural resource.
 - i) If the resource is not significant, the historian will document the discovery in a report (including photographs of the discovery site). The report must also include the completed identification forms and an explanation of why they believe the resource is not significant. The historian will formally request permission from **AGENCY** and SHPO/THPO for construction to recommence.
 - ii) SHPO and identified tribal representatives will be invited to observe the implementation of any proposed work.
 - iii) If the resource is believed to be significant, the historian will document the discovery in a report (including photographs of the discovery site). The report must also include the completed identification forms and an explanation of why they believe the resource is significant and a proposal for mitigation or data recovery. Then based on this information, **AGENCY** and SHPO/THPO will consider mitigation efforts.

Archaeological discoveries will be identified and evaluated by a qualified professional who shall meet, at a minimum, the Secretary of Interior's Professional Qualification Standards (44 FR 44738-9) for archeologists. The professional archaeologist will examine the location of the discovery. All work to evaluate significance and Project effects will be confined to the Project's potential area of impact. The costs of such professional services will generally be the responsibility of the Applicant.

- a) If the archaeologist determines that the discovery is not a cultural resource, the archaeologist will immediately advise **AGENCY** in writing and will notify the SHPO/THPO of their findings.
- b) If the archaeologist determines that the discovery is a cultural resource, the archaeologist will immediately advise **AGENCY** and **AGENCY** will notify the SHPO/THPO. The SHPO will assign an Archaeological Site Number to the discovery.
 - iv) If the resource is not significant, 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 AGENCY and SHPO/THPO for construction to commence.

- v) SHPO and identified tribal representatives will be invited to observe the implementation of any proposed work.
 - vi) If the resource is believed to be significant, 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 significant and a proposal for mitigation or data recovery. Then based on this information, AGENCY and SHPO/THPO will consider mitigation efforts.
- 4) MITIGATE. For resources that are deemed significant, AGENCY and its Applicant will consult with the SHPO/THPO on measures to avoid further impacts to the discovery. If the SHPO/THPO does not object to AGENCY's recommendations, AGENCY will require the Applicant to modify the project design plans to implement any recommendations. If the SHPO/THPO objects to the recommendations, AGENCY and the SHPO/THPO will consult further to resolve the objection through actions including, but not limited to, identifying project alternatives that may result in the undertaking having no adverse effect on historic properties. The costs of such recovery and recordation will generally be the responsibility of the Applicant.
- a) When an Applicant's project cannot be modified and will have adverse effects on an archaeological property, AGENCY may treat the adverse effect by providing for the recovery of significant information through archaeological data recovery or other scientific means. To accomplish this objective, AGENCY will follow the Council's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 FR 27085, May 18, 1999); and consult with the other consulting parties to prepare a data recovery plan, including material and record curation provisions. A report of data recovery efforts must be completed and submitted to the SHPO/THPO for review.
 - b) For sites where AGENCY determines other treatment measures are appropriate, AGENCY will consult further with the other consulting parties to develop an appropriate approach to resolving the adverse effects.

Procedures for the discovery of human skeletal materials and associated funerary items

1. STOP WORK. If any employee, contractor, or subcontractor believes that he or she has uncovered skeletal remains at any point in the project, all work adjacent to the discovery must stop. The discovery location should be secured at all times. Minimize movement of vehicles and equipment in area immediately surrounding the discovery.
2. CONTACT. Notify the appropriate local law enforcement agency and AGENCY immediately. Law enforcement will then determine if the remains are human, and whether the discovery constitutes a crime scene.
 - a. If the police determine that human remains represent evidence of a crime or missing person, they will complete their investigation.
 - b. If skeletal remains are determined to be non-human and there is no archaeological association, then AGENCY will notify SHPO/THPO and work can proceed.

- c. If the police determine that human remains do not represent evidence of a crime or missing person, but an archaeological burial site, then **AGENCY** will notify SHPO/THPO and in consultation with the SHPO/THPO a recovery plan will be developed. In most cases, it is preferred that burial sites be preserved, adequately documented, and maintained in place. If this is not possible, the remains and any associated materials would need to be moved for their protection. The following sequence of steps will be employed if it is not possible to preserve and maintain an inadvertently discovered burial in place:

3. DOCUMENT. A qualified archaeologist experienced in human remains recovery shall document and recover the remains and any related materials that may be present. Archaeological expertise is important in documenting the discovery context and evaluating whether the remains are isolated or if additional remains may be immediately present. Archaeological recovery may be done under the auspices of law enforcement. If law enforcement chooses not to be involved, a permit for disinterment must be obtained from the local Department of Public Health, or through a court order.
 - a. Documentation and recovery shall be respectful and conducted out of public view, to the extent possible.
 - b. As soon as possible, the remains shall be examined by a physical anthropologist using standard non-invasive methods and procedures to create a basic biological profile and estimate ethnicity. Known or suspected Native American Ancestors or other materials subject to NAGPRA will not be moved, touched, or further disturbed after discovery until completion of Tribal consultation or emergent circumstances arise.
 - c. If it can be determined immediately that a discovery is, or has the potential to be, a Native American Ancestor and/or other materials subject to NAGPRA (i.e., associated or unassociated funerary objects, sacred objects, and objects of cultural patrimony), the THPOs will be notified within 48 hours of discovery and potential identification. Tribal notification and consultation will be coordinated by **AGENCY** and SHPO.
 - d. After notification and initial consultation, consulting Tribes may request that all federally recognized Tribes likely to be culturally affiliated with the discovery be notified in writing by mail or email and further consultation initiated regarding the cultural affiliation, care, handling, excavation (if necessary), and/or disposition per NAGPRA.
 - e. Accommodations will be made for traditional or ceremonial practices in association with discoveries. Consulting Tribes will be afforded opportunities to employ proper traditional cultural practices and treatments during periods of non-Tribal holding of discoveries.
 - f. Photographs shall not be taken, except when necessary for identification and documentation. Tribes may request that any photographs of Native American Ancestors or other materials subject to NAGPRA be destroyed or repatriated at the end of the project.
 - g. Pending consultations, documentation of the discovery will include a written description, mapping and sketching, and precise GPS coordinates. This documentation will be curated with other project records and not be published or made publicly available in any way.

- h. To ensure the protection, preservation, and proper respectful treatment of any discovered materials, pursuant to applicable law, the nature and location of any discovery shall remain confidential as best as reasonably possible given the circumstances and location. Only those persons and entities identified in this plan shall be notified of the discovery or given information about the discovery. AGENCY and related contractors will ensure all staff and consulting personnel are appropriately trained for their respective roles in implementing this plan.
 - i. The permanent care of Native American Ancestors and materials subject to NAGPRA will be determined by the appropriate Tribe or Tribes in consultation with the SHPO.
4. REPORTING. Draft and final archaeological reports, with related physical anthropological reports and law enforcement case documentation appended, will be submitted to AGENCY, SHPO, and consulting THPOs.

Contact Information

STATE HISTORIC PRESERVATION OFFICE

Scott Slagor

Cultural Resource Protection Manager

(517)285-5120

slagors2@michigan.gov

Sarah Surface-Evans, Ph.D., RPA

Senior Archaeologist

(517)282-7959

surfaceevans1@michigan.gov

TRIBAL HISTORIC PRESERVATION OFFICERS

[List THPOs to contact]

Appendix I

Michigan State Historic Preservation Office Policy Sheets 1 and 2 Regarding Insulation for Historic Residential Resources and Insulation for Historic Commercial Resources

Attached on the following pages are the MI SHPO Policy Sheets for Insulation.

- 1. Insulation For Historic Residential Resources**, dated January 2011.
- 2. Insulation For Historic Commercial Resources**, dated January 2011

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STATE HISTORIC PRESERVATION OFFICE

POLICY SHEET NO. 1

INSULATION FOR HISTORIC RESIDENTIAL RESOURCES

January 2011

Note: This policy sheet addresses treatments that will be undertaken on historically-significant buildings, spaces, or materials. All work shall conform to the *Secretary of the Interior's Standards for Rehabilitation*, which in part state: the historic character of a property shall be retained and preserved; and the removal of historic materials or the alteration of features and spaces that characterize a property shall be avoided. For a complete listing of the Standards, see the National Park Service website at: <http://www.nps.gov/history/hps/tps/tax/rehabstandards.htm>.

Attic

- **Cellulose Insulation**
Cellulose insulation is recommended for the attic ceiling/floor joists. Insulation shall be blown into the spaces between the ceiling/floor joists. Baffles must be provided between the roof rafters at the juncture with the ceiling/floor joists to ensure free air movement from the eaves to the roof ridge and vents.
- **Foam Insulation**
Foam insulation shall not be installed in attic spaces such as the attic perimeter, on the underside of the roof deck, or between the ceiling/floor joists. Foam insulation can be used in a limited capacity at "by-pass" areas such as vents, chimney joints, etc.
- **Batt Insulation**
Kraft faced batt insulation is recommended and should be placed with the faced side (vapor barrier) down. Batt insulation installed over existing batt insulation to increase the attic insulation R value should be unfaced and placed perpendicular to the existing batts.

Kraft faced batt insulation should not be installed between roof rafters if the attic is vented.
- **Radiant Barriers**
Radiant barriers shall be installed on top of attic floor insulation with the reflective side up. Radiant barriers may also be installed on attic structural members (roof rafters). Existing materials, such as plaster, shall not be removed from ceilings or walls in order to install a radiant barrier.

Wood-Framed Exterior Walls

- **Cellulose Insulation**
Wall cavities shall not have cellulose insulation blown into the enclosed cavities unless all of the following condition can be met:

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300 North Washington Square | Lansing, MI 48913 | 888.522.0103



- If the insulation is installed through the exterior wall, it can be installed by removing individual clapboard siding pieces or brick/masonry units, or by drilling holes in the original wood siding material. If insulation is installed through holes in the exterior wood siding material, the holes must be filled with wood plugs, sanded smooth, and primed and painted to match the surrounding siding finish. Plugged holes in the exterior siding material that are closed with plastic plugs are not allowable. Individual masonry units (stone or brick) shall not have holes drilled through the material for installation. Individual masonry units can be removed, or holes can be drilled through the mortar for insulation installation. Other siding materials (stucco, asbestos shingle, asphalt) should be evaluated on a case by case basis to determine the best method of installation and patching. Insulation may also be installed through holes in the interior wall surfaces.

In addition, it is recommended that a vapor barrier be provided. A vapor barrier can be accomplished with an impermeable paint layer at the interior wall surface. Two layers of oil base paint or one layer of impermeable latex paint can create an acceptable vapor barrier.

- **Foam Insulation**
No foam insulation of any kind shall be installed in enclosed wall cavities.
- **Batt Insulation**
Where a rehabilitation project results in the removal of plaster or drywall, Kraft faced batt insulation may be installed between the wall studs. The Kraft faced side of the insulation must be placed toward the interior to act as an effective vapor barrier.

Basement/Crawl Spaces

- **Cellulose Insulation**
Cellulose Insulation is not typically used in basements and is not recommended.
- **Foam Insulation**
Foam insulation may be installed at the rim joist between the floor joists and above the top of the masonry foundation wall only.

Foam insulation shall not be installed on the masonry walls or on the underside of the floor deck.
- **Batt Insulation**
Batt Insulation may be installed at the rim joist between the floor joists and above the top of the masonry foundation wall only.

Rigid foam insulation applied to the masonry walls is acceptable.

Unheated crawl spaces provide unique insulation challenges and shall be reviewed on a case by case basis.



STATE HISTORIC PRESERVATION OFFICE

POLICY SHEET NO. 2

INSULATION FOR HISTORIC COMMERCIAL RESOURCES

January 2011

Note: This policy sheet addresses treatments that will be undertaken on historically-significant buildings, spaces, or materials. All work shall conform to the secretary of the Interior's Standards for Rehabilitation, which in part state: the historic character of a property shall be retained and preserved; and the removal of historic materials or the alteration of features and spaces that characterize a property shall be avoided. For a complete listing of the Standards, see the National Park service website at: <http://www.nps.gov/history/hps/tps/tax/rehabstandards.htm>.

Non-Occupied Spaces (attics, mezzanines, shafts, etc.)

- **Cellulose Insulation**
Cellulose insulation is recommended for these non-occupied spaces. Insulation can be blown into the spaces between the exposed framing members. Baffles must be provided between the roof rafters at the juncture with the ceiling/floor joists (if applicable) to ensure free air movement if the space allows for ventilation.
- **Foam Insulation**
Foam insulation shall not be installed in non-occupied spaces such as the attic perimeter, on the underside of the roof deck, or between the ceiling/floor joists. Foam insulation can only be used in a limited capacity at "by-pass" areas such as vents chimney joints, conduit penetrations, etc.
- **Batt Insulation**
Kraft-faced batt insulation is recommended and should be placed with the faced side (vapor barrier) down. Batt insulation installed over existing batt insulation to increase the attic insulation R value should be unfaced and placed perpendicular to the existing batts.
- **Radiant Barriers**
Radiant barriers, if used, shall be installed on top of attic floor insulation with the reflective side up. Radiant barriers may also be installed on attic structural members (roof rafters). Existing materials, such as plaster, shall not be removed from ceilings or walls in order to install a radiant barrier.

Wood-Framed Exterior Walls

- **Cellulose Insulation**
Wall cavities shall not have cellulose insulation blown into the enclosed cavities unless all of the following condition can be met:
 - If the insulation is installed through the exterior wall, it can be installed by removing individual clapboard siding pieces or brick/masonry units, or by drilling holes in the original wood siding material. If insulation is installed through holes in the exterior wood siding material, the holes must be filled with wood plugs, sanded smooth, and primed and painted to match the surrounding siding finish. Plugged holes in the exterior siding material that are closed with plastic plugs are not allowable. Individual masonry units (stone or brick) shall not have holes drilled through the material for installation. Individual masonry units can be removed, or holes can be drilled through the mortar for insulation installation. Other siding materials (stucco, asbestos shingle, asphalt) should be evaluated on a case by case basis to determine the best method of installation and patching. Insulation may also be installed through holes in the interior wall surfaces.

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In addition, it is recommended that a vapor barrier be provided. A vapor barrier can be accomplished with an impermeable paint layer at the interior wall surface. Two layers of oil base paint or one layer of impermeable latex paint can create an acceptable vapor barrier.

- **Foam Insulation**
No foam insulation of any kind shall be installed in enclosed wall cavities.
- **Batt Insulation**
Where a rehabilitation project results in the removal of plaster or drywall, Kraft faced batt insulation may be installed between the wall studs. The Kraft faced side of the insulation must be placed toward the interior to act as an effective vapor barrier.

Basement/Crawl Spaces

- **Cellulose Insulation**
Cellulose Insulation is not typically used in basements and is not recommended.
- **Foam Insulation**
Foam insulation may be installed at the rim joist between the floor joists and above the top of the masonry foundation wall only.
Foam insulation shall not be installed on the masonry walls or on the underside of the floor deck.
- **Batt Insulation**
Batt Insulation may be installed at the rim joist between the floor joists and above the top of the masonry foundation wall only.

Rigid foam insulation applied to the masonry walls is acceptable.

Unheated crawl spaces provide unique insulation challenges and shall be reviewed on a case by case basis.

Exterior Masonry Walls

- **Cellulose Insulation**
Cellulose insulation should not be directly applied to exposed masonry walls, but can be placed in new wall framing built adjacent to existing walls.
- **Foam Insulation**
No foam insulation of any kind shall be directly applied to exposed masonry walls or sprayed into new wall framing built adjacent to existing walls.
- **Batt Insulation**
Batt insulation should not be directly applied to exposed masonry walls, but can be placed in new wall framing built adjacent to existing walls.
- **Rigid foam insulation**
Rigid foam insulation applied to masonry walls is acceptable in non-significant/non-public spaces only.

When adding new furring strips to exposed masonry walls, it is recommended to keep the void spaces between furring strips clear. Do not fill these voids with insulation.

When adding wall framing to exposed masonry walls, it is recommended to locate the new construction away from the masonry wall by 1" to 2" in order to create a drainage channel between new and existing materials. Do not fill this void with insulation.

In most cases, it is not recommended to add new wall framing or furring strips to existing masonry walls with interior finishes (plaster) in place. This proposed work should be reviewed on a case by case basis.

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