

**THE AMENDED AND RESTATED
PROGRAMMATIC AGREEMENT AMONG
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER,
THE MICHIGAN STRATEGIC FUND,
THE CITY OF DETROIT, MICHIGAN AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING ADMINISTRATION OF THE
HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS
FUNDED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the City of Detroit (the “City”), the Michigan State Historic Preservation Officer (the “SHPO”), and the Advisory Council on Historic Preservation (the “ACHP”) (collectively, the “Parties”) entered into a Programmatic Agreement on November 9, 2016, to administer U.S. Department of Housing and Urban Development (“HUD”) grant and/or entitlement programs with funds from HUD (the “2016 Agreement”); and

WHEREAS, the Parties executed an amendment to the 2016 Agreement on May 8, 2020 (the “2020 Amendment” and together with the 2016 Agreement, the “2020 Agreement”). The 2020 Agreement will expire pursuant to its terms on December 31, 2022; and

WHEREAS, in accordance with Stipulation XVIII of the 2020 Agreement, the City, the SHPO, and the ACHP have agreed to amend and restate the 2020 Agreement in its entirety; and

WHEREAS, the Pokagon Band of Potawatomi Indians, Match-E-Be-Nash-She-Wish (Gun Lake) Band of Pottawatomi Indians, and Miami Tribe of Oklahoma have requested the inclusion of procedures for unanticipated discoveries; and

WHEREAS, the Required Signatories, Invited Signatories, and Concurring Parties, each as defined below, have agreed to the modifications included in this Amended and Restated Programmatic Agreement (this “Agreement”) in order to improve the effectiveness of the stipulations outlined in the 2016 Agreement and the 2020 Agreement; and

WHEREAS, HUD provides formula grant funding to the City; and

WHEREAS, the City, by and through the Housing & Revitalization Department (the “HRD”), now or may in the future, establish a program to administer HUD grant and/or entitlement programs with funds from HUD (the “Program”). Such HUD programs to be administered by the City through the Program may include but are not limited to the following programs: the Community Development Block Grant (“CDBG”) Program, the CDBG-Disaster Recovery Program, the CDBG-Declared Disaster Recovery Program, the Economic Development Initiative - Community Project Funding Grants, the Emergency Shelter Grant (“ESG”) Program, the Housing Opportunities for Persons With AIDS (“HOPWA”) Program, the HOME Investments Partnerships (“HOME”) Program, the Lead Hazard Reduction Demonstration Grant Program, the Neighborhood Stabilization Program (“NSP”), and the Public and Indian Housing Program (“PIH”), the Self-Help Homeownership Opportunity Program (“SHOP”), the Special Purpose Grants Program, each as described in Appendix A of this Agreement; and

WHEREAS, the City, as the Responsible Entity (the “RE”) shall assist the Detroit Housing Commission (the “DHC”) for projects that expend PIH funding; and

WHEREAS, the Michigan Office of Strategic Partnerships & Medicaid Administrative Services has requested that the City perform historic preservation reviews of the Medicaid CHIP Lead Hazard Control Program under this Agreement; and

WHEREAS, the Program may encompass any of the following activities, each of which may constitute an undertaking (individually, the “Undertaking,” and, collectively, the “Undertakings”) (as defined in Appendix B attached hereto): single-family and multi-family rehabilitation, property acquisition, property relocation, handicapped accessibility improvements, demolition, new construction, lead hazard reduction and redevelopment projects; and

WHEREAS, for each of the HUD programs included in the Program, HUD is authorized to provide for the assumption of environmental review responsibilities by recipients of funding through each of the HUD programs to be administered by the City through the Program in accordance with HUD’s environmental review procedures as set forth in 24 C.F.R. Part 58; and

WHEREAS, as a recipient of funding, the City has accepted responsibility of federal environmental review for the HUD programs to be administered by the City through the Program; and

WHEREAS, due to the City’s acceptance of the federal environmental review responsibility, in accordance with section 104(g) of the Housing and Community Development Act of 1974, 42 U.S.C. § 5304(g), the City, by and through the HRD, has assumed the federal agency responsibility for compliance with Section 106 of the National Historic Preservation Act of 1966 (the “NHPA”), 54 U.S.C. § 306108, (“Section 106”); and

WHEREAS, the responsibilities of the SHPO under Section 106 and the regulations implementing Section 106, 36 C.F.R. Part 800, are to advise, assist, review, and consult with Federal agencies as they carry out their historic preservation responsibilities and to respond to Federal agencies' requests within the time frames detailed in 36 C.F.R. Part 800 unless otherwise specified in this Agreement; and

WHEREAS, the State Historic Preservation Office was transferred to the Michigan Strategic Fund (the “MSF”) pursuant to Executive Order 2019-13; and

WHEREAS, the City has determined that the administration of the Program may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (the “NRHP”) and has consulted with the SHPO pursuant to Sections 106 and 110(f) of the NHPA and 36 CFR § 800.14(b); and

WHEREAS, the City, by and through its Historic Designation Advisory Board (“HDAB”), is responsible for the survey, identification, and documentation of all historic resources to determine their eligibility for the NRHP; and

WHEREAS, the City recognizes that the Bay Mills Indian Community, the Forest County Potawatomi Community of Wisconsin, the Grand Traverse Bay Band of Ottawa and Chippewa Indians, the Hannahville Indian Community, the Ketegitigaaning Ojibwe Nation THPO / Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Keweenaw Bay Indian Community of the Lake Superior Band of Chippewa Indians, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, the Match-E-Be-Nash-She-Wish (“Gun Lake”) Band of Pottawatomi Indians of Michigan, the Menominee Indian Tribe of Wisconsin, the Miami Tribe of Oklahoma, the Nottawaseppi Huron Band of the Potawatomi, the Pokagon Band of Potawatomi Indians, the Saginaw Chippewa Indian Tribe, the Sault Ste. Marie Tribe of Chippewa Indians, and the Seneca-Cayuga Nation (individually, the “Tribe”, and, collectively, the “Tribes”) may have properties of religious and cultural significance within the City, and therefore the City has invited the Tribes to engage in government-to-government consultation and, pursuant to 36 C.F.R. § 800.2(c)(2)(ii)(E), has invited the Tribes to enter into this Agreement to specify how the City and the Tribes will carry out Section 106 responsibilities; and

WHEREAS, the Bay Mills Indian Community, the Grand Traverse Band of Ottawa & Chippewa Indians, the Hannahville Indian Community, the Ketegitigaaning Ojibwe Nation THPO / Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, the Menominee Indian Tribe of Wisconsin, the Nottawaseppi Huron Band of the Potawatomi, the Saginaw Chippewa Indian Tribe of Michigan, the Sault Ste. Marie Tribe of Chippewa Indians, and the Seneca-Cayuga Nation, have not responded to the City’s invitation to engage in government-to-government consultation on this Agreement; and

WHEREAS, the Forest County Potawatomi Community of Wisconsin, the Match-E-Be-Nash-She-Wish (“Gun Lake”) Band of Pottawatomi Indians, the Miami Tribe of Oklahoma, and the Pokagon Band of Potawatomi Indians, Michigan and Indiana have accepted the City’s invitation to engage in government-to-government consultation on this Agreement and to enter into this Agreement as invited signatories; and

WHEREAS, the City, the MSF, the SHPO, and the ACHP will be signing this Agreement as required signatories (the “Required Signatories”); and

WHEREAS, the Ketegitigaaning Ojibwe Nation / Lac Vieux Desert Band of Lake Superior Chippewa Indians; the Match-E-Be-Nash-She-Wish (“Gun Lake”) Band of Pottawatomi Indians; the Little River Band of Ottawa Indians; the Pokagon Band of Potawatomi Indians, Michigan and Indiana; the Sault Ste. Marie Tribe of Chippewa Indians; the Little Traverse Bay Bands of Odawa Indians; the Miami Tribe of Oklahoma; the Detroit City Counsel; the City of Detroit, Planning & Development Department; and the Detroit Legislative Policy Division/Historic Designation Advisory Board will be signing this Agreement as invited signatories (the “Invited Signatories”); and

WHEREAS, the National Trust for Historic Preservation, Preservation Detroit, and the Michigan Historic Preservation Network have been invited to sign this Agreement as concurring

parties (the “Concurring Parties,” and together with the Required Signatories and the Invited Signatories, the “Signatories”); and

NOW, THEREFORE, in consideration of the foregoing recitals, all of which are incorporated into this Agreement, and subject to the definitions provided in Appendix B, all of which are applicable throughout this Agreement, the City shall ensure that the Program is administered in accordance with the following stipulations, which the Parties agree shall satisfy the City’s Section 106 responsibilities for all individual Undertakings administered under the Program:

STIPULATIONS

The City shall ensure that the following measures are implemented:

I. APPLICABILITY

- A. This Agreement shall apply only to those Undertakings funded, in part or in whole, by the Program, as set forth in 24 C.F.R. § 58.1(b), for which the City has assumed the authority of the RE, as further specified in the Stipulations of this Agreement. Any Undertaking not governed by this Agreement shall be subject to compliance with the Section 106 review process as defined in 36 C.F.R. Part 800, Subparts A and B. This Agreement shall become effective only upon its execution by all Required Signatories, pursuant to Stipulation XXI of this Agreement.

- B. If a Federal agency or other entity acting under another Federal program has previously completed a Section 106 review and approved an Undertaking within the past five (5) years, the City has no obligation to complete a Section 106 review regarding that Undertaking, provided that the City:
 - 1. Adopts the findings and determinations of the previous Section 106 review;
 - 2. Confirms that the scope and effect, as defined by 36 C.F.R. § 800.16(i), of its Undertaking are the same as the scope and effect of the previous Undertaking;
 - 3. Determines that the previous review was completed in compliance with Section 106, including applicable tribal consultation requirements; and
 - 4. Documents its findings and determinations in its project file that all requirements of Section 106 for the Undertaking have been satisfied.

If the City, in consultation with the SHPO, determines that the previous Section 106 review was insufficient or involved interagency disagreements about eligibility, effect, and/or treatment measures, the City shall conduct a new Section 106 review in accordance with the Stipulations of this Agreement. If applicable tribal consultation requirements were not followed with respect to a previous Section 106 review, the City shall conduct consultation prior to making any determinations regarding the

Undertaking.

II. QUALIFIED PERSONNEL

- A. The City shall employ at least one (1) staff person or contract with a consultant who shall have professional qualifications in architectural history, historic architecture, or related fields in accordance with the Secretary of the Interior's Professional Qualification Standards, as set forth in 36 C.F.R. Part 61 (the "Qualification Standards"). Such person meeting the Qualification Standards (the "Preservation Specialist") will be responsible for administering those Stipulations of this Agreement requiring their particular expertise and for coordinating with the appropriate City departments, authorities, and agencies regarding any Undertakings included in the Program.
1. If the Preservation Specialist vacates, is removed from, or otherwise leaves his or her position as Preservation Specialist, the City will employ a replacement staff person or contract with a replacement consultant who meets the Qualification Standards to serve as the Preservation Specialist and will notify the SHPO within fifteen (15) business days of the change, including submission of the replacement Preservation Specialist's qualifications.
 2. If the City determines that it cannot secure a replacement Preservation Specialist, it shall comply with regulations contained in 36 C.F.R. Part 800, and forward documentation to the SHPO for review.
- B. The HDAB staff person(s) meeting the Qualification Standards will assist the Preservation Specialist in the identification and evaluation of Historic Properties (as defined in Appendix B hereto) covered under the Stipulations of this Agreement.
- C. When Undertakings that require archaeological survey, evaluation and/or mitigation, or archaeological monitoring, the City shall ensure an archaeological consultant with professional qualifications in accordance with the Qualification Standards manages the activity.

III. SURVEY AND EVALUATION

Survey and evaluation of properties will be conducted using a two-tiered approach.

A. TIER I: SURVEY

1. Through the HDAB, the City will conduct surveys within Detroit to identify districts, sites, buildings, structures, traditional cultural properties, and objects that meet the criteria for listing in the NRHP. These surveys will be guided by the City's implementation of a Historic Preservation Plan,

described in Stipulation XIV of this Agreement.

2. All surveys will be planned in coordination with the HRD and the SHPO and will be conducted and/or supervised by HDAB staff. However, until the Historic Preservation Plan is implemented, HDAB will continue their current survey program through the use of existing staff and consultants meeting the Qualification Standards.
3. The City shall submit documented surveys to the SHPO for comment. Documentation shall include, at a minimum:
 - a. Location maps outlining the surveyed area.
 - b. Photographic sampling of representative buildings and other cultural resources in the area.
 - c. General descriptions of architectural character.
 - d. Appropriate historic contexts
 - e. A statement of historical/architectural significance.
 - f. A statement of evaluation regarding NRHP eligibility.
4. The SHPO shall provide comment on the survey data within thirty (30) calendar days of receipt of the survey documentation.

B. TIER II: EVALUATION

Properties forty-five (45) years of age or older within the Area of Potential Effects (the “APE”) of an Undertaking covered by this Agreement shall be evaluated by the Preservation Specialist.

1. The Preservation Specialist will evaluate properties located within the APE for NRHP eligibility within fourteen (14) calendar days following the receipt of adequate documentation, as identified in Stipulation V, from the City department, agency, or authority requesting the review.
2. The Preservation Specialist will consult with HDAB staff, and if appropriate, the Tribes, to determine if the property meets the criteria for listing in the NRHP, either individually or as contributing to a historic district. HDAB staff will provide its determination within seven (7) calendar days of receipt of a written review request from the Preservation Specialist.
3. If the Preservation Specialist and the HDAB staff do not reach an agreement regarding the eligibility of a property for listing in the NRHP, the Preservation Specialist will submit documentation to the SHPO and the

Tribes regarding the eligibility of the property. The SHPO and the Tribes will provide written comments within thirty (30) calendar days following the receipt of adequate documentation which, at a minimum, will include the following:

- a. For Individual Properties - A photograph of the property, map indicating the exact location; a brief description; brief history, including when the structure was constructed, the name of the architect or builder (if known), the names of early and subsequent occupants and any history associated with those occupants; as well as a brief statement of significance.
 - b. For Districts - Maps, photographs, a statement of significance, a physical description, a listing of all the addresses of the properties within the district, and whether they are contributing or non-contributing.
4. If the City, through the Preservation Specialist, and the SHPO disagree about the eligibility of a property for listing in the NRHP, the City will request a formal determination of eligibility in accordance with the procedures set forth in 36 C.F.R. § 800.4(c)(2).

IV. PROJECT REVIEW PROCESS

- A. Excluded Undertakings. The Parties agree that certain types of Undertakings have limited potential to affect Historic Properties and do not require further review from the SHPO if the Preservation Specialist determines that the Undertaking falls into any of the following categories (the “Excluded Undertakings”):
1. Undertakings, the effects of which are limited to properties that are less than forty-five (45) years old, unless the affected properties could meet Criterion Consideration G (a property eligible if it is of exceptional significance).
 2. Undertakings limited exclusively to interior portions of single-family residential properties where the proposed work will not be visible from the property’s exterior, unless that building is listed or eligible for listing in the NRHP, in accordance with ACHP’s Policy Statement on Affordable Housing and Historic Preservation, dated November 9, 2006.
 3. Undertakings limited exclusively to the activities listed in Appendix C of this Agreement.

The City shall retain individual project files for each Undertaking reviewed in accordance with this Stipulation for five (5) years as verification that the scope of work was limited to the Excluded Undertakings.

- B. Adequate Information for Review Requests. The Preservation Specialist shall

ensure that Undertakings reviewed under this Agreement and determined to affect one or more Historic Properties will be treated in accordance with Stipulation V and Stipulation VI of this Agreement. The City department, agency, or authority responsible for the administration of the HUD funded program (i.e., HRD), the DHC, and/or other HUD program fund recipients shall submit, at a minimum, a review request to the Preservation Specialist with all appropriate information necessary to perform a project review prior to commencing any work on Undertakings covered by this Agreement as follows:

1. For all Undertakings covered by this Agreement, information shall include:
 - a. Address of property or properties, including Parcel ID Number(s);
 - b. Name of City department/agency/authority making the request;
 - c. Type of Undertaking (demolition, rehabilitation, etc.);
 - d. Name of HUD program (CDBG, HOME, etc.); and
 - e. At least two (2) photographs of the subject property taken in the past thirty (30) days.
2. Historic Property Rehabilitation Projects. Information for rehabilitation Undertakings affecting Historic Properties shall include project specifications and detailed photographs of all work items.
3. Site Improvement Projects. Information shall include a description of the work to be completed (including the locations and depths of any earth-disturbance) and maps showing the location of the work.

The City will detail further any additional requirements for project review requests in accordance with Stipulation XIII of this Agreement. These procedures will outline how historic preservation reviews are to be coordinated and identify the documentation that the City departments, agencies, and authorities must retain in individual project files.

- C. Eligibility Determination. The Preservation Specialist shall determine if the project APE contains any Historic Properties.
 1. In making the determination, the Preservation Specialist will review existing literature, including the following resources:
 - a. City-generated maps of properties and districts previously listed in the NRHP;
 - b. City-generated maps of properties and districts previously determined eligible for the NRHP;
 - c. Mapping and data collected in the Tier I Survey as detailed in

Stipulation III of this Agreement;

- d. SHPO Above-ground site files and surveys; and
 - e. If the threshold for archaeology review, outlined in Stipulation VI, is triggered, SHPO Archaeological site files.
2. The Preservation Specialist will also follow the protocol delineated in the Tier II Evaluation section in Stipulation III of this Agreement.
 3. If the Preservation Specialist determines that the APE of the Undertaking includes no Historic Properties, the Preservation Specialist will provide written notification to the City department, agency, or the DHC that the project may proceed without further coordination.
 4. If the Preservation Specialist determines that the APE of the Undertaking includes one or more Historic Properties, the Preservation Specialist shall provide written notification to the City department, agency, or the DHC that implementation of the Undertaking shall be in accordance with Stipulation V of this Agreement.

V. TREATMENT OF HISTORIC PROPERTIES

The City shall ensure that Historic Properties are treated in accordance with the following Stipulations:

A. Property Acquisitions

1. Upon the acquisition of a Historic Property using Program funds, the City will secure, stabilize, and preserve the Historic Property pending its disposal. The methods used to secure and stabilize these properties shall adhere to the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (the "Secretary's Standards") and *Preservation Brief 31, Mothballing Historic Buildings* (U.S. Department of the Interior, National Park Service, September 1993).
2. Prior to the transfer or lease of Historic Properties acquired with Program funds, the City shall consult with the SHPO to determine the need for a preservation easement or covenant (including both above ground and archaeological concerns). If it is determined that a preservation easement or covenant is necessary, the City shall submit the proposed preservation easement or covenant to the SHPO for review and approval. If the SHPO does not approve of the proposed preservation easement or covenant, the City shall request the ACHP's comments pursuant to Stipulation XVIII of this Agreement.

B. Rehabilitation and Public Improvement Projects

1. Residential and Commercial Rehabilitation Projects. The City shall ensure that all Undertakings involving residential rehabilitation and commercial rehabilitation projects funded by the Program involving Historic Properties are conducted in accordance with the Secretary's Standards. The Preservation Specialist will review and approve plans and specifications or work write-up prior to the initiation of Program activities involving Historic Properties.
2. Site Improvement Projects. The City shall ensure that Undertakings involving site improvement projects funded by the Program that might impact one or more Historic Properties including sidewalk improvement projects, re-paving of streets, installation of landscaping, street lighting and street furniture and other infrastructure improvements using program funds adhere to the Secretary's Standards. Site improvement projects affecting historic parks shall meet the standards in "Guidelines for Treatment of Cultural Landscapes" (National Park Service, 1996). Projects with ground disturbance shall adhere to archaeological guidance pursuant to Stipulation VI.
3. If the Secretary's Standards cannot be met, or if the contemplated action could otherwise have an adverse effect on Historic Properties, the City will consult with the SHPO and the Tribes as pursuant to Stipulation XVIII.

The City will retain work descriptions, before and after photographs of the Historic Properties proposed for or impacted by either rehabilitation or site improvement projects funded by the Program, and the comments of the Detroit Historic District Commission, when applicable, in individual project files. Before and after photographs may be used as evidence of the City's proper application of the Secretary's Standards.

C. Relocation of Historic Properties

1. Prior to the relocation of a Historic Property using Program funds within, into or out of a listed or eligible historic district, or the relocation of individual buildings listed on or eligible for listing on the NRHP, the City shall consult with the SHPO and the Tribes to identify an acceptable alternative site, preferably within the same district, or same neighborhood context.
2. The City shall ensure that the Historic Property is moved by qualified movers in accordance with approaches recommended in Moving Historic Buildings (John Obed Curtis, 1979). Once the property is relocated, the City, in consultation with HDAB staff, will re-evaluate the eligibility of the Historic Property for listing in the NRHP.

3. If the SHPO or any Tribe objects to the alternate site, the City, the SHPO, and such Tribe shall consult, pursuant to Stipulation XVIII of this Agreement.
4. See Stipulation VI, for how to address below ground resources for relocation projects.

D. Accessibility for Disabled Persons

1. The City shall explore alternative methods for providing accessibility to Historic Properties in accordance with the Americans with Disabilities Act of 1990 and its implementing regulations, as well as other local and federal requirements for accessibility. To the extent feasible, accessible features will not result in the removal of a Historic Property's significant architectural features. The design of accessible features shall be consistent with the Secretary's Standards, National Park Service Preservation Brief No. 32 entitled *Making Historic Properties Accessible* (1993), and the Department of Interior report entitled, *Access to Historic Buildings for the Disabled: Suggestions for Planning and Implementation* (1980).
2. The City will retain documentation regarding alternatives as part of the individual project files.
3. The City will consult with the SHPO, including submitting documentation of alternate methods of creating access for disabled persons, when such projects will have an adverse effect on the historic and/or architectural character of a Historic Property.

E. Demolition

1. The City may proceed with the demolition of properties determined ineligible for listing on the NRHP or Historic Properties that have lost their integrity as determined by the Preservation Specialist, subject to concurrence by HDAB, without further review.
2. See Stipulations VI and VII, for how to address below ground resources for Demolition projects.

F. New Construction and Additions

1. Proposals for new construction and additions using Program funds within or adjacent to a historic district, or adjacent to properties listed in or eligible for listing in the NRHP, will be developed in accordance with the guidelines for new construction contained in the Secretary's Standards.
2. See Stipulations VI and VII, for how to address below ground resources for

Construction projects.

G. Redevelopment Projects

1. The City will consult with the SHPO during the preparation or redevelopment of urban renewal plans for neighborhood, historic districts, or target areas using Program funds. The City will afford the SHPO an opportunity to comment on the document during the draft stages. The SHPO will evaluate the potential effect that the goals, objectives and implementation strategy of the plan will have on Historic Properties. The SHPO's comments will be integrated into the plan or referenced in the document before it is submitted for required local administrative reviews.
2. The City, in consultation with the SHPO, will determine whether the redevelopment or urban renewal plan should be implemented under the terms of this Agreement or whether a project-specific MOA should be developed in accordance with 36 C.F.R. § 800.6. The City will notify the ACHP of the SHPO's determination and, if appropriate, provide the ACHP with background documentation to initiate the consultation process.
3. See Stipulations VI and VII, for how to address below ground resources for redevelopment projects.

VI. ARCHAEOLOGICAL RESOURCES

- A. All Undertakings located within the geographic area described and delineated in Appendix E of this Agreement shall be reviewed for archaeological resources by SHPO archaeologists and Tribes, subject to the following exclusions:
 1. Building rehabilitation projects that require no ground disturbing activities.
 2. Programmatic Exclusions listed in Appendix C of this Agreement.
- B. All Undertakings using Program funds and involving ground disturbing activity on sites ½-acre or larger and located outside of the geographic area described in Stipulation VI.A of this Agreement shall be reviewed for archaeological resources by SHPO archaeologists and Tribes, subject to the following exclusions:
 1. Building rehabilitation projects that require no ground disturbing activities.
 2. Programmatic Exclusions listed in Appendix C of this Agreement.
- C. When an Undertaking qualifies for review by the SHPO and the Tribes as described in Stipulations VI.A and VI.B of this Agreement, the City shall ensure a consultant that meets the Qualification Standards conducts an investigation to determine the likelihood of uncovering archaeological resources, including human remains, present at those project locations. The archaeological consultant will conduct

background research and prepare a report/study plan of their findings.

1. The research design/study plan for any projects located within the sensitivity area outlined in Appendix E, and projects on sites that cover more than 2 (two) acres in size should be reviewed by SHPO and Tribes prior to fieldwork.
- D. The Preservation Specialist will prepare a letter summarizing the determination of eligibility and effect, or proposed study plan for SHPO and Tribal concurrence. The letter should recap the following information:
1. Address and Township/Range/Section and Private Claim (as applicable) of the property or properties to be reviewed;
 2. United States Geographical Service (“USGS”) 7.5’-minute Topographic Quadrangle with the project location(s) clearly marked;
 3. Project type (demolition, rehabilitation, or construction);
 4. Brief description of the project site including size (acres) and any previous ground disturbance; and
 5. A brief description of the Undertaking, including the length, width, and depth of any proposed ground disturbing activities and related engineering specs, maps, and drawings.
- E. The City shall submit the archaeological consultant’s report/study plan via SHPO’s electronic Section 106 portal to the SHPO with a request for comments from the SHPO’s archaeologists within fourteen (14) business days.
- F. If no response is received from the SHPO archaeologists within 30 calendar days, the Preservation Specialist may assume concurrence and the project may move forward to the next phase of work.
- G. If the SHPO archaeologists determine that any additional archaeological monitoring or survey is required, the City shall ensure an archaeologist meeting the Qualification Standards assists in the identification and evaluation of potentially eligible archaeological sites and their recommended treatments.
- H. The City will notify Tribes of the Undertakings following the protocol delineated in Stipulation VII of this Agreement.
- I. If archaeological resources are identified that meet the NRHP criteria, they will be avoided or preserved in place, if feasible.
- J. If the City determines that it is not feasible to preserve or avoid NRHP-eligible or listed archaeological resources, the City shall consult with the SHPO archaeologists and Tribes to develop a treatment plan consistent with the ACHP's publication,

Treatment of Archaeological Properties: A Handbook (1980). The City shall ensure that a qualified archaeologist implements the plan once it is approved by the SHPO archaeologists.

- K. *The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* should be referenced for guidance.
- L. At any time during the duration of this Agreement, the Required Signatories may request revision of the archaeological sensitivity map attached hereto as Appendix E. The sensitivity map may be revised if new data supports a change of the boundaries. A rationale and evidence supporting the change should be submitted to initiate consultation. Parties will have thirty (30) calendar days to consider the proposed changes and respond.

VII. TRIBAL CONSULTATION

- A. The City will initiate consultation with the Tribes regarding federal Undertakings that may affect properties of religious or cultural interest to provide the Tribes an opportunity to:
 - 1. Identify concerns about Historic Properties;
 - 2. Advise on the identification and evaluation of Historic Properties, including those of traditional religious and cultural importance to the Tribes, and articulate their views of the Program's effects on such properties; and
 - 3. Participate in the resolution of adverse effects and indicate any areas of concern with which the Tribes wish to be advised of any individual Undertakings.
- B. In initiating consultation, the City will submit project information, simultaneous with Stipulation VI, including the following information via electronic mail to the Tribes with a request for comments within thirty (30) calendar days:
 - 1. Address of property or properties to be reviewed;
 - 2. USGS 7.5' minute Topographic Quadrangle with the project location(s) clearly marked;
 - 3. Project type (demolition, rehabilitation, etc.);
 - 4. Brief description of the project site including size (acres) and any previous ground disturbance;
 - 5. Brief description of the Undertaking, including the length, width, and depth of any ground disturbing activities; and
 - 6. Copies of any project-related correspondence the City has received from the

SHPO or other Consulting Parties.

- C. If within thirty (30) calendar days there is no response or if no objections are raised by any of the Tribes, the City may proceed with the proposed Undertaking as outlined by Stipulation V. If any Tribe objects to the proposed Undertaking, the City will consult further to try to resolve the objection or follow the dispute resolution process in Stipulation XVIII.
- D. The City shall ensure, to the extent allowed by applicable laws, including Section 304 of the NHPA and Section 13(1)(o) of the Michigan Freedom of Information Act, M.C.L. § 15.243(1)(o), that its consultation with other consulting parties shall not include the dissemination of information that might risk harm to a Historic Property or that might impede the use of any site by the Tribes, or that a Tribe has designated as confidential.

VIII. PUBLIC PARTICIPATION

- A. Undertakings that trigger Section 106 review are required to go through a Request for Release of Funds to certify that the RE has fully fulfilled its responsibilities for environmental review, decision-making and action pertaining to the project. The RE is required to disseminate and/or publish their findings in the manner prescribed by 24 C.F.R. §§ 58.43 and 58.55 and a notice to the public in accordance with 24 C.F.R. § 58.70. This notice is posted in the *Detroit News/Free Press* main section, posted to the City of Detroit Website, and e-mailed to a list of interested parties to provide a 7 to 15 calendar day public comment period. All documentation related to HRD's programs is available upon request through the City of Detroit FOIA Coordinator located in the City of Detroit Law Department in the Coleman A. Young Municipal Center at 2 Woodward Avenue, Suite 500 Detroit, Michigan 48226-3437.
- B. HRD's annual Consolidated Plan for HUD-funded Programs shall include, at a minimum, a summary of the Section 106 process and a description of this Agreement and the City's requirements hereunder. Public engagement efforts to engage consulting parties should be compatible with the size and scope of the project.
- C. If at any time during the implementation of the measures stipulated in this Agreement, a member of the public raises an objection to any such measure or the manner of its implementation, the City shall take the objection into account and consult as necessary with such member of the public, the SHPO, Tribes, and/or the ACHP to resolve the objection.
 - 1. Subject to all applicable requirements of the Michigan Open Meetings Act, P.A. 267 of 1976, the City may request the member of the public raising the objection to submit in writing, either by mail or electronic mail, a letter to the Preservation Specialist with the following information:

- a. Contact information (Full Name, Address, Phone Number, Email);
 - b. Address or location of the project; and
 - c. A summary of the objection.
2. Upon receipt of a written objection, the City will proceed to consider the objection and consult, as necessary, with the objecting party and the SHPO to resolve the issue, for a period not to exceed fifteen (15) calendar days.
 3. If the City is unable to resolve the objection to the satisfaction of the objecting member of the public, the Preservation Specialist will forward all relevant documentation to the ACHP. The City will consider any ACHP comments in reaching a final decision regarding the objection.

IX. UNANTICIPATED DISCOVERIES

If previously unidentified Historic Properties (including both above ground buildings or structures and archaeological sites), human remains, or unanticipated effects, are discovered after the City has completed its review under this Agreement, no further work will proceed in the area of the discovery until the requirements of 36 C.F.R. § 800.13 have been satisfied. The City shall consult with the SHPO, representatives of the Tribes, and appropriate Consulting Parties to record, document, and evaluate the eligibility of the Historic Property for the NRHP and the project's effect on the Historic Property. The City will consult with any participating Tribes that may attribute traditional cultural or religious significance to an affected Historic Property. If neither the SHPO, the Consulting Parties, or the Tribes submit any objection to the City's plan for addressing the discovery within five (5) business days, the City may carry out the requirements of 36 C.F.R. § 800.13 and must notify the ACHP only if there is an adverse effect. A template Unanticipated Discoveries Plan can be found in Appendix G attached hereto.

- A. **STOP WORK.** If any professional employee, contractor, or subcontractor believes that they have uncovered a historic property, object, or human remains at any point in the project, all work within 100 feet of the discovery must stop. The discovery location should be secured and monitored at all times to prevent looting. Minimize movement of vehicles and equipment in area immediately surrounding the discovery. For the unanticipated discovery of human remains, Native American funerary objects, sacred objects, items of cultural patrimony, or burial features, see procedures in Stipulation X.
- B. The monitor or construction manager will notify the Preservation Specialist (PS). The PS will make all calls and notifications to SHPO and Tribal Liaisons.
 - a. SHPO and identified Tribal representatives will be invited to observe the implementation of any proposed work.
- C. Within 24 hours, if possible, a professional archaeologist will examine the location of

the discovery.

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

X. DISCOVERY OF HUMAN REMAINS AND FUNERARY OBJECTS

- A. **STOP WORK** and notify law enforcement. If any professional employee, contractor, or subcontractor believes they have uncovered human remains, Native

American funerary objects (associated and unassociated), sacred objects, items of cultural patrimony, or burial features at any point in the project (the “Discovery”), all work adjacent to the Discovery must stop. The location should be secured at all times. Discoveries of human remains and/or associated funerary objects shall comply with applicable state laws and standards (M.C.L. § 750.160, Michigan Attorney General Opinion 6585 Cemeteries and Dead Bodies, the Native American Graves Protection and Repatriation Act of 1990, additional guidance provided by the SHPO and the Tribes, and the specific requirements detailed in Section B(5)(b) of Appendix G, attached hereto).

- B. Work must stop within a 300-foot radius around the Discovery and the City should set up fencing or other protective barrier and cover the remains for protection. Be careful not to further disturb the remains. Ensure the location is secure and monitor the location to prevent looting or vandalism.
- C. The law enforcement agency will then determine if the remains are human, and whether the Discovery constitutes a crime scene. If law enforcement determines that the remains are human, they will also indicate if the remains are those of a prehistoric or historic native American.
- D. Within 48 hours of the Discovery, the City will notify the Tribes of the Discovery by phone and then in writing via U.S. mail or electronic mail. This notification will include pertinent information regarding human remains, funerary objects, sacred objects, or items of cultural patrimony discovered inadvertently or in areas of prior disturbance, their condition, and the circumstances of the Discovery.
 - i. No intentional excavation, public access, publicity, or analysis of human remains, or funerary objects suspected of being Native American in origin, will be conducted by the project archaeologist or any other professional without first consulting with the Tribes and securing their permission.
- E. Within 24-hours of the time law enforcement releases the scene, if possible, a physical anthropologist with forensic experience or expertise or an archaeologist specializing in human osteology, or a forensic scientist will examine the human remains to determine if they are Native American or non-Native American. This shall be completed in coordination with federally recognized Indian tribes and the SHPO.
- F. Photography shall/will be limited to those required for forensic examination and criminal investigations and the resultant photographs shall be kept secure. If any photographs or sketches are collected of Native American human remains or funerary objects, disposition of all images, including electronic and physical copies, will be subject to consultation with the Tribes and any digital files will be destroyed.
- G. If skeletal remains are determined to be non-human and there is no archaeological association, the archaeologist making the determination (the Project

Archaeologist”) will immediately advise the Preservation Specialist, the Tribes, and the SHPO, and once permitted construction may resume. The archaeologist will submit a letter report including photographs of the discovery site to the Preservation Specialist within 15 business days of the determination.

- H. If the skeletal remains are non-human, but are associated with an archaeological site, the City will follow the steps described in Section A, of the Unanticipated Discovery Plan in Appendix G.
- I. If the skeletal remains are human and not associated with an archaeological context, the Preservation Specialist will notify the Tribes and the SHPO.
- J. If the skeletal remains are human and associated with an archaeological context the Project Archaeologist, the SHPO, and the Tribes will coordinate to determine appropriate preservation, excavation, and disposition of remains.
- K. When the evaluation of the human remains and/or cultural resources is complete, the City will notify the Tribes and the SHPO by telephone or e-mail and discuss the Project Archaeologist’s opinion concerning the potential significance of the resource and next steps if mitigation is required.
- L. The Project Archaeologist will prepare and submit a final report on the findings to the Preservation Specialist, the Tribes, and the SHPO upon completion.
- M. Project activities on the site may only resume once the Preservation Specialist has verified all steps to identify and evaluate the Discovery have been followed accordingly.

XI. DISASTERS AND EMERGENCY REVIEW PROCEDURES

- A. Determine Expedited Review
 - 1. In response to a disaster or emergency declared by the President of the United States, a Tribal Government, or the Governor of a State, or which respond to other immediate threats to life or property, the City may conduct expedited reviews of emergency Undertakings pursuant to 36 C.F.R. § 800.12(c). The period for expedited reviews shall be determined between the City and the SHPO following a declared disaster or emergency.
 - 2. Should the City determine that it is necessary to extend the expedited review period for emergency Undertakings beyond the initially agreed upon period, the City shall, in 30-day increments, as needed, notify in writing the ACHP, SHPO and participating Tribe(s) pursuant to 36 CFR § 800.12(d).
- B. Conduct Expedited Reviews
 - 1. If the emergency Undertaking is an immediate rescue and salvage operation

conducted in response to an event to preserve life and property, the City has no Section 106 consultation responsibilities in accordance with 36 C.F.R. § 800.12(d).

2. If the emergency Undertaking meets one or more of the Programmatic Exclusions in Appendix C of this Agreement, the City shall complete the Section 106 review process pursuant to Stipulation IV.A. of this Agreement.
3. If the City determines that the emergency Undertaking would adversely affect a Historic Property during this expedited review period:
 - a. To the extent practicable, the City will propose treatment measures that would address adverse effects during implementation and request the comments of the SHPO and the participating Tribe(s) within three (3) calendar days of receipt of this information unless the City determines the nature of the emergency warrants a shorter time period.
 - b. The City may provide this information through written requests, telephone conversations, meetings, or electronic media. In all cases, the City shall clarify that an "expedited review" is being requested for the Undertaking.
 - c. The City shall consider comments timely provided by the SHPO and/or the participating Tribe(s) in deciding how to proceed.
 - d. If neither the SHPO nor any of the participating Tribe comments within three (3) calendar days, the City may complete Section 106 review for the Undertaking based on the available information.
 - e. The City shall notify the SHPO and the participating Tribe(s) of the final decision, indicating how any comments received were considered in reaching that decision.
 - f. The City shall provide the SHPO, the ACHP and/or the participating Tribe(s) a narrative report documenting the actions taken in accordance with this expedited consultation process within six (6) months following the initiation of the expedited consultation.

XII. COORDINATION WITH OTHER FEDERAL PROGRAMS

- A. A Federal agency providing permits, licensing, or financial assistance for an Undertaking covered under the terms of this Agreement may, with the concurrence of the City, the SHPO, the Tribes, and the ACHP, satisfy its Section 106 compliance responsibilities by complying with the terms of this Agreement. In such situation, the City and the Federal agency shall notify the SHPO, the Tribes, and the ACHP

in writing of their intent to use this Agreement to attain compliance with Section 106 requirements.

- B. If neither the SHPO, the Tribes, nor the ACHP respond within fourteen (14) business days of receipt of such a notice of intent, the City and the Federal agency may assume the SHPO, the Tribes, and the ACHP's concurrence, as referenced above. Copies of all such notification letters shall be maintained in the files established by the Preservation Specialist for each such Undertaking.
- C. The Federal agency shall make an official determination based on the results of the Section 106 review of the Undertaking conducted under this Agreement. The Federal agency shall notify the SHPO, the Tribes, and the ACHP in writing of this determination.
- D. For rehabilitation projects subject to Federal Rehabilitation Tax Credit review by the SHPO and the National Park Service and/or local historical review, the Preservation Specialist will consult with the relevant SHPO staff and Historic District Commission Staff to discuss coordination of compliance requirements.

XIII. PROJECT COORDINATION

- A. Internal Review Procedures. The City will comply with the following policies and procedures:
 - 1. Upon receipt of the completed Environmental Review ("ER") Request form, with a detailed project description, the ER team will determine the appropriate level of review for each project.
 - 2. The ER team will assess the environmental factors on the 24 C.F.R. Part 58 statutory checklist that may apply to the project site, including Section 106 review.
 - 3. Projects that trigger the threshold for Section 106 review require a Section 106 Review Request form for each specific project to satisfy historic review requirements for using federal funds.
 - 4. The Preservation Specialist will ensure the stipulations outlined in this Agreement are followed for all applicable projects.
- B. The City will ensure that the appropriate City department, agency, and authority staff are provided copies of this Agreement and the internal review procedures. The City will ensure all sub-recipients of HUD funding in the City are aware of this Agreement and its requirements, including the requirement to complete the Section 106 review in coordination with the Preservation Specialist prior to the commencement of project activities.
- C. The City shall take appropriate measures to ensure that Undertakings are not

implemented until the City department, agency, authority, or DHC has received written clearance from the Preservation Specialist.

XIV. HISTORIC PRESERVATION PLAN

The City, in consultation with the SHPO, the Tribes, and local stakeholders, shall develop and implement a comprehensive Historic Preservation Plan for Detroit (the “Plan”). The Plan will include, but is not limited to, an analysis of current information related to historic properties, the current role of the City in historic preservation, goals, and priorities regarding the role of historic preservation in Detroit, and specific policy guidance for City officials relating to historic preservation. The Plan shall be adopted within five (5) years of the execution of this Agreement. The City may maintain and update the Plan as needed.

XV. REVISIONS TO THE COMPREHENSIVE MASTER PLAN

Prior to any modification to the City’s Comprehensive Master Plan of Policies, the City will provide reasonable notice of the modification, including a copy of the proposed modification, to the SHPO. The SHPO may provide comments to the City and the City shall consider those comments as part of the modification.

XVI. TECHNICAL ASSISTANCE AND TRAINING

The SHPO staff will provide technical assistance, consultation, and training as requested by the City to assist the City in conducting the terms of this Agreement. The City, assisted by the SHPO, will provide guidance documents to City staff to assist in compliance with the Stipulations of the Agreement.

XVII. IMPLEMENTATION STATUS MEETINGS

A. Meetings and Reports

1. A meeting between the Parties, and including any Consulting Parties, will be initiated once per year during the duration of this Agreement to provide the opportunity for the Parties to examine Undertakings reviewed under Stipulations V, VI, and VII of this Agreement and assess the overall effectiveness in addressing the preservation of Historic Properties affected by Undertakings in Detroit. The meeting will provide the Parties an opportunity to discuss and evaluate the following issues:
 - a. Whether consultations, when required by this Agreement or carried out pursuant to 36 C.F.R. Part 800, have been initiated early enough in the planning process to ensure consideration of potential alternatives to avoid, minimize, or mitigate harm to Historic Properties.
 - b. Whether Undertakings affecting Historic Properties within the City

have adhered to the Secretary's Standards, to the extent that such adherence is required under this Agreement.

- c. Whether there has been effective coordination between the Preservation Specialist, appropriate project managers, and contract personnel assigned responsibilities affecting Historic Properties.
 - d. Whether problems or misunderstandings have arisen during consultations, and if so, how these problems were resolved and how they could be avoided in the future.
 - e. Whether there is a need to hold additional regularly scheduled implementation status meetings.
2. Participants at the meeting on behalf of the City may include staff from PDD, as defined in Appendix B attached hereto, and HDAB, as well as any other City departments, agencies, or authorities that administer HUD funds, and the Preservation Specialist.
 3. At least two (2) weeks prior to the meeting, the Preservation Specialist will provide the parties and the Consulting Parties with the following information:
 - a. A summary of actions taken under Stipulations V, VI, and VII of this Agreement since the Effective Date, as defined below. The summary shall contain:
 - i. A brief description of proposed Undertakings, including address and historic categorization, and a list of projects that were deemed programmatic exclusions pursuant to Appendix C attached hereto within the prior 12 months and the basis for such determinations.
 - ii. Determination of effects.
 - iii. A list of properties identified in the reporting period to be individually eligible for listing on the NRHP.
 - iv. A summary of any training given pursuant to Stipulation XVI of this Agreement.
 - v. Notification of any Preservation Specialist staff changes.
 - b. A summary of any planning activities in the City subject to consultation with the SHPO pursuant to Stipulation XIV of this Agreement.
 - c. A brief summary of any and all areas surveyed since the previous

meeting.

- d. A brief description of any and all historic districts determined eligible for listing in the NRHP, including boundaries for those area(s).
 - e. A brief description of any and all area(s) determined to be not eligible for listing in the NRHP, including boundaries for those areas(s).
 - f. A description and location of any and all local historic districts established by the City since the previous meeting.
4. The parties to this Agreement shall meet at least six (6) months before the Expiration Date, as defined in Stipulation XXI, to determine whether this Agreement should be extended beyond the Expiration Date. The Preservation Specialist shall be responsible for convening this meeting. The City shall notify the public of this meeting and shall invite the public to submit comments to the SHPO and ACHP regarding the effectiveness of the Agreement prior to the scheduled meeting.
- B. The City and the SHPO shall regularly exchange data, including GIS data, to ensure both parties have accurate and up to date information.

XVIII. DISPUTE RESOLUTION

Should any Signatory object (the “Objection”) at any time to any actions proposed, or the manner in which the terms of this Agreement are being implemented (the “Objecting Signatory”), the City shall consult with the Objecting Signatory to resolve the Objection. If the City determines that such Objection cannot be resolved, the City will:

- A. Forward all documentation relevant to the Objection, including the City’s proposed resolution, to the ACHP. The ACHP shall provide the City with its advice on the resolution of the Objection (the “Advice”) within thirty (30) calendar days of receiving adequate documentation (the “Advice Period”).
 - a. If the ACHP provides its Advice within the Advice Period, the City shall prepare a written response (the “Response”) prior to reaching a final decision on the Objection (the “Final Decision”) that considers any timely advice or comments regarding the Objection from the ACHP, the Required Signatories and the Concurring Parties, and provide them with a copy of the Response. The City will then proceed according to the Final Decision.
 - b. If the ACHP does not provide its Advice within the Advice Period, the City may make the Final Decision on the Objection and proceed

accordingly. Prior to reaching the Final Decision, the City shall prepare a Response that considers any timely comments regarding the Objection from the Required Signatories and Concurring Parties to this Agreement and provide them and the ACHP with a copy of the Response.

- B. The City's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the Objection remain unchanged.

XIX. AMENDMENT

Any Required Signatory or Invited Signatory may notify the other Required Signatories and Invited Signatories of its request to amend the Agreement, whereupon all Required Signatories and Invited Signatories will consult to consider such amendment. The amendment shall be effective on the date that a copy or copies of such amendment, signed by all the Required Signatories to this Agreement, is filed with the ACHP.

XX. TERMINATION

Any Required Signatory or Invited Signatory may terminate this Agreement by providing thirty (30) calendar days' written notice to all other Required Signatories and Invited Signatories. During such notice period, the Required Signatories and Invited Signatories will make reasonable effort to consult to determine if amendments or other actions could be taken to avoid termination. In the event of termination, the City will comply with 36 C.F.R. § 800.3 through 800.6 with regard to individual Undertakings covered by this Agreement.

XXI. EFFECTIVE DATE AND DURATION

This Agreement shall become effective on the date it is signed by the Required Signatories (the Effective Date") and shall continue in full force and effect for the duration of five (5) years from the Effective Date (the "Expiration Date"), unless otherwise terminated or extended. Any extension shall constitute an amendment to this Agreement, and shall be adopted as such, in accordance with Stipulation XIX of this Agreement.

Execution and implementation of this Agreement is evidence that the City has afforded the ACHP a reasonable opportunity to comment on the Program and that the City has considered the effects of the Program on Historic Properties.

SIGNATORY PARTY (Required Signatory):

CITY OF DETROIT, MICHIGAN

By:  DocuSigned by:
E17650515DAE4C9... _____ Date: 11/17/2022
Julie Schneider, Director, Detroit Housing & Revitalization Department

APPROVED AS TO FORM IN ACCORDANCE
WITH § 7-5-206 OF THE 2012 CITY OF DETROIT CHARTER

By:  DocuSigned by:
0020EED20EE04A1... _____ Date: 11/15/2022
Bruce Goldman, Corporation Counsel

SIGNATORY PARTY (Required Signatory):

MICHIGAN STRATEGIC FUND

By: DocuSigned by: Valerie Hoag FC2092818155402... Date: 11/18/2022
Valerie Hoag, Michigan Strategic Fund Manger

SIGNATORY PARTY (Required Signatory):

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: DocuSigned by: MacFarlane-Faes, Martha (CEO) Date: 12/16/2022
172C0FD7954D456...
Martha MacFarlane-Faes, Deputy State Historic Preservation Officer

SIGNATORY PARTY (Required Signatory):

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Jordan E. Tannenbaum Date: 12.21.2022
Jordan Tannenbaum, Vice Chairman

INVITED SIGNATORY:

**KETEGITIGAANING OJIBWE NATION / LAC VIEUX DESERT BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS**

By: _____ Date: _____
Alina Shively, Tribal Historic Preservation Officer

INVITED SIGNATORY:

MATCH-E-BE-NASH-SHE-WISH (GUN LAKE) BAND OF POTTAWATOMI INDIANS

By: _____ Date: 12/1/2022
Eric Sprague, Chief Operating Officer

INVITED SIGNATORY:

LITTLE RIVER BAND OF OTTAWA INDIANS

DocuSigned by:
By:  Date: 11/17/2022
C08A2F138B294E9...
Jonnie J. Sam, Director, Historic Preservation Department

INVITED SIGNATORY:

POKAGON BAND OF POTAWATOMI INDIANS, MICHIGAN, AND INDIANA

By: _____ Date: 11/17/2022
Rebecca Richards, Tribal Council Chairwoman

INVITED SIGNATORY:

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

By: _____ Date: _____
Marie Richards, Cultural Repatriation Specialist

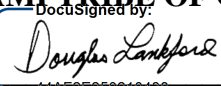
INVITED SIGNATORY:

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

By: _____ Date: _____
Melissa Wiatrolik, Tribal Historic Preservation Officer


INVITED SIGNATORY:

MIAMI TRIBE OF OKLAHOMA

By:  Date: 11/18/2022
44AF2E250210438...
Douglas Lankford, Chief

INVITED SIGNATORY:

CITY OF DETROIT, PLANNING & DEVELOPMENT DEPARTMENT

By:  Date: 12/2/2022
Garrick Landsberg, Director of Historic Preservation, Detroit Planning & Development
Department

INVITED SIGNATORY:

**THE DETROIT LEGISLATIVE POLICY DIVISION/HISTORIC DESIGNATION
ADVISORY BOARD**

By:  Date: 11/18/2022
709C6E8E2450426...
Janese Chapman, Director, Historic Designation Advisory Board

CONCURRING PARTY:

NATIONAL TRUST FOR HISTORIC PRESERVATION

By: _____ Date: _____
Paul Edmondson, President & CEO, National Trust for Historic Preservation

CONCURRING PARTY:

PRESERVATION DETROIT

By: DocuSigned by: Devan Anderson Date: 11/20/2022
DF1A314C79644D4
Devan Anderson, President, Preservation Detroit

CONCURRING PARTY:

MICHIGAN HISTORIC PRESERVATION NETWORK

DocuSigned by:
By: Chris Fraleigh Date: 12/12/2022
1E8C19A20425409
Chris Fraleigh, Michigan Historic Preservation Network Executive Director

APPENDIX A

HUD PROGRAM SUMMARIES

(www.portal.hud.gov)

The following grant programs are authorized under this Agreement. The summaries of each program were obtained from the HUD website.

Community Development Block Grant (CDBG) Program

Web Link:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs

About the Program

The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. The CDBG is a valuable tool for helping local governments tackle serious challenges facing their communities. The CDBG program has had influence in the lives of millions of people and their communities across the Nation.

The annual CDBG appropriation is allocated between States and local jurisdictions called "non-entitlement" and "entitlement" communities, respectively. Entitlement communities are comprised of central cities of Metropolitan Statistical Areas (MSAs); metropolitan cities with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the populations of entitlement cities). States distribute CDBG funds to non-entitlement localities not qualified as entitlement communities.

HUD determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

Citizen Participation

A grantee must develop and follow a detailed plan that provides for and encourages citizen participation. This integral process emphasizes participation by persons of low or moderate income, particularly residents of low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must provide citizens with the following: reasonable and timely access to local meetings; an opportunity to review proposed activities and program performance; provide for timely written answers to written complaints and grievances; and identify how the needs of non-English speaking residents will be met in the case of public hearings where a considerable number of non-English speaking residents can be expected to participate.

Eligible Activities

Over a 1, 2, or 3-year period, as selected by the grantee, not less than 70 percent of CDBG funds must be used for activities that benefit low- and moderate-income persons. In addition, each activity must meet one of the following national objectives for the program: benefit low- and moderate-income persons, prevention or elimination of slums or blight, or address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

Community Development Block Grant – Recovery (CDBG-DDR) Program

Web Link:

<https://www.hudexchange.info/programs/cdbg-dr/>

This funding is intended to reduce weaknesses in Detroit’s aging storm water management system that contributed to the 2014 Flood. Proposed projects can establish more resilient, cost effective, and innovative infrastructure systems. These proposed projects are at varying developmental stages. These projects are designed to enhance quality of life by using natural systems to:

1. Manage storm water and reduce flooding
2. Spur economic development and neighborhood vitality
3. Decrease blight through vacant land use and strategic demolition

Proposed projects include the following:

- *Selective demolition, green infrastructure installation, and vacant lot treatment.*
The two areas targeted for this activity are “Aviation Sub” and “Islandview.” Activities would include demolition followed by site treatments that perform green infrastructure function by helping to manage stormwater. Additional vacant parcels will receive landscaping improvements to improve stormwater retention and reduce blight.
- *Westside Green Infrastructure Projects and Planning*
This project area includes the Upper Rouge Sewer shed and is a focus of the National Pollutant Discharge Elimination System permit. Green infrastructure here will help meet the City’s combined sewer overflow reduction requirements, with an additional goal of preventing future basement backup flooding and improving neighborhood quality of life. An assessment of ongoing work and coordinated planning will be performed. Areas included in the westside projects and planning area include Rouge Park, Brightmoor, Grandmont-Rosedale, Cody Rouge, Aviation Sub., and others.
- *Eastside Green Infrastructure Projects and Planning*
This project area includes the Near Eastside Drainage District which is a priority area in which to create green infrastructure due to its impact on stormwater management. Green infrastructure here will help meet the City’s combined sewer overflow

reduction requirements, with an additional goal of preventing future basement backup flooding and improving neighborhood quality of life. Potential renewable energy projects as a way to improve resiliency and reduce water system costs will be explored. An assessment of ongoing work and coordinated planning will be performed. Areas included in the eastside projects and planning area include McDougall Hunt, Islandview, West Village, Indian Village, and others.

CDBG Disaster Recovery Assistance

Web Link:

<https://www.hudexchange.info/programs/cdbg-dr/>

HUD provides flexible grants to help cities, counties, parishes, and states recover from presidentially declared disasters, especially in low- and moderate-income areas. HUD publishes allocations and program requirements in notices in the Federal Register. CDBG requirements apply unless modified by appropriations statutes or waived or supplanted by alternative requirements. CDBG Disaster Recovery Assistance is also subject to requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

When major disasters occur, Congress may appropriate additional funding for the CDBG program as Disaster Recovery grants to rebuild the affected areas and bring crucial seed money to stimulate the recovery process. Because the CDBG funds a broad range of activities, the CDBG Disaster Recovery assistance helps communities and neighborhoods that otherwise might not recover due to limits on other resources. Disaster Recovery grants supplement disaster programs of the Federal Emergency Management Agency (FEMA), the Small Business Administration, and the U.S. Army Corps of Engineers.

Economic Development Initiative - Community Project Funding Grants

Congress directs that certain funds be awarded to a particular entity and be spent on the project or purpose identified in the authorizing legislation for Community Project Grants. This provision is made explicit in a particular fiscal year's appropriations bill. Entities that are not named within that appropriations bill may not access these funds. These funds finance a wide variety of public project activities including facilities site planning and preparation; facilities construction, renovation, rehabilitation, or purchase; streetscaping; development or improvement of parks or other public spaces; and many others.

Emergency Shelter Grant (ESG) Program

Provides grants by formula to States, metropolitan cities, urban counties, and U.S. territories for eligible activities, including essential services related to emergency shelter, rehabilitation, and conversion of buildings to be used as emergency shelters, operation of emergency shelters, and homelessness prevention services.

HOME Program

Web Link:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/affordablehousing/programs/home/

The HOME Investment Partnerships Program (HOME) provides formula grants to States and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.

HOME funds are awarded annually as formula grants to participating jurisdictions. The program's flexibility allows States and local governments to use HOME funds for grants, direct loans, loan guarantees or other forms of credit enhancements, or rental assistance or security deposits.

Participating jurisdictions may choose among a broad range of eligible activities, using HOME funds to provide home purchase or rehabilitation financing assistance to eligible homeowners and new homebuyers; build or rehabilitate housing for rent or ownership; or for "other reasonable and necessary expenses related to the development of non-luxury housing," including site acquisition or improvement, demolition of dilapidated housing to make way for HOME-assisted development, and payment of relocation expenses.

Housing Opportunities for Persons With AIDS (HOPWA)

Web Link:

<https://www.hudexchange.info/programs/hopwa/>

To address housing needs for low-income persons who are living with HIV/AIDS and their families, the Office of HIV/AIDS Housing manages the Housing Opportunities for Persons With AIDS (HOPWA) program.

The HOPWA program is the only Federal program dedicated to addressing the housing needs of persons living with HIV/AIDS and their families. Grantees partner with nonprofit organizations and housing agencies to provide housing and support to these beneficiaries.

HOPWA funds are awarded as grants from two programs:

- For the HOPWA Competitive Program priority is given to the renewal of expiring permanent supportive housing grants.
- The HOPWA Formula Program uses a statutory method to allocate HOPWA funds to eligible States and cities on behalf of their metropolitan areas.

Lead Hazard Control and Healthy Homes

Capacity building and technical assistance; grants for the development of local programs to address housing-related health and safety hazards; demonstration projects and research, outreach and education authority related to lead hazard control and healthy homes issues; enforcement of the Lead Safe Housing Rule and the Lead Disclosure Rule.

Nature of Program: This program addresses childhood lead-based paint poisoning and other diseases associated with poor housing conditions, such as exposure to moisture, mold, poor air quality, residential application of pesticides, the presence of allergens, vermin, dust, and other substances that contribute to asthma, and hazardous conditions that increase the risk of injury. It promotes preventive measures to correct multiple health and safety hazards in the home environment through several components.

Lead Hazard Reduction Demonstration Grant (LHRDG) Program

Web Link:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/lhc

The purpose of the Lead-Based Paint Hazard Control and the Lead Hazard Reduction grant programs is to identify and control lead-based paint hazards in eligible privately owned housing for rental or owner-occupants. The Lead-Based Paint Hazard Control Grant program is the largest program in terms of dollar amount and number of grants.

Neighborhood Stabilization Program (NSP1 & NSP3)

Web Link:

<https://www.hudexchange.info/programs/nsp/>

NSP was established for the purpose of providing emergency assistance to stabilize communities with high rates of abandoned and foreclosed homes, and to assist households whose annual incomes are up to 120 percent of the area median income (AMI).

NSP funds may be used for activities which include, but are not limited to:

- Establish financing mechanisms for purchase and redevelopment of foreclosed homes and residential properties;
- Purchase and rehabilitate homes and residential properties abandoned or foreclosed;
- Establish land banks for foreclosed homes;
- Demolish blighted structures; and
- Redevelop demolished or vacant properties

In addition, the use of NSP funds must also meet one of the following CDBG national objectives:

- Housing Activities: Providing or improving permanent residential structures that will be occupied by a household whose income is at or below 120% of area median income.

- **Area Benefit Activities:** Benefiting all the residents of a primarily residential area in which at least 51% of the residents have incomes at or below 120% of area median income.
- **Limited Clientele Activities:** Serving a limited clientele whose incomes are at or below 120% of area median income.

NSP grantees develop their own programs and funding priorities. However, grantees must use at least 25% of the funds appropriated to house individuals or families whose incomes do not exceed 50% of the area median income. Activities may not qualify under NSP using the CDBG "prevent or eliminate slums and blight" or "address urgent community development needs" national objectives.

PIH Capital Fund

The PIH Office of Capital Improvements administers the Capital Fund. The Capital Fund provides funds, annually, to Public Housing Agencies (PHAs) for the development, financing, and modernization of public housing developments and for management improvements. The funds may not be used for luxury improvements, direct social services, cost funded by other HUD programs, and ineligible activities as determined by HUD on a case-by-case basis.

PIH Development (HOPE VI)

The HOPE VI Program was developed as a result of recommendations by the National Commission on Severely Distressed Public Housing, which was charged with proposing a National Action Plan to eradicate severely distressed public housing. The omission recommended revitalization in three general areas: physical improvements, management improvements, and social and community services to address resident need.

PIH Housing Choice Vouchers

The housing choice voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses, and apartments.

The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects.

Housing choice vouchers are administered locally by PHAs. The PHAs receive federal funds from HUD to administer the voucher program.

A family that is issued a housing voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may

include the family's present residence. Rental units must meet minimum standards of health and safety, as determined by the PHAs.

A housing subsidy is paid to the landlord directly by the PHAs on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Under certain circumstances, if authorized by the PHAs, a family may use its voucher to purchase a modest home.

PIH Operating Fund

The Public Housing Operating Fund provides operating subsidies to housing authorities to assist in funding the operating and maintenance expenses of their own dwellings, in accordance with Section 9 of the U.S. Housing Act of 1937, as amended. The subsidies are required to help maintain services and provide minimum operating reserves. The Operating Fund program delivers \$4.5 Billion annually to 3,000 PHAs, approximately 7,000 public housing developments, and assistance to over 1.1 million low-income families.

PIH Project Based Vouchers

Project-based vouchers (PBVs) are a component of a PHA's Housing Choice Voucher program. PHAs are not allocated additional funding for PBV units; the PHA uses its tenant-based voucher funding to allocate project-based units to a project. Projects are typically selected for PBVs through a competitive process managed by the PHA; although in certain cases projects may be selected non-competitively.

A PHA can use up to 20 percent of its authorized voucher units to project-base units in a specific project if the owner agrees to either rehabilitate or construct the units, or the owner agrees to set-aside a portion of the units in an existing development. In certain cases, the PHA may use an additional 10 percent of its authorized voucher units for PBV assistance. Information as to whether a PHA manages the PBV program may be found by contacting the local PHA.

The PBV program was enacted in 1998, as part of the statutory merger of the certificate and voucher tenant-based assistance programs under the Quality Housing and Work Responsibility Act of 1998. Significant changes to the program were subsequently enacted in law in 2000, by the Fiscal Year 2001 Appropriations Act, and in 2008, by the Housing and Economic Recovery Act of 2008. The latest statutory changes to the PBV program were enacted recently by the Housing Opportunity Through Modernization Act of 2016 (HOTMA). A detailed account of the HOTMA changes, and further guidance, is provided under PIH Notice 2017-21, published October 30, 2017.

PIH Tenant Based Vouchers

Tenant-based vouchers increase affordable housing choices for very low-income families (i.e., families with incomes below 50% of area median income) and a few specific categories of families with incomes up to 80% of the area median income. Families with a tenant-based voucher choose and lease safe, decent, and affordable

privately-owned rental housing. These include families that are already assisted under the 1937 U.S. Housing Act, such as families physically displaced by public housing demolition, and owners opting out of project-based section 8 housing assistance payments contracts. (HUD determines median income levels for each area annually.)

Self-Help Homeownership Opportunity Program (SHOP)

Web Link:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/affordablehousing/programs/shop

SHOP authorizes HUD to make competitive grants to national and regional nonprofit organizations and consortia that have experience in providing or facilitating self-help housing opportunities. Grants are to be used by the grantee or its affiliates for eligible expenses in connection with developing non-luxury housing for low-income families and persons who otherwise would be unable to purchase a house. Eligible expenses for grants are limited to land acquisition (including financing and closing costs), infrastructure improvements (installing, extending, constructing, rehabilitating, or otherwise improving utilities and other infrastructure), and administrative costs (up to 20 percent of the grant amount). Homebuyers must contribute a significant amount of sweat equity toward the construction of their homes. SHOP also requires community participation through volunteers who assist the homebuyers on the construction of the homes. Assisted units must be decent, safe, and sanitary non-luxury dwellings that comply with local building and safety codes and standards. These units must be sold to eligible low-income homebuyers at prices below the prevailing market price.

Special Purpose Grants

Web Link:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/economicdevelopment/programs/congressional/special

Congressional Grants are authorized each year in the annual HUD appropriation and accompanying conference report or congressional record. Congress authorizes a specific level of funding to a designated grantee, to undertake a particular activity cited in the appropriation or conference report. Only those entities designated by Congress may apply for funds. Unsolicited applications are not accepted.

APPENDIX B

DEFINITIONS AND ABBREVIATIONS

ACHP means the Advisory Council on Historic Preservation, an independent Federal agency that advises the President and Congress on historic preservation matters.

Adverse Effect means the altering of a property in a manner that would diminish its integrity or alter the characteristics that qualify the property for inclusion in the National Register of Historic Places.

Area of Potential Effect, as defined in 36 C.F.R. § 800.16(d), means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of Historic Properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for various kinds of effects caused by the undertaking.

CDBG means Community Development Block Grant.

Commercial Buildings means any structure with a commercial, industrial, or residential use that has more than four (4) housing units.

Consultation means the process of seeking, discussing, and considering the views of other participants, and, where possible, seeking agreement with them regarding matters arising in the section 106 process.

Dangerous Building means such buildings as defined by City of Detroit Ordinance 290-H and deemed as such by the City of Detroit Department of Buildings and Safety Engineering.

DBA means the Detroit Building Authority.

HDAB means the City of Detroit Historic Designation Advisory Board.

Historic Property means any property that is included in or eligible for inclusion in the National Register of Historic Places as set forth in 36 C.F.R. Part 800.

HOME means HOME Investment Partnerships Program.

HUD means the United States Department of Housing and Urban Development.

Memorandum of Agreement (MOA) means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

National Register of Historic Places (NRHP) refers to the official inventory of historic resources in the United States, authorized by the National Historic Preservation Act of 1966 and maintained by the Secretary of the Interior.

PDD means the City of Detroit Planning and Development Department.

Preservation Specialist means any City employee(s), consultant(s), or a combination of both, who meet the professional qualifications as specified in the Secretary of Interior's Professional Qualification Standards, as set forth in 36 C.F.R. Part 61.

Program refers to the City of Detroit's program to administer all undertakings funded by HUD specifically covered by this Programmatic Agreement and administered by the City of Detroit Housing & Revitalization Department and by the Detroit Housing Commission.

Qualification Standards means the Secretary of Interior's Professional Qualification Standards, as set forth in 36 C.F.R. Part 61.

Residential Buildings means any structure with a residential use that has four (4) or fewer housing units.

Responsible Entity (RE) refers to the City of Detroit's program to administer all undertakings funded by HUD specifically covered by this Agreement and administered by the City of Detroit Housing & Revitalization Department and by the Detroit Housing Commission.

Secretary's Standards means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, contained in 36 C.F.R. Part 67.

Section 106 refers to Section 106 of the National Historic Preservation Act of 1966, as amended, and its resulting review process designed to ensure that impacts on historic properties are considered during Federal project planning and execution.

SHPO means the Michigan State Historic Preservation Officer.

Tribal Lands means all lands within the boundaries of any Indian reservation and all dependent Indian communities.

Tribe refers to a federally recognized Tribe having a government-to-government relationship with the U.S. government and possessing certain inherent powers of self-government and entitlement to certain federal benefits, services, and protections because of the special trust relationship.

Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect authority of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval.

APPENDIX C

PROGRAMMATIC EXCLUSIONS

The following project activities, which have limited potential to affect Historic Properties and do not require further review from the SHPO when the Undertakings are limited solely to these activities:

A. Site Improvements

1. Reconstruction of roads where no change in width, surface materials, surface treatments, or vertical alignments of drainage is to occur.
2. Repair/replacement of existing curbs and sidewalks with identical materials within existing dimensions.
3. Repair/replacement of water, gas, storm, and/or sewer lines if it occurs within the dimensions of the original trench and permanent impacts upon surface treatments or landscape features which contribute to the historic or architectural significance of the resource are avoided.
4. Tree plantings adjacent to right-of-way.
5. Repainting parking spaces or streets.

B. Interior Rehabilitation

The following may proceed without review if permanent impacts upon interior elements or surface treatments that contribute to the historic or architectural significance of the buildings are avoided.

1. All plumbing rehab/replacement - includes pipes and fixtures.
2. Heating, Venting, and Air-conditioning Systems – rehab, replacement, cleaning provided that no new venting or new venting locations are needed. If new venting is needed, it shall be located on the rear of the structure and shall not be visible from the public right-of-way.
3. Electrical work.
4. Restroom improvements for handicapped access - provided that work is contained within the existing restroom.
5. Interior surface treatments (floors, walls, ceilings, and woodwork) provided the work is restricted to repainting, refinishing, re-papering, or laying carpet or linoleum and the feature is not significant to the integrity of the property.
6. Installation of insulation provided it is restricted to attics and crawl spaces, upper surfaces of existing ceilings and the ceilings are not dropped, and proper vapor barriers are used. Also, wall insulation should not be installed in historic frame buildings unless an adequate vapor barrier can be added to the interior face of the wall. Insulation must be kept dry to function properly, and therefore requires a

vapor barrier and some provision for air movement. Introducing insulation in wall cavities without a vapor barrier and some ventilation can lead to problems such as paint failure or the deterioration of wood members.

7. Repair of or pouring of concrete cellar floor.
8. Installation of new kitchen and bath appliances, cabinets, counters, tubs, sinks and toilets.
9. Repair or replacement of concrete basement floors and interior basement walls.
10. Replacement of door locks.

C. Exterior Rehabilitation

1. Caulking, weather stripping and replacement of window glass with glass of the same surface qualities (color, texture, and reflectivity).
2. Installation or replacement of gutters and downspouts (if the color is historically appropriate for the period and style of the historic resource).
3. Flat or shallow pitch roof repair/replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3 inches to 12 inches), with no part of the surface of the roof visible from the ground.
4. New storm windows - provided they conform to shape and size of historic windows and that the meeting rail coincides with that of the existing sash. Color should match trim; mill finish aluminum is not acceptable. Repair or repainting of existing storm windows.
5. In-kind replacement - this is understood to mean that the new features/items will duplicate the material, dimensions, configuration and detailing of the original of the following:
 - a. Porches - railings, posts/columns, brackets, cornices, steps, flooring
 - b. Roofs
 - c. Siding
 - d. Exterior architectural details and features
 - e. Windows – this is understood to include both the frame, panes, and sash
 - f. Doors
 - g. Cellar/bulkhead doors
6. Painting previously painted surfaces in color(s) historically appropriate for the period and style of the historic resource.
7. Repair of existing wheelchair ramps.
8. Repair, replace, or install new sidewalks or driveways that match the existing sidewalk or driveway in materials and dimensions.
9. Repair or replacement of chimneys with the same material and dimensions.

APPENDIX D
TREATMENT OF HISTORIC PROPERTIES
FOR DEMOLITION

The City shall forward documentation to the SHPO for review and comment regarding the proposed demolition of any Historic Property. The form of documentation to be provided to the SHPO will vary depending on the demolition classification as well as building type (Residential or Commercial) and whether it is a single resource or contributes to a district. The guidelines for each submittal are delineated below.

A. Demolition of Vacant and Dangerous Buildings. The City shall forward adequate documentation to the SHPO for review and comment regarding the proposed demolition of a Historic Property under the Vacant and Dangerous Buildings program. Documentation for this category of demolition shall include, at a minimum, the following:

1. Photographs of all elevations and significant features;
2. An explanation of how long the property has been listed on the City's Vacant and Dangerous Buildings list and why demolition is proposed;
3. A structural report by a licensed Structural Engineer with experience with historic building structural systems or a licensed architect meeting the Qualification Standards;
4. A summary of alternatives to demolition that were considered and why they were not used;
5. Copies or summaries of any views provided by consulting parties and the public. Sources may include written or recorded public comment, letters and/or email correspondence; and
6. Proposed mitigation measure(s) selected from Appendix F which shall be forwarded to the SHPO in a "two-party" Memorandum of Agreement.

Depending on the building type and whether it is a single Historic Property or contributes to a historic district, the following additional pieces of information are also required to be provided to the SHPO for review:

- 1. Residential Buildings - Individual.**
 - a. Photographs of the property including interior views (if City-owned), photographs showing details of any character-defining features, and historic photographs, if available; and
 - b. A completed SHPO identification form, including a brief history of the property including a statement of the historic and/or architectural

significance of the resource meeting the criteria for listing in the NRHP.

2. Residential Buildings - within a District.

- a. Photographs including representative streetscape views showing the surrounding built environment. These photos shall be keyed to a localized map.
- b. A completed SHPO identification form, including a brief history of the district including a statement of the historic and/or architectural significance of the district meeting the criteria for listing in the NRHP.

3. Commercial Buildings - Individual.

- a. Photographs of the property including interior views, photographs showing details of any character-defining features, and historic photographs, if available;
- b. A completed SHPO identification form, with a brief history of the property including a statement of the historic and/or architectural significance of the resource meeting the criteria for listing in the NRHP; and
- c. Mapping showing land and building vacancies within 1,500 feet of the property.

4. Commercial Buildings - within a District.

- a. Photographs shall include representative streetscape views showing the surrounding built environment. These photos shall be keyed to a localized map;
- b. A completed SHPO identification form, with a brief history of the district including a statement of the historic and/or architectural significance of the district meeting the criteria for listing in the NRHP; and
- c. Mapping showing land and building vacancies within 1,500 feet of the property.

Within thirty (30) calendar days following receipt of adequate documentation, if the SHPO agrees with the proposed demolition of a Historic Property, it shall sign the "two-party" Memorandum of Agreement and return it to the City for signature. If the SHPO objects to the proposed demolition, the City and the SHPO shall consult per Stipulation XVII of this Agreement.

B. Routine Demolition Projects. Prior to the demolition of a Historic Property not covered under the Vacant and Dangerous Buildings program, the City shall forward adequate documentation to the SHPO for review and comment. This documentation shall include, at a minimum, the following:

1. Photographs of all elevations and significant features;

2. A structural report by a licensed Structural Engineer with experience with historic building structural systems or a licensed architect meeting the Qualification Standards;
3. A summary of alternatives to demolition that were considered and why they were not used;
4. Copies or summaries of any views provided by consulting parties and the public. Sources may include written or recorded public comment, letters and/or email correspondence; and
5. Proposed mitigation measure(s) selected from Appendix F attached hereto which shall be forwarded to the SHPO in a "two-party" Memorandum of Agreement.

Depending on the building type and whether it is a single Historic Property or contributes to a historic district, the following additional pieces of information are also required to be provided to the SHPO for review:

1. Residential Buildings - Individual.

- a. Photographs of the property including interior views (if City-owned), photographs showing details of any character-defining features, and historic photographs, if available; and
- b. A completed SHPO identification form, with a brief history of the property including a statement of the historic and/or architectural significance of the resource meeting the criteria for listing in the NRHP.

2. Residential Buildings - within a District.

- a. Photographs including representative streetscape views showing the surrounding built environment. These photos shall be keyed to a localized map; and
- b. A brief history of the district including a statement of the historic and/or architectural significance of the district meeting the criteria for listing in the NRHP.

3. Commercial Buildings - Individual.

- a. Photographs of the property including interior views, photographs showing details of any character-defining features, and historic photographs, if available;
- b. A completed SHPO identification form, with a brief history of the property including a statement of the historic and/or architectural significance of the resource meeting the criteria for listing in the NRHP; and
- c. Mapping showing land and building vacancies within 1,500 feet of the

property.

4. Commercial Buildings - within a District.

- a. Photographs shall include representative streetscape views showing the surrounding built environment. These photos shall be keyed to a localized map;
- b. A completed SHPO identification form, with a brief history of the district including a statement of the historic and/or architectural significance of the district meeting the criteria for listing in the NRHP; and
- c. Mapping showing land and building vacancies within 1,500 feet of the property.

Within thirty (30) calendar days following receipt of adequate documentation, if the SHPO agrees with the proposed demolition of a Historic Property, it shall sign the "two-party" Memorandum of Agreement and return it to the City for signature. If the SHPO objects to the proposed demolition, the City and the SHPO shall consult per Stipulation XVII of this Agreement.

C. Emergency Demolitions Funded by the Program

1. When the City determines that the emergency demolition of Historic Properties, including any property type, is required to comply with Detroit City Ordinance No. 290-H to avoid an imminent threat to the health and safety of residents, and Program funds are used for the demolition, the City shall forward documentation to the SHPO via electronic mail and express mail with a request for comments within five (5) business days. Documentation shall include:
 - a. The address of the property and the nature of the emergency;
 - b. At least two (2) recent photographs of the property;
 - c. A signed copy of the local order requiring that emergency demolition commence within 30 days or less; and
 - d. A SHPO identification form or other documentation regarding the NRHP eligibility of the property.
2. The SHPO will notify the City in writing whether it approves the emergency demolition and what, if any, mitigation measures must be implemented prior to demolition (i.e., recordation, architectural salvage, etc.). The City shall ensure that, to the extent feasible, all mitigation measures are implemented, and appropriate documentation forwarded to the SHPO within fourteen (14) business days following the completion of demolition activities.
3. If the SHPO objects to the emergency demolition, the City and the SHPO shall

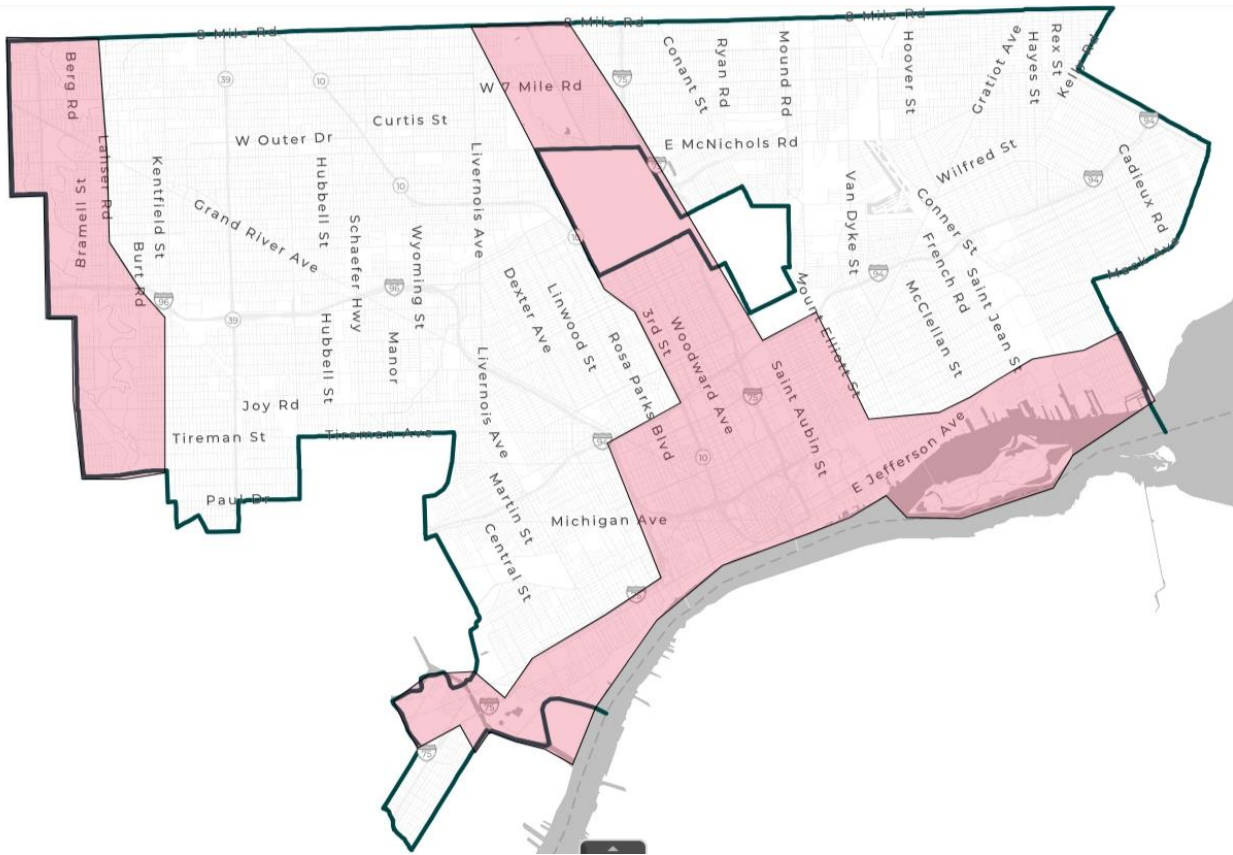
consult per Stipulation XVII of this Agreement.

APPENDIX E

**GEOGRAPHIC AREA OF SENSITIVITY
ARCHAEOLOGICAL RESOURCES**

PROTECTED INFORMATION-NOT FOR PUBLIC DISTRIBUTION

The City, in consultation with the SHPO's archaeologist and other interested parties, have delineated on the attached map a geographic area of sensitivity for archaeological resources. The areas of sensitivity include 1) a ½ mile buffer surrounding the River Rouge, 2) the Detroit River north to Fort Street/Jefferson Street, and Rouge River, and 3) Detroit city core and Woodward Ave. corridor.



APPENDIX F

MITIGATION MEASURES

If an Undertaking results or will result in one or more adverse effects, the City, any participating Tribes, and the SHPO shall develop a treatment measure plan that includes one or more of the following Mitigation Measures, depending on the nature of the Historic Properties affected and the severity of the adverse effects.

A. Recordation Package

1. Digital Photography Package: Prior to project implementation, the City shall oversee the successful delivery of a Digital Photography Package prepared by the Preservation Specialist or contractors having professional qualifications in *Architectural History*, *Historic Architecture*, or related fields in accordance with the Qualification Standards. The Digital Photography Package will meet the standards cited in the National Park Service's *National Register of Historic Places Photographic Policy March 2010* or subsequent revisions (<http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>).
 - 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 one (1) full set of printed color copies of the digital photographs (on appropriate paper, per NPS Photographic Policy), a CD/DVD of the digital photographs, a completed SHPO inventory form, and a written site history of the Historic Property.
 - c. The City shall submit the Digital Photography Package to the SHPO for review and approval. Once approved by the SHPO, the City shall submit full copies of the approved Digital Photography Package to Burton Historical Collection of the Detroit Public Library for permanent retention.
2. 35 mm Black and White Film Photography Package: Prior to project implementation, the City shall oversee the successful delivery of a 35 mm Black and White Film Photography Package prepared by the Preservation Specialist or contractors that meet the Qualification Standards.

- a. The 35 mm 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. 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 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 35 mm film negatives in acid free sleeves, a completed SHPO inventory form, and a written site history of the Historic Property.
 - c. The City shall submit the 35 mm Black and White Film Photography Package to the SHPO for review and approval. Once approved by the SHPO, the City shall submit full copies of the approved 35 mm Black and White Film Photography Package to Burton Historical Collection of the Detroit Public Library for permanent retention.
3. Large Format Film Photography Package: Prior to project implementation, the City shall oversee the successful delivery of a Large Format Film Photography Package prepared by the Preservation Specialist or contractors that meet the Qualification Standards.
 - a. The Large Format 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. 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 Large Format Film Photography Package shall include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper, the corresponding 4 x 5 or 5 x 7-inch negatives in acid free sleeves, a completed SHPO inventory form, and a written site history of the Historic Property.

- c. The City shall submit the Large Format Film Photography Package to the SHPO for review and approval. Once approved by the SHPO, the City shall submit full copies of the approved 35 mm Black and White Film Photography Package to Burton Historical Collection of the Detroit Public Library for permanent retention.

B. Rehabilitation of Historic Properties

Prior to project implementation, the City shall consult with the SHPO to identify individual properties within the historic district that would benefit from a renovation and rehabilitation. Once the parties have agreed to a property or properties, the City shall continue to coordinate with the SHPO through the drafting of project plans and specifications. The City shall use the Preservation Specialist or contractors that meet the Qualification Standards to provide guidance regarding the development of these plans. All work shall follow the Secretary's Standards.

C. Design Review by SHPO

Prior to project implementation, the City shall consult with the SHPO to develop a historically compatible design. Plans and specifications will, to the greatest extent feasible, preserve the basic character of a building. Primary emphasis shall be given to the major street elevations that are visible. Significant contributing features (e.g., trim, windows, doors, porches) will be repaired or replaced with either in-kind materials or materials that come as close as possible to the original materials in basic appearance. Aesthetic camouflaging treatments such as use of veneers, paints, texture compounds and other surface treatments and/or use of sympathetic infill panels and landscaping features will be employed to the greatest extent feasible. Final construction drawings used in the bidding process will be submitted to the SHPO for review and comment prior to the award of a construction contract and the initiation of construction activities. No photography of Native American human remains, or funerary objects will be allowed.

D. Tribal Treatment Plan

The City shall consult with the participating Tribes to develop a plan for the protection and treatment of, including but not limited to, Native American ancestral remains, associated and unassociated 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 will also formalize procedures for Tribal monitoring during archaeological studies, grading, and ground disturbing activities for the Undertaking.

E. Architectural Salvage

The City shall consult with the SHPO to determine whether the property contains significant architectural features that could be reused, displayed, interpreted, or curated. If such features exist, the City in consultation with the SHPO, and the property owner, will develop measures to ensure that the selected features are removed in such a manner

that minimizes damage and are delivered to an appropriate party for curation and reuse.

F. Public Interpretation

Prior to project implementation, the City shall consult with the SHPO and any participating Tribes to design an educational interpretive plan. The plan may include historical markers, plaques, 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 participating Tribes, the City will continue to consult throughout implementation of the plan until all agreed upon actions have been completed.

G. Historical Context Statements and Narratives

Prior to project implementation, the City shall consult with the SHPO and any participating Tribes to determine the topic and framework of a historic context statement or narrative the City 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 City shall continue to coordinate with the SHPO through the drafting of the document and delivery of a final product. The SHPO shall have final approval over the end product. The City shall use the Preservation Specialist or contractors that meet the Qualification Standards.

H. Oral History Documentation

Prior to project implementation, the City shall consult with the SHPO and any participating Tribes 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 City shall continue to coordinate with the SHPO through the data collection, drafting of the document, and delivery of a final product. The SHPO shall have final approval over the end product. The City shall use the Preservation Specialist or contractors that meet the Qualification Standards.

I. Historic Property Inventory

Prior to project implementation, the City shall consult with the SHPO and any participating Tribes to establish the appropriate level of effort to accomplish a Historic Property inventory or synthesis of archaeological data. 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 City shall continue to coordinate with the SHPO through the data collection process. The City will use SHPO standards for the survey of Historic Properties and SHPO forms as appropriate. The City will prepare a draft inventory report, according to SHPO templates and guidelines, and consult with the SHPO until a final property inventory is approved. The City shall use the Preservation Specialist or contractors that meet the Qualification Standards.

J. National Register and National Historic Landmark Nominations

Prior to project implementation, the City shall consult with the SHPO and any participating Tribes to identify the individual properties that would benefit from a completed NRHP or National Historic Landmark nomination form. Once the parties have agreed to a property, the City shall continue to coordinate with the SHPO through the drafting of the nomination form. The SHPO will provide adequate guidance to the City during the preparation of the nomination form and shall formally submit the final nomination to the Keeper for inclusion in the NRHP. The City shall use the Preservation Specialist or contractors that meet the Qualification Standards.

K. Local Historic District Designation

Prior to project implementation, the City shall consult with the SHPO, to assist local interested citizen organization(s) in pursuing local historic district designation of a particular building or district. Once the parties have agreed to a property or properties, the City shall continue to coordinate with the SHPO through the drafting of the designation report. The City shall use HDAB staff that meet the Qualification Standards.

L. Geo-References of Historic Maps and Aerial Photographs

Prior to project implementation, the City shall consult with the SHPO 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 City shall continue to coordinate with the SHPO through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to them for review. The SHPO shall have final approval on the quality of the documentation provided by the City. The final deliverable 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.

M. Research and Data Recovery Plans for Archaeological Resources

Prior to project implementation, the City shall consult with the SHPO and any participating Tribes to develop research and data recovery plans for significant archaeological sites.

N. Creative Mitigation

Prior to project implementation, the City shall consult with the SHPO and area stakeholders to develop other creative community-driven mitigation measures not included in this document. Once a creative plan has been agreed to by the parties, the SHPO, participating Tribes, and the City will continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the City.

APPENDIX G

Detroit Unanticipated Discoveries Plan

Purpose

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

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

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

Examples of cultural materials include:

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

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

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

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

- 1) The monitor or construction manager will notify the Preservation Specialist. The Preservation Specialist will make all calls and notifications to SHPO and the Tribes.
 - a. SHPO and identified Tribal representatives will be invited to observe the implementation of any proposed work.
- 2) Within 24 hours, if possible, a professional archaeologist will examine the location of the discovery.
 - a. If the archaeologist determines that the discovery is not a historic resource, the archaeologist will immediately advise the Preservation Specialist. The archaeologist will submit a report including photographs of the discovery site to the City for distribution to the Tribes and SHPO with a request for expedited review.
 - b. If the archaeologist determines that the discovery is a historic or cultural resource, the archaeologist will immediately advise the Preservation Specialist. The Preservation Specialist will notify the SHPO and the Tribes by telephone and e-mail. The SHPO will assign an Archaeological Site Number to the discovery.
 - i. **If the resource is determined to hold Tribal associations, the Preservation Specialist, archaeologist, the SHPO, and the Tribes will coordinate to determine appropriate preservation, excavation, and disposition of the discovery.**
 1. **If any photographs or sketches are collected of Native American human remains or funerary objects, disposition of all images, including electronic and physical copies, will be subject to consultation with Tribes and any digital files will be destroyed.**
 - ii. If the resource is believed to represent NRHP significance, the archaeologist will prepare a proposal for data recovery and will request the SHPO and the Tribes approval to immediately implement the work scope.
 - iii. If the resource is determined ineligible for inclusion on the NRHP, the archaeologist will document the discovery in a report (including

photographs of the discovery site). The report must also include a completed site form for the discovery and an explanation of why they believe the resource is not significant. The archaeologist will formally request permission from the SHPO, and the participating Tribes, for construction to recommence.

- 3) When the evaluation of the cultural resources is complete, the City will notify the SHPO, and the participating Tribes, by telephone and discuss the project archaeologist's opinion concerning the potential significance of the resource and next steps if mitigation is required.
 - 4) A final report on the findings will be provided to the Preservation Specialist, the participating Tribes, and the SHPO upon completion.
-

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

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

archaeologist will submit a letter report including photographs of the discovery site to the Preservation Specialist within 15 business days of the determination.

- d) If the skeletal remains are non-human, but are associated with an archaeological site, follow the steps described in Section A, of the Unanticipated Discovery Plan.
 - e) If the skeletal remains are human and not associated with an archaeological context, the Preservation Specialist will notify the Tribes and the SHPO.
 - f) If the skeletal remains are human and associated with an archaeological context, the archaeologist, the SHPO, and the Tribes will coordinate to determine appropriate preservation, excavation, and disposition of remains.
6. When the evaluation of the human remains and/or cultural resources is complete, the City will notify the Tribes and the SHPO by telephone or e-mail and discuss the project archaeologist's opinion concerning the potential significance of the resource and next steps if mitigation is required.
 7. A final report on the findings will be provided to the Preservation Specialist, the Tribes, and the SHPO upon completion.

Contact Information

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

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

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

City of Detroit Preservation Specialist
Tiffany Ciavattone
(313) 628-0044
ciavattone@detroitmi.gov

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

Designated Cultural Resource Firm/Archaeologist (to be contacted in case of discovery)

Name:

Title:

Phone:

E-mail:

Property Owner/Developer

Name:

Title

Phone:

E-mail:

Tribal Representatives/Liaisons (as of July 2022)

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

Saginaw Chippewa Indian Tribe Marcella Hadden, THPO 6650 E. Broadway Mt. Pleasant, MI 48858 (989) 775-4751 mlhadden@sagchip.org	Michigan Anishinaabek Cultural Preservation and Repatriation Alliance William Johnson WJohnson@sagchip.org
Seneca Cayuga Nation William Tarrant, THPO PO Box 453220 Grove, OK 74345 (918) 787-5452 ext. 344 wtarrant@sctribe.com	Nottawaseppi Huron Band of the Potawatomi Jamie Stuck, Tribal Council Chairperson

Updated contact information can be found through HUD's Tribal Directory Assessment Tool (TDAT) <https://egis.hud.gov/TDAT/>.

Definitions

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

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

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

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

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

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

If, at the conclusion of the preliminary archaeological assessment, the City Preservation Specialist, the Tribes, and the SHPO Archaeologists determine either that the site plan area has no substantial archaeological significance, or that the proposed construction or development will

not have a substantial adverse impact on any known or potential archaeological resources. The Preservation Specialist will submit a letter certifying that no historic properties are affected or a letter stating there is no adverse effect on a historic resource and no further review shall be required.

Example activities include:

Literature review

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

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

Consultation with local residents, historians, archaeologists

Other non-permitted investigations

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

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

Example activities:

Trenching or Wide-area stripping

Test excavations

Feature excavation

Soil/flotation samples

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

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

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

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

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

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

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