Ohio River, Meigs County, Ohio
Located on a rock outcrop in the Saxon Petroglyph

April 12, 2005
Tribal Consultation

Federally Recognized Ohio Tribes and FHWA-Ohio Division
Basic Regulatory Philosophy

36 CFR Part 800

Section 106 of the National Historic Preservation Act

Areas covered were as follows:

106 Process – Historic Preservation

Mr. Tuls, FHWA Resource Center, presented a PowerPoint presentation on the Section

DISCUSSION

The Tribal Consultation Agenda

The Tribal Consultation Agenda was presented to the Tribal representatives. See Appendix B for a copy of the Tribal Consultation Agenda. See Appendix A for a complete list of the Tribal Consultation Agenda.

The Workshop was held in Tulsa, Oklahoma at the Sheraton Tulsa Hotel on April 12, 2007.

EXECUTIVE SUMMARY

FEDERALLY RECOGNIZED TRIBES AND FHWA-OHIO DIVISION
properties eligible for listing on the National Register.

a lot of projects in any given year with the potential to affect

meaningful change in the existing infrastructure. Consequently, there are not

most of the projects (i.e., roughly 95%) in the State are projects

Texas of California.

The size of the program in Ohio rivals that of a much larger state such as

is also provided regarding the size of ODOT’s highway program (roughly

Services Organizational set up.

General information was provided regarding the ODOT Office of Environmental

This discussion referred to the information in Section 7 of the Workshop Notebook

Project Development Process (PDP) and an overview of ODOT Organizational Structure.

Mr. Graham ODOT's presented an introduction to ODOT and an overview of ODOT’s

(2) ODOT's Project Development Process

Archaeological findings:

buildings as well. They are interested in projects relating to historic buildings, not just

just finding archaeological sites; they have expertise to offer in explaining historic

Mr. Fitch also noted: Native Nations build many historic buildings. There is more to

with each tribe by calling them on the phone.

Hausler is the contact at the ACHP. He suggested that we build personal relationships

the Advisory Council on Historic Preservation for tribes to utilize as a resource (Valid

information and suggestions: Native American Advisory Group has been established by

During the presentation, Mr. Fitch, Citizen Preservation Nation, shared the following

Resources

• Documentation Minimum Standards

• Basic Steps in the Process

• The Public

• Additional Consulting Parties

• Section 106 Participants
Major Projects (referring to the first flowchart in Sec. 7) follow a 14 step process. These are typically projects requiring major financial investments, requiring construction of a new roadway on an existing highway (such as lane additions, requiring construction of an Environmental Impact Statement or Environmental Assessment documents. Construction would occur as early as Step 2, when ODOT has developed and produced. ODOT will continue to notify tribes with this early information as soon as it is produced.

Minor Projects (referring to the second flowchart in Sec. 7) follow a 10 step process that is slightly compressed from that of the Major Projects, but still covering the same environmental analysis. Minor Projects are generally located on the existing highway alignment. They can be bridge replacements, or other assisted State or Local roadway projects. These can be minor pavement widening, intersection upgrades, etc. While environmental analysis for Minor Projects are usually covered by Categorical Exclusion level environmental documents, these can still be complex projects, particularly in urban settings because of extensive right-of-way needs and utilities, but for other reasons as well.

Consultation with tribes on Minor Projects can occur as early as Step 3, basically when the agencies have an understanding of the projects and have information to share. It might be public involvement information, as with Major Projects, or it may be produced as a result of consultation with the State Historic Preservation Office. The intent is to be able to provide tribes with quality information as soon as it is produced on a project. Knowing that many Minor Projects can be those that are not identified as having any potential impacts, it is necessary to consult early and often, without unnecessary information. Therefore, ODOT and FHWA proposed to continue sending Minor Project information to tribes when the projects are those with the potential to
Another goal of the workshop was stated as such: Since ODOT manages administrative functions in other division offices, this effort could possibly be used as a best practice for ODOT and FHWA officials. The purpose was to provide information on the compensation plan and to receive feedback from those who plan to implement the plan. The purpose was to provide any feedback that the participants may have concerning the plan. The purpose was to receive feedback from those who plan to implement the plan.

A question was given to each tribe which was designed to determine each tribe’s level of interest regarding certain projects (e.g., resource interests, etc.). The question was: Your tribe would like to know:

1. What is the process to receive information on the tribe’s cultural resources?
2. What is the process to receive information on the tribe’s cultural resources?
3. What is the process to receive information on the tribe’s cultural resources?

One goal of the workshop was stated as such: Because of the size of the program, the potential for land removal, etc., impact National Register eligible or listed properties because of proposed right-of-way.

Ms. Clearman, FHWA, asked if this process would be okay, all the

Information on all project information sent to the tribes continues to provide the FHWA and ODOT to continue to work closely with the FHWA to ensure that all ODOT project specifications are reviewed by the FHWA and the ODOT project office. Since ODOT and FHWA would like for ODOT and FHWA to continue to work closely with the FHWA to ensure that all ODOT project specifications are reviewed by the FHWA and the ODOT project office, this process would be acceptable for ODOT.
Mr. Barton suggested sending tribes a list of projects and let them indicate which projects they are interested in. Maybe just send an abstract of each project.

Mr. Barton: I know how to advise OHEDA and DOT.

To know how to advise FHWA and DOT do some research on a specific project area and talk with tribal leaders and others in order interested in, because they've been gone from Ohio for 10+ years. He said they're used to National Register but is important to tribes.

Mr. Barton, Seneca-Cayuga Tribe, said he's not sure when the Seneca-Cayuga would be asked about sacred sites and traditional cultural properties. DOT understands document.

Absence Shawnee Representative said they must have their Governor sign off on information electronically that can be accessed from the outside.

While DOT is happy to share with tribes, FHWA just doesn't have the reports, which DOT is required to share with tribes. DOT has lost all information approved by the SHPO. The site information that DOT has is all in printed form, which DOT will not be able to provide, it can be accessed electronically by the SHPO. DOT can't transmit site location information to the Ohio SHPO office where it is in both ODOT.

Absence Shawnee Representative asked about accessing the location information.

Mr. Barton: FHWA Polawamni Nation, suggested that FHWA and DOT need to build personal relationships with each tribe to keep the contact list up-to-date.

Mr. Graham, DOT, discussed the contact list is held is posited on the National Park Service.

OPEN DISCUSSION/RESULTS AND RECOMMENDATIONS
Mr. Graham, ODOT, discussed the only situation in the past eight years when human remains were found during an archaeological survey on a project (LAW-7-CHINWALK). The remains were buried approximately 1500 years ago and were at the start an archaeological site that was being explored. A report was written, which detailed the findings and the remains were sent to the cemetery for burial.

In order to guide planning activities, because of this, human remains are rarely encountered. ODOT may make a recommendation of significance based on the National Register criteria in the case of cultural resource properties. This type of information collection, and the case of cultural resource properties, has been a lot of information documented in Ohio for the past 200 years.

The workshop's purpose was to discuss the development process (PDP) for project development. ODOT's project development process (PDP) as an example of human remains other than skeletons. This is the process used to address and still keep a project on schedule. Therefore, ODOT has been a lot of information documented in Ohio for the past 200 years.

Absence of human remains other than skeletons. The absence of human remains other than skeletons is required early in project planning. This would assure the security and safety of the remains. They were found, or parts of the human skeleton would be gathered for each project.

Workshops and meetings for each person involved in each project. A major concern with the absence of human remains is the procedures followed and referenced those procedures are included in the project development process (PDP). Paul Graham, explained in detail the steps and Federal correspondence. Correspondence will be provided in all situations, and ODOT will continue to send project specific information. However, it will be transmitted through electronic mail when appropriate. ODOT will not always be able to do this, but would depend on the projects and how much information might be available at a given time. However, it is something worth looking into.
Whether human or animal, the OHS simply lacks control of the collection. Skeletal remains are defined as all bone, soft tissue, and teeth. None of the human or animal remains were recovered by the OHS. Therefore, no analysis was done on the human or animal remains.

The decision on the final disposition of those artifacts and/or skeletal remains in all cases so far, regardless of whether or not the OHS is involved, was made by the Director of the Ohio Historic Society (OH) or a qualified archaeologist. This decision was made based on information provided by the OHS, the State Historic Preservation Office, and/or other reliable sources.

Phase II (also known as Phase IIa) involves the collection of data and analysis of the site. This phase was conducted prior to the excavation of the site. The OHS was involved in all phases of the project, including the collection of data and analysis of the site.

Remains:

Federally Recognized Ohio Tribes and FHWA-OHIo DIVISION
Chief Bryant, Eastern Shawnee Tribe, suggested that when remains are found, the
understanding with their tribe.

The absence of an excavation at the Wesleyan Church, which was built in 1832, created some controversy.

"The church was originally constructed by the Methodist Church, but when the property was sold to the
Wamego Missionary Baptist Church, there was a disagreement as to whether the remains should be
removed. The Wesleyan Church and the Baptist Church both claim ownership of the property, and
Mr. Graham, ODOT, asked about the possibility of reaching a resolution.

Specifically, Mr. Graham asked if the Wesleyan Church could be allowed to excavate the burial sites
within the church. ODOT responded that this would be the responsibility of the church and that
ODOT would not be involved.

Mr. Fendrich, Citizen Potawatomi Nation, disagreed with this approach and expressed concern about the
possibility of a circumstantial case where the possibility of a solution might be a temporary measure.

"There was no definitive answer to this question," Mr. Fendrich said. "but the idea that when human remains
are found, the federal government may have control of the remains."

Mr. Graham, ODOT, asked what the tribes thought of the idea that when human remains
are found, the federal government may have control of the remains.

"This was suggested because of the inability to find a solution," Mr. Graham replied. "The
possibility of a circumstantial case where the remains might be a temporary measure."
This workshop was a new beginning to building relationship with

Attending tribes were in agreement to work directly with ODOT.

as possible.

as possible to where they were found, and document findings. Keeping it as confidential

tiles, requested that when finding human remains during construction, the first choice is

recognized tribes.

the Federally

assume responsibility for FHWA’s, government to government relationship with the

ODOT’s handling of administrative project specifics, leads on behalf of FHWA, in no way

FHWA and ODOT, and ODOT concern information in all project correspondence.

ODOT will send project information directly to the tribes and will always provide both

FHWA and ODOT will continue to consult with them on all EQA and EIS level projects.

FHWA agreed not to pursue the development of a MOU at this time.

The issues in general, in a federal information agreement, therefore, FHWA and

ODOT consulted with each of the tribes will allow for more efficient and, ultimately, more effective

build personal relationships with each tribe by calling them on the phone or through

IMPLEMENTATION PLAN/OBJECTIVES

Family, they don’t belong on shores. Give them back to where they belong.

speak that there are over 100 thousand bodies on shores in museums. This is their

concerning the remains is a very emotional issue with the Native American. Family also

this is your job. this is our life. this is who we are.” Finding human remains when

Mr. Finch, Citizen Powwow Nation, stated “we need to pull things in perspective here;

location should be recorded via Global Positioning System (GPS). The first choice is to

 Federally Recognized Tribes and FHWA-OHIO Division
Rebecca Hawkins, Tribal Administrator, Shawnee Tribe
Sheert Clinkman, Community Liaison Specialist, Wyandotte Nation
Kathleen Welsh, Environmental Specialist, Wyandotte Nation
Paul Bruno, NAGPRA Cultural Resource Representative, Seneca-Cayuga Tribe
Charles Luby, Director of Tribal Development, Oneida Tribe
Tracy Oregon, Cultural Site Manager, Absentee Shawnee Tribe
Karen Kaniadoke, Tribal Historic Preservation Officer, Absentee Shawnee Tribe
Jo Ann Beckham, Administrative Assistant, Eastern Shawnee Tribe
Charles Ewing, Chief, Eastern Shawnee Tribe
Zack Morris, Departmental Assistant, Citizen Potawatomi Nation
Jeremy Fruin, Director of Cultural Resources, Citizen Potawatomi Nation

TRIBAL ATTENDEES (sign-in sheet attached)

Sherry Baker, DOT, Archaeology Team Leader
Paul Graham, DOT, Assistant Environmental Administrator

DOT

Michele Conroy, Administrative Operations, FHWA Ohio Division
Paul Wilts, Environmental Program Specialist, FHWA Resource Center, Olympia Fields, IL
Melanie Twelve, Quality Program Manager, FHWA Ohio Division
Tasha Clinkman, Section 106 Coordinator, FHWA Ohio Division

FHWA

Appendix A

FEDERALLY RECOGNIZED OHIO TRIBES AND FHWA-OHIO DIVISION
3:00 PM: Closing Prayer - Given by a tribal representative from the Citizen Potawatomi.

1:30 PM to 3:00 PM: Continue Discussion on Consultation.

(Lunch Break will conclude promptly at 1:30 PM).

Participants have the choice of eating lunch at one of the local eateries.

12:00 PM to 1:30 PM: Lunch Break

10:30 AM to 12:00 PM: Consultation Discussion (led by Tashaia Chambers)

9:00 AM to 10:00 AM: Mid-morning Break

II. Environmental Services.

9:00 AM to 9:45 AM: Section 106 Process

III. Environmental Program Specialist, Midwestern Resource Center, Olympic Fields.

Environmental Services.

Notebook overview by Sherry Baker, Ashley Baker, Team Leader, DOT Office of Tribal Affairs, Section 106 Coordinator for the FHWA Ohio Division.

Introduction to the Workshop: Purpose for the Workshop and Expectations by participation from Tribal Representatives from the Eastern Shawnee Tribe.

8:30 AM to 9:00 AM: Opening Prayers

7:00 AM to 8:30 AM: Continue Registration & Continental Breakfast

Tuesday, April 12

Tribal Consultation Workshop

Monday, April 11

April 12, 2005

Tribal Consultation Workshop

Division

Federal Highway Administration Ohio

Agenda

Appendix B

Federally Recognized OHO Tribes and FHWA-OHO Division