

# PENNSYLVANIA TRANSPORTATION and TRIBAL CONSULTATION NEWSLETTER

SPONSORED BY THE FHWA, PENNSYLVANIA DIVISION AND PENNDOT

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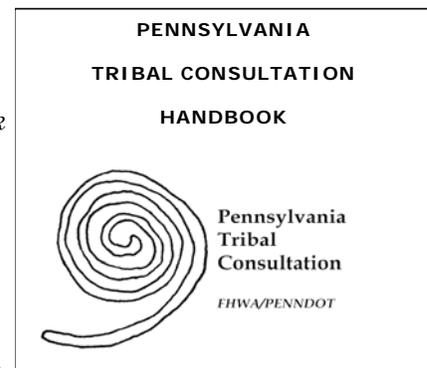
## **PennDOT Tribal Handbook is Published**

The Pennsylvania Department of Transportation (PennDOT) in conjunction with the Pennsylvania Division, Federal Highway Administration (FHWA) are proud to announce that the *Pennsylvania Tribal Consultation Handbook (PUB 591) (Handbook)* and *Handbook Appendix (PUB 592) (Appendix)* were published in October. The *Handbook* provides PennDOT staff the guidelines for conducting Tribal Consultation and when that should take place during the project. For the Tribes, the *Handbook* provides the process from design to maintenance for a transportation project in Pennsylvania and where Tribal Consultation takes place during that process.

The *Appendix* provides the contact information for PennDOT District Qualified Professionals, Tribal contacts, historical background on the Tribes, and a map showing the areas of interest for the Tribes. Comments from six Tribes have been received to date and incorporated into the *Handbook* and *Appendix*. For the Tribes that are still working on their comments the historic background text is labeled as "DRAFT TEXT". Once we receive comments, updates to the *Handbook* and *Appendix* will be issued to all recipients.

The *Handbook* and *Appendix* will not be static documents. Besides updates that will be sent out when more comments come in, updates will be issued as warranted. These include changes in tribal contacts, governmental leaders and any changes to Federal or State laws and/or guidelines. These will be provided to all recipients of the *Handbook* and *Appendix*. Any updates will also be placed on the PennDOT CRM website.

PennDOT and FHWA would like to take this opportunity to say thank you to all of the Federally recognized Tribes, for taking the time and effort to review and comment on the handbook. Together we can make tribal consultation a smooth and beneficial process.



## Tribal Memoranda of Understanding

In December 2004 and February 2005 employees of PennDOT and FHWA traveled to Wisconsin and Oklahoma for meetings with representatives of the seven Federally Recognized Tribes in those two states that have ancestral ties to Pennsylvania. These meetings were a result of the Tribal Summit hosted by PennDOT and FHWA in Harrisburg in the Fall of 2003. The basis for these meetings was to improve consultation, collect the views of the Tribes and start developing procedures for Tribal Consultation on transportation projects in Pennsylvania.

From the dialogue started during those meetings PennDOT, FHWA, and the Tribes created drafts of Memoranda of Understanding (MOU) agreements for how PennDOT and FHWA would conduct Tribal Consultation with each tribe. The MOUs provide the criteria for when Tribal Consultation would take place, the ideal time frame for responses from the Tribes, procedures for disagreement resolutions, and contact information, including after hours contact information for unanticipated discoveries during construction. PennDOT, FHWA, and the Tribes do not consider the MOUs static documents. There is an amendment clause which allows any signatory of the MOU to make requests to change the MOU.

The *Pennsylvania Tribal Consultation Handbook (Handbook)* is tied to these MOUs. The *Handbook* is the business process for PennDOT and FHWA. This process is built off of the language of the MOUs. For the *Handbook* to be most useful, MOUs are needed for all 14 Federally recognized Tribes.

PennDOT and FHWA are pleased to announce that the MOU with the Oneida Nation of Wisconsin and the Seneca-Cayuga Tribe of Oklahoma have been fully signed and executed. These are the first fully executed MOU with the 14 Federally recognized tribes. Two more MOUs have been signed by PennDOT and FHWA and are with the Stockbridge-Munsee Band of the Mohican Nation of Wisconsin, and the Absentee-Shawnee for their signatures. Three other MOUs are with tribes for a final review. The hope is that these five MOUs can be finished and signed by the end of the year or early next year.

While the MOUs do not change the way PennDOT and FHWA undertake Tribal Consultation they do provide a written statement of the process that has been followed since PennDOT started Tribal Consultation. By having the process written down and agreed to by all signatories the process itself has less of a chance of getting bogged down and steps missed.



### Improving Consultation



As mentioned in the last newsletter and as discussed with several Tribes over the past two years, PennDOT has been developing an internet system for providing project notification instead of mailing out letters. A draft version of this system is being reviewed by PennDOT right now and a version should be ready for testing with a couple of tribes by the end of the year. The system will use email to notify tribes about projects. The email will have a link that the tribal contact person will click on to be brought into the PennDOT system to be able to view project specific information. The system will allow the tribes to provide the same information they do now with the paper letters. But this system will allow for more information to be available while reducing the paper sent to tribes. If tribes have difficulty receiving email or wish to still receive the paper letters, they will still have that option.

## Announcements

The annual meeting of the **Transportation Research Board** will be on January 21-25, 2007 in Washington, D.C. The ADC-50-**Archaeological Preservation in Transportation**, along with the sub-committee, **Tribal Issues in Historic Preservation**, will be meeting. Visit the committee's website at [www.itre.ncsu.edu/ADC50/index.htm](http://www.itre.ncsu.edu/ADC50/index.htm) for more information.

The **Pennsylvania Archaeology Council, Society of Pennsylvania Archaeology, Mid-Atlantic American Studies Association**, and other groups are sponsoring the **Exploring Pennsylvania's Native American Heritage** symposium on Saturday, October 14th at the State Museum of Pennsylvania in Harrisburg. The symposium is designed for archaeologists, educators, historians, and museum curators. Some of the sessions include connecting oral traditions with archaeological evidence, teaching Native American History in classrooms,

and care of Native American Collections. Visit [www.pennsylvaniaarchaeology.com](http://www.pennsylvaniaarchaeology.com) for an event program and more information.

The **Advisory Council on Historic Preservation** : Native American Program offers training courses. They can be contacted directly for dates and locations. Valerie Hauser, Coordinator (202) 606-8530 [vhauser@achp.gov](mailto:vhauser@achp.gov)

The **Tribal Consultation Website** is up and running at <http://www.penndotcrn.org>. This page contains a brief description of the consultation process, helpful publications, a list of tribal websites, and miscellaneous useful links. Once again, comments, criticisms, and suggestions are welcomed. New links, information, or corrections would be particularly useful. Please address any concerns to Joe Baker at [josebaker@state.pa.us](mailto:josebaker@state.pa.us).

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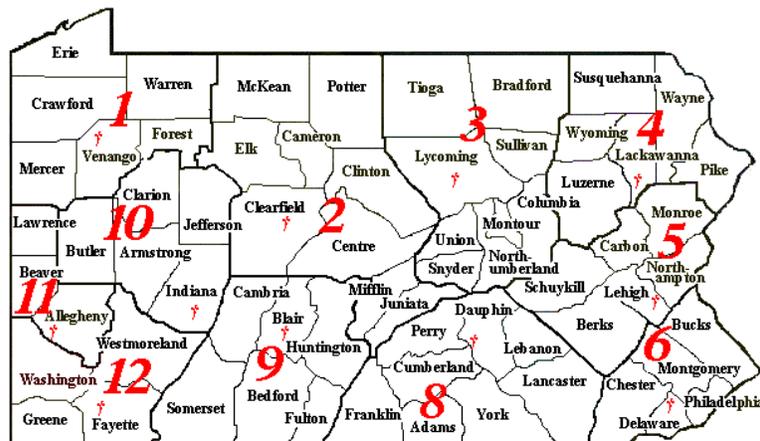
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Is there a topic or a story you would like to include in the next issue of this newsletter? Please contact:

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**Please visit us at**  
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