

# Section 106 Programmatic Agreement

- ▶ New PA supersedes 2011 agreement.
- ▶ Streamlining tool for Section 106 compliance.
- ▶ Delegates authority to MDOT to perform most Section 106 tasks.
- ▶ Negotiated between MDOT, FHWA, SHPO, and 50 different Tribal Nations.

## What's New?

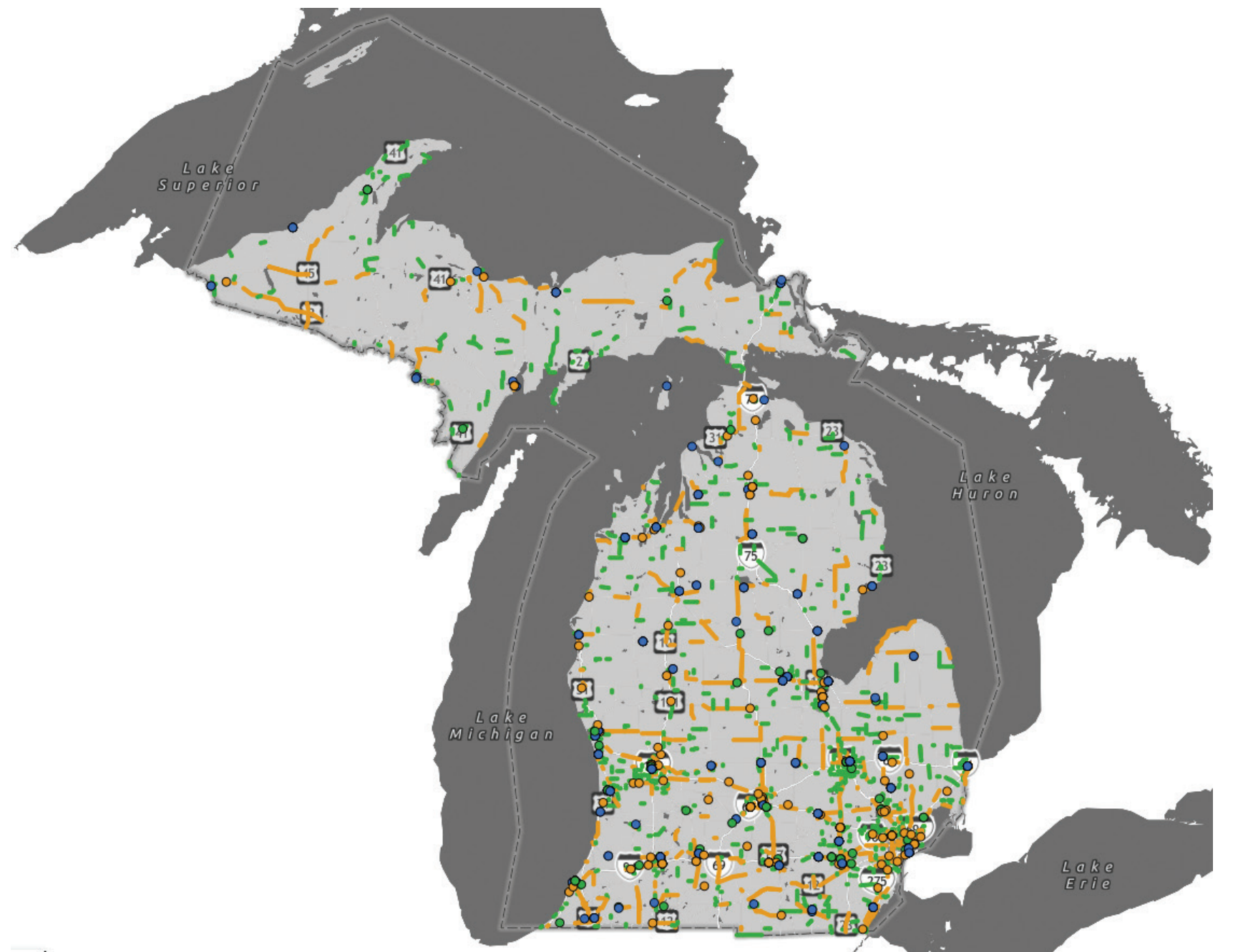
- ▶ Updated to include Local Agency Program (LAP) undertakings such as city streets and county bridges.
- ▶ New MDOT archaeologist and historian hired to review LAP projects.
- ▶ Will now follow Tribal consultation coordination procedures outlined in new PA.

## Tribal Consultation and Coordination

- ▶ All Tribal coordination under the new PA must be overseen by qualified MDOT staff and all letters must be on MDOT letterhead.
- ▶ In addition to Michigan's 12 Tribes, coordination expanded to include (to date) 38 out-of-state federally-recognized Tribes with ancestral ties to the state.

### Tribal coordination is initiated when:

- ▶ Projects are identified by Tribes during Early Coordination as being of a concern, and/or;
- ▶ MDOT's qualified archaeologists identifies during project review:
  - Presence of Native American burial grounds
  - Projects requiring an archaeological survey or monitoring
  - Projects within or adjacent to Tribal reservation lands
  - In all instances in which Native American human remains are encountered



## Coming Soon – Early Coordination Tribal Portal

- ▶ Currently in development at MDOT
- ▶ Will incorporate the Statewide Transportation Improvement Program (STIP)

[www.Michigan.gov/MDOT/Programs/Planning/State-Transportation-Improvement-Program](http://www.Michigan.gov/MDOT/Programs/Planning/State-Transportation-Improvement-Program)

- ▶ Online, GIS-based portal for secure communication between MDOT and your Tribal Nation
- ▶ Tribes will be able to use the STIP map to locate projects of interest and send comments to MDOT
- ▶ Allows Tribes to notify MDOT of sensitive locations early in the planning process
- ▶ Very proactive approach to Tribal coordination
- ▶ MDOT is committed to a live portal by 2025



U.S. Department of Transportation  
**Federal Highway Administration**