

PENNSYLVANIA TRANSPORTATION and TRIBAL CONSULTATION NEWSLETTER

SPONSORED BY THE FHWA, PENNSYLVANIA DIVISION AND PENNDOT

Issue 3

Winter/Spring 2005

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On The Road : PA FHWA and PENNDOT Staff Travel to Wisconsin and Oklahoma

In response to requests received during the 2003 Intertribal Summit, the Pennsylvania Division FHWA and PENNDOT met with eight of the Federally-recognized tribes involved in Pennsylvania Section 106 consultation in their own states. Many thanks must go out to the participants who made the time to meet with us. We understand, perhaps even better than before, how difficult it is for you to take time away from the office and we hope that you found the discussions to be as rewarding and enjoyable as we did.



Tulsa, OK (R-L): L. Randall (Delaware Tribe), D. Suci-Smith (PA-FHWA), P. Barton (Seneca-Cayuga), I. Beckerman (PENNDOT)



Green Bay, WI Clockwise from back: D. Suci-Smith (PA-FHWA), S. White (Stockbridge-Munsee), K. Vandervoort (PA-FHWA), C. Williams (Oneida Nation)

The purpose of these meetings was to continue learning about each other and strengthening the relationships between PA-FHWA, PENNDOT, and each of the Federally-recognized tribes we consult with. The discussions focused on how to better streamline the current Section 106 tribal consultation process to work more effectively. At each meeting the subject of inadvertent discovery and respectful treatment of burials was a key topic. We appreciate each of the tribes' assistance in helping us better understand what "respectful treatment" entails and hopefully we conveyed our commitment to addressing those protocols in the field.

The first meeting on the road took place in Green Bay, Wisconsin. PA-FHWA and PENNDOT representatives met with Corina Williams, THPO for the Oneida Nation of Wisconsin and Sherry

White, Cultural Preservation Officer for the Stockbridge-Munsee Community

Our second set of meetings took place in Oklahoma. Six Pennsylvania representatives met with the Delaware Tribe of Oklahoma, the Seneca-Cayuga Tribe of Oklahoma, the Shawnee Tribe, and the Eastern Shawnee Tribe of Oklahoma. After two days in Tulsa, the Pennsylvania group met with the Absentee-Shawnee Tribe of Oklahoma and the Delaware Nation of Oklahoma in Oklahoma City. We expect to complete our goal of meeting with each of the tribes in their own states by visiting New York State later this year.

December 13-14, 2004 - Green Bay, Wisconsin

As our first meeting on the road, Green Bay was a special treat. When we initially decided on meeting



(R-L): D. Suci-Smith (PA-FHWA), S. Stathas (WisDOT)

in Wisconsin in December, the weather was on everyone's mind. Although cold, no blizzards occurred and everyone was able to reach the meetings without major problems.

These first meetings included five representatives

from Pennsylvania including: Karyn Vandervoort (PA-FHWA), Deborah Suci-Smith (PA-FHWA), Ira Beckerman (PENNDOT), Eric Scuoteguazza (PENNDOT), and Sara Clark (PENNDOT/ASC Group). As for the Wisconsin group, in addition to Sherry White (Stockbridge-Munsee Community) and Corina Williams (Oneida Nation, WI) three observers from the Wisconsin transportation community also joined us: Gwen Carr (WisDOT), Shirley Stathas (WisDOT), and Jacki Lawton (WI-FHWA).

We truly enjoyed our time at the meeting and talking with everyone there. We made a lot of progress toward lessening everyone's workload while keeping our eyes on what is important – the resources. In addition to work, we had the privilege of eating dinner



Clockwise from front: K. Vandervoort (PA-FHWA), C. Williams (Oneida Nation), D. Suci-Smith (PA-FHWA), E. Scuoteguazza (PENNDOT)

at Lambeau Field (a very impressive stadium) and being introduced to a wonder of Wisconsin fare – the cheese curd.

Leaving Wisconsin, the Pennsylvania group felt the meeting was very successful and we were looking forward with optimism to our next meetings in Oklahoma.



(R-L): K. Vandervoort (PA-FHWA), I. Beckerman (PENNDOT)

Wisconsin Accomplishments:

- Identified electronic means of communications; email notifications are acceptable to both tribes.
- Agreed to begin drafting MOU to detail consultation procedures and streamline PENNDOT's tribal consultation process.
- Identified specific counties of interest for each tribe.
- Identified specific project types of interest to the tribes which allows us to forgo consultation on many CE-level projects.
- Demonstrated the Cultural Resources GIS (CRGIS) and other online applications that can allow the tribes to identify projects of concern in the early stages of development.

Wisconsin Follow-Up Activities:

- Inform the PENNDOT District Cultural Resource Professionals of the tribes' preferred notification conditions and procedures for inadvertent discoveries.
- Draft MOU detailing consultation procedures with each tribe.
- Modify project notification forms to provide more information and look into creating them in an electronic format.

February 1-2, 2005 - Tulsa, Oklahoma

Tulsa provided our first taste of Oklahoma. Pennsylvania representatives at the Tulsa meeting included Karyn Vandervoort (PA-FHWA), Deborah Suci-Smith (PA-FHWA), Ira Beckerman (PENNDOT), Cathy Spohn (PENNDOT), Jamie McIntyre (PENNDOT) and Sara Clark (PENNDOT/ASC Group). Representing the Eastern Shawnee Tribe were Chief Charles Enyart and Joanne Beckham; for the Shawnee Tribe Tribal Historic Preservation Office Rebecca Hawkins and Reba Blalock; for the Seneca-Cayuga Tribe the NAGPRA Representative, Paul Barton; and for the Delaware Tribe NAGPRA Project Coordinator Levi Randoll. Also observing on the first day were Liz Romero, the Planning and Tech. Services Team Leader from Oklahoma-FHWA and Michelle Conroy, also from OK-FHWA.



Clockwise from front: J. McIntyre (PENNDOT), K. Vandervoort (PA-FHWA), L. Randoll (Delaware Tribe), D. Suci-Smith (PA-FHWA), P. Barton (Seneca-Cayuga), I. Beckerman (PENNDOT)

The first day we had a chance to renew some acquaintances from the 2004 Summit held in Harrisburg, as well as meet some new faces. Topics for discussion ranged from inadvertent discovery, to consultation procedures, to projects of interest. Also under discussion was the immediate possibility the Delaware Tribe was facing of being taken off the list of Federally-recognized tribes. Everyone at the table sympathized with the Delaware Tribe's difficult position. The consensus on that day was that FHWA will continue to maintain their government to government relationship with the tribes identified by the DOI as Federally-recognized. Even if the Delaware Tribe is de-listed, they are not precluded from offering comments as an invited consulting party.

Oklahoma Accomplishments:

- Identified electronic means of communications; email notifications are acceptable and preferred by all tribes.
- Several of the tribes agreed to begin drafting an agreement to detail consultation procedures.
- Identified specific project types of interest to the tribes which allows us to forgo consultation on many CE-level projects.
- Demonstrated the Cultural Resources GIS (CRGIS) and other online applications that can allow the tribes to identify projects of concern in the early stages of development.
- Continued to build relationships with each of the tribes which allows for more efficient and, ultimately, more effective consultation.

Follow-Up:

- Inform the PENNDOT District Cultural Resource Professionals of the tribes' preferred notification conditions and procedures for inadvertent discoveries.
- Draft agreements detailing consultation procedures with each tribe that indicated an interest.
- Modify project notification forms to allow each tribal representative more flexibility in requesting further information and type of information.



Tulsa, OK Back Row (R-L): I. Beckerman (PENNDOT) K. Vandervoort (PA-FHWA), C. Spohn (PENNDOT), L. Randoll (Delaware Tribe) *Front Row (R-L):* P. Barton (Seneca-Cayuga), D. Suci-Smith (PA-FHWA), J. McIntyre (PENNDOT), S. Clark (ASC)

February 3-4, 2005 - Oklahoma City, Oklahoma

After a thoughtful two days in Tulsa it was time to move on to our next meetings back in Oklahoma City.

Pennsylvania representatives again included Karyn Vandervoort, Deborah Suciu-Smith, Ira Beckerman, Cathy Spohn, Jamie McIntyre and Sara Clark. Representing the Absentee-Shawnee Tribe were Karen Kaniatobe, the Tribal Historic Preservation Officer, and Ted Watson, Jr., the Cultural Site Manager. Representing the Delaware Nation were Tamara Francis, NAGPRA/Cultural Preservation Director, Linda Poolaw, NAGPRA Representative, and Billie Foreman, the Tribal Administrator.



Clockwise (R-L): J. McIntyre (PENNDOT), C. Spohn (PENNDOT), I. Beckerman (PENNDOT), T. Francis (Delaware Nation), L. Poolaw (Delaware Nation)



(R-L): L. Poolaw (Delaware Nation), Michelle Conroy (OK-FHWA), K. Vandervoort (FHWA), D. Suciu-Smith (PA-FHWA)

Michelle Conroy the Oklahoma Division, FHWA, again attended as an observer and was very helpful in providing some audio-visual assistance.

Current procedures and inadvertent discovery protocols were covered by the group. All modifications that had been proposed to the notification forms were concurred with by the representatives in attendance. Follow up tasks will include making those modifications and drafting some agreement language that will ensure consultation will continue effectively in the future.

News from the PennDOT Districts - Review of 2004

This past year PA-FHWA and PENNDOT continued to build on their consultative relationship with the fifteen Federally-recognized tribes that have expressed interest in this state. Consultation has taken many forms from those blue initial project information forms everyone loves to fill out and receive, to ongoing project consultation, and even face-to-face meetings in several states.

According to a brief review of our files, PENNDOT District archaeologists requested tribal consultation on approximately 80 projects over the course of 2004. The majority of these projects were low-impact requiring only minimal archaeology. The only project to require in-depth consultation was the Tioga SR 6015 project which included the presence of human remains.

From the feedback received at the meetings in Wisconsin and Oklahoma, Section 106 tribal consultation from PA-FHWA and PENNDOT will hopefully become even more streamlined in 2005. By modifying the notification forms the tribal representatives will be able to better locate projects geographically and let PENNDOT Cultural Resource Professionals in each District know what type of information to send on a project-by-project basis. With any luck this will help to cut down on paper since storage is a problem for many of the tribal preservation offices.

Announcements

The sixth annual **Byways to the Past** conference on transportation and historic preservation will be held May 18-19, 2005 in Indiana, PA. A pre-conference workshop - *Scoping Transportation Projects for Section 106/4(f) Issues* - will be held May 17. For more information and to register for the conference visit www.pennbyways.net.

Two sessions of **Introduction to Tribal Consultation** will be led by the SRI Foundation in June. Transportation staff and consultants are encouraged to register. The first session will be held in Indiana, PA on June 21 and the second session will be held in Harrisburg, PA on June 23. Please contact Joe Baker at josebaker@state.pa.us or 717-783-9147 for more information about either training course.

There are also plans to hold another session of the successful introductory **Section 106 Consultation** training course taught by Lynne Sebastian of the SRI Foundation in late Fall 2005. Please contact Joe Baker for more information.

The **2005 Joint Summer Meeting of TRB Committees** – Native American Transportation Issues, Environmental Analysis in Transportation, and Historic/Archaeological Preservation in Transportation - will be held September 11-14, 2005 in Santa Fe, New Mexico. The **Annual TRB Meeting** will be held January 22-26, 2006 in Washington D.C.

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

The **Tribal Consultation Website** is now up 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.

Contacts

PennDOT Engineering District 1-0

Joe Verbka, Archaeologist
255 Elm Street/PO Box 398
Oil City, PA 16301-0398
814-678-7098

PennDOT Engineering District 2-0

Scott Shaffer, Archaeologist
1924-30 Daisy Street/PO Box 342
Clearfield, PA 16830
814-765-0456

PennDOT Engineering District 3-0

Scott Shaffer, Archaeologist
715 Jordan Avenue/PO Box 218
Montoursville, PA 17754

PennDOT Engineering District 4-0

Jamie McIntyre, Archaeologist
PO Box 111
Scranton, PA 18501
570-963-4364

PennDOT Engineering District 5-0

Steve Barry, Archaeologist
1713 Lehigh Street
Allentown, PA 18103

PennDOT Engineering District 6-0

Cathy Spohn, Archaeologist
7000 Geerdes Boulevard
King of Prussia, PA 19406
610-205-6711

PennDOT Engineering District 8-0

Steve Barry, Archaeologist
2140 Herr Street
Harrisburg, PA 17103-1699

PennDOT Engineering District 9-0

Eric Scuoteguazza, Archaeologist
1620 North Juniata Street
Hollidaysburg, PA 16648

PennDOT Engineering District 10-0

Eric Scuoteguazza, Archaeologist
Route 286 South/PO Box 429
Indiana, PA 15701
724-357-2081

PennDOT Engineering District 11-0

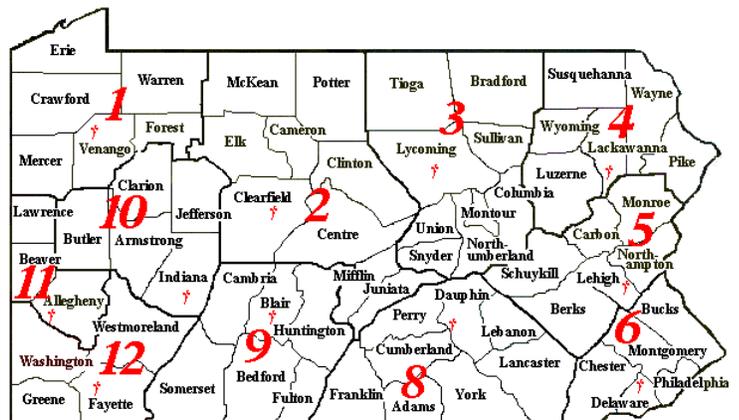
Joe Verbka, Archaeologist
45 Thoms Run Road
Bridgeville, PA 15017

PennDOT Engineering District 12-0

Eric Scuoteguazza, Archaeologist
PO Box 459 North Gallatin Avenue
Extension
Uniontown, PA 15401

PennDOT Central Office

Ira Beckerman, Cultural Resources
Section Leader
717-772-0830



Is there a topic or a story you would like to include in the Summer/Fall 2005 issue of this newsletter? Please contact:

Joe Baker, PennDOT, at (717) 705-1482; josebaker@state.pa.us or,

Deborah Suciu-Smith, FHWA, at (717) 221-3785; deborah.suciu.smith@fhwa.dot.gov

**Please visit us at
www.penndotcrm.org**

FHWA Contacts

Federal Highway Administration
228 Walnut Street, Room 508
Harrisburg, PA 17101-1720

James Cheatham, Division Administrator (717) 221-3461

Karyn Vandervoort, Environmental Leader (717) 221-2276

Deborah Suciu-Smith, Environmental (717) 221-3785

David Alvarez, Environmental (717) 221-3442

Ross Mantione, Environmental (717) 221-3465

