**Guidance on Email Tribal Notification**

**November 2023**

Section 106 of National Historic Preservation Act of 1966 requires notification to interested parties, including Native American Tribes, if a project uses federal funding or permitting. Additionally, WisDOT sends project notification letters to tribes for projects that have state funding or oversight. All WisDOT project notification to tribes is sent out electronically. The project notification is sent to the***DOT DL THPO*’s**distribution list found in the global address book**.** *This project notification must come from a DOT email address.*

If the regional tribal liaison and/or REC are unavailable general questions can be directed to: DOTCulturalResources@dot.wi.gov

**Note: As of March 2020, WisDOT no longer uses the matrix by county; all project notifications are sent by email, regardless of county.\***

* The project notification must come from a DOT email address (consultants cannot send)
* Use the distribution list found in the global address list (**DOT DL THPOs)**
	+ DOT DL THPOs should be entered on the **TO** line of the email
	+ All others (such as tribal leaders, tribal liaison, etc.) should be added as a **CC** on the email
		- Tribal leaders are a required CC on all project notification emails. There is no distribution list, but you can find the tribal leader list [here](https://wisconsindot.gov/Documents/doing-bus/eng-consultants/cnslt-rsrces/environment/Triballeadersmailmerge.xlsx) (**only send to the column labeled *email (*column I in excel file; do not send to the column labeled *CC1\_email)***
* Use one of email templates found on the [Cultural Resources website](https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/environment/cultural-resources.aspx) and fill in the blanks as appropriate:
	+ Federal undertaking (dollars and or permitting)
	+ State undertaking only (FAA & FRA use federal undertaking template as header guide)
	+ Sale of Surplus Lands
* There are two tribes that do not have email addresses available. They are indicated on the email shell as CC’s, hard copies of the email will need to be sent via US mail to those tribes. Addresses for these tribes can be found [here.](https://wisconsindot.gov/Documents/doing-bus/eng-consultants/cnslt-rsrces/environment/THPOhardcopy.pdf)
* *Amendments/Scope Changes:*
	+ For any amendments to scope/termini, please find the original email and “forward” and add the DOT DL THPO list to the “To” line. This will ensure that email is sent to the current list, in case any staff changes. In the body of the email provide a description of only the new and/or added project actions and include an updated project location map.

On Page 2 is general guidance and suggested language for use in your response to the THPO(s). Keep in mind, ***not all THPO emails require that we reply***. Please read the email and determine if the THPO is asking for something such as the archaeological report, screening literature review, SHPO concurrence document (DT 1635/106 form) or stating they want to be considered as a consulting party under the National Historic Preservation Act.

We believe we have covered most options/scenarios in which a project could fall into for Section 106 or State Statute §44.40. However, there will be projects that do not fall into any of these categories, in those cases, please work with your tribal liaison or REC.

Potential cultural resource project scenarios and responses to the THPO(s):

**Screening:**

* Pending screening determination

Thank you for your email. This project is currently under review to determine if it meets the screening criteria per [FDM 26-5-1](https://wisconsindot.gov/rdwy/fdm/fd-26-00toc.pdf). Once the literature review is complete, the results and/or next steps will be provided.

* On the screening list both arch/history: Email DOTCulturalResources@dot.wi.gov for material
	+ Thank you for your email. This project was screened for both archaeology and history and met criteria per [FDM 26-5-1](https://wisconsindot.gov/rdwy/fdm/fd-26-00toc.pdf) (**provide date**) and therefore no field survey was conducted. The **attached** literature review did not identify any cultural resources.
* Screened for both archaeology and history w/ commitments (no SHPO coordination required). Email DOTCulturalResources@dot.wi.gov for material
	+ Thank you for your email. This project was screened for both archaeology and history (**provide date**) per [FDM 26-5-1](https://wisconsindot.gov/rdwy/fdm/fd-26-00toc.pdf) and met criteria with the attached commitments (**provide commitments**). If you have additional questions/concerns, please let us know.
* Screened for history only, w/ burial. Email DOTCulturalResources@dot.wi.gov for material
	+ Thank you for your email. This project met screening criteria for history only (**provide date)** per [FDM 26-5-1](https://wisconsindot.gov/rdwy/fdm/fd-26-00toc.pdf). A burial site was identified (**see attached**) and WisDOT will adhere to State Statue 157.70. If you have additional questions/concerns, please let us know.
* Screened for archaeology w/ SHPO concurrence (sent to SHPO for history)
	+ Thank you for your email. This project was screened for archaeology only (**provide date**) per [FDM 26-5-1](https://wisconsindot.gov/rdwy/fdm/fd-26-00toc.pdf)). The literature review results identified no resources for archaeology. A**ttached** is the SHPO concurrence.

**Field survey w/ section 106:**

* Survey is completed w/ SHPO concurrence
	+ Thank you for your email. **Attached** is the completed archaeological report and signed Section 106 form. If you have additional questions/concerns, please let us know.
* Project is still in design
	+ Thank you for your email. This project is still in design, once the field surveys are conducted, we will provide a copy of the results. If you have additional questions or concerns, please let us know.

**State Statue 44.40**

* For 44.40 projects (state only) please email katherinen.kaliszewski@dot.wi.gov for guidance.

**Surplus Lands**

How WisDOT sells Surplus Lands (see section: Private Sales)

<https://wisconsindot.gov/dtsdManuals/re/re-staffresources/Surplus-Sale-Process-Website.pdf>