

APPENDIX L

*CORRESPONDENCE WITH THE STATE HISTORIC
PRESERVATION OFFICE (SHPO)*



IN REPLY REFER TO:

Environmental Services

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Midwest Regional Office

Bishop Henry Whipple Federal Building

One Federal Drive, Room 550

Ft. Snelling, MN 55111



U.S. Department of the Interior
1849-1999

2-19-02

Brian D. Conway, State Historic Preservation Officer
State Historic Preservation Office
Michigan Historical Center
717 West Allegan Street
Lansing, Michigan 48918-1800

RE: Environmental Assessment for a Proposed Match-E-Be-Nash-She-Wish Band of Potawatomi Gaming Facility in Wayland Township, Allegan County, Michigan

Dear Mr. Conway:

The Match-E-Be-Nash-She-Wish Band of Potawatomi Indians is planning to develop a gaming facility on 146 acres of land north of the City of Kalamazoo, Michigan, and eventually have it placed into trust status (Figures 1-1, 1-2 and 1-3). An Environmental Assessment is being written for the gaming facility. The site consists of three parcels (026-00, 026-10, 026-20; Figure 1-3) located in the northwest quarter of Section 19, Township 3 North, Range 11 West. Gas transmission lines and an above ground power transmission line cross portions of this property.

The largest parcel is zoned light industrial and is currently undeveloped. Most recently the site was cultivated in row crops. A barn is the only existing structure on this parcel (Figure 9 from the survey report). The archaeological consultant for this project has indicated that the barn was built in the 1950s.

A 10.01 acre piece of land in the southeast corner of the project area is zoned light industrial and is largely developed. The parcel supports an industrial building associated with the past operation of Ampro Industries, Inc. Ampro Industries manufactured lawn products such as hydroseed mix (Figure 9). The industrial complex currently uses well water and a septic tank-leach field.

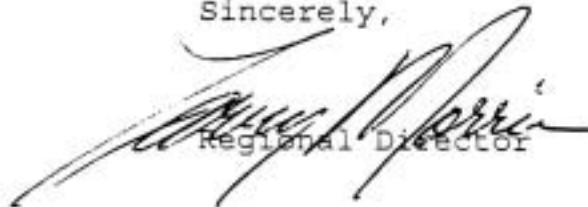
A slightly large parcel of 10.03 acres is sandwiched between the aforementioned parcels. It too is zoned light industrial and largely developed. The parcel supports a farmhouse (remodeled for office use), and the industrial building associated with the past operation of Ampro Industries. The farmhouse is south of the industrial building (Figures 16 and 17 from the survey report).

An archaeological survey of the project area was completed under contract for the Potawatomi (Seltz, Linn and Dunham 2001). The survey report covers a number of other parcels that will be associated with later trust acquisitions. In any event, two historic period archaeological sites (20AE865 and 20AE870) were found on the parcels selected for the gaming facility. Site 20AE865 is a building foundation less than 50 years in age and has no potential significance. The second site is a scatter of historic materials and may be what is left of a late nineteenth century farmstead, although historical records do not indicate that any buildings were at this location. This site too, is not considered to be potentially significant. No other cultural resources were identified on these three parcels. A copy of the draft report is enclosed.

Based on the information provided in the Archaeological report, it is the determination of the Midwest Regional Office that no historic properties will be affected by the gaming project. Please return your comments to our office within 30 days after receipt of this correspondence.

If you have any questions, please contact, Richard Berg, Midwest Regional Archaeologist, at 612-713-4400 ext. 1145.

Sincerely,



Amy Perri
Regional Director

Enclosures

Reference Cited

Seltz, Diane, Robert Linn and Sean B. Dunham
2001 Phase I Cultural Resource Surveys of Ten Properties
(300 acres) in Allegan County, Michigan. Commonwealth
Cultural Resources Group, Jackson, Michigan. Prepared
for Mooney & Associates, San Diego, California.

cc: Chad Broussard



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES
LANSING

DR. WILLIAM ANDERSON
DIRECTOR

July 23, 2002

LARRY MORRIN
BUREAU OF INDIAN AFFAIRS
MIDWEST REGIONAL OFFICE
BISHOP HENRY WHIPPLE FEDERAL BUILDING
ONE FEDERAL DRIVE ROOM 550
FORT SNELLING MN 55111

RE: ER-T-1060 *Phase I Cultural Resources Surveys of Ten Properties (300 Acres) in Allegan County, Michigan - Development of Match-E-Be-Nash-She-Wish Band of Potawatomi Gaming Facility, sec. 19, T3N, R11W, Wayland Township, Allegan County (BIA)*

Dear Mr. Morrin:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the information for the above-cited undertaking at the location noted above, including the draft survey report entitled *Phase I Cultural Resources Surveys of Ten Properties (300 Acres) in Allegan County, Michigan*, prepared by Commonwealth Cultural Resources Group (CCRG). The three parcels proposed for development of a gaming facility were surveyed as part of the work described in the report. In your cover letter, the three parcels are identified as 026-00, 026-10, and 026-20. The report discusses the survey of ten parcels, which are numbered 1 – 8 and 10 and 11. In the report numbering system, the three parcels proposed for development are included in parcels 10 and 11.

Survey of parcel 10 resulted in the identification of two archaeological sites: 20AE865 and 20AE870. No sites were found in parcel 11. Both 20AE865 and 20AE870 are historical period sites. Site 20AE865 consists of a structural foundation composed of a single course of concrete block on top of a poured concrete footing. Rolls of box wire fencing and a pile of wooden posts lie on the surface around the foundation. CCRG expresses the opinion that the foundation appears to be less than 50 years old, and they recommend that the site is not eligible for the National Register of Historic Places (NRHP). We agree with their recommendation.

Site 20AE870 is a sparse surface scatter of historical period artifacts which appears to represent a domestic site. However, no evidence of a former structure was found at the site. In addition, shovel testing produced no subsurface artifacts. CCRG expresses the opinion that the site is not eligible for the NRHP. We agree with their recommendation.

Consequently, based on the information provided for our review, the State Historic Preservation Officer (SHPO) concurs with the determination of the BIA that **no historic properties are affected** within the area of potential effects of this undertaking.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and

cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c-f).

This letter evidences the BIA's compliance with 36 CFR § 800.4 "Identification of historic properties", and the fulfillment of the BIA's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.


You note in your letter that the other parcels surveyed and discussed in the report will be associated with later trust acquisitions. Seven additional archaeological sites were identified on parcels of land that are not part of this review of the proposed gaming facility property. However, to help facilitate any future Section 106 review involving the other parcels of land, we reviewed the entire report in order to offer comment on the other archaeological sites identified during the survey.

Seven other archaeological sites were identified during survey of the ten parcels: 20AE863, 20AE864, 20AE866, 20AE867, 20AE868, 20AE869, and 20AE871. Sites 20AE867 and 20AE868 are pre-contact (prehistoric) sites. Site 20AE866 has both pre-contact and post-contact components. Sites 20AE863, 20AE864, 20AE867, 20AE869, and 20AE871 are post-contact (historical period) sites. Based on their field investigations, CCRG recommends that sites 20AE866, 20AE867, and 20AE871 are not eligible for the NRHP. We agree with their recommendations. CCRG suggests that sites 20AE863, 20AE864, 20AE868, and 20AE869 are potentially eligible for the NRHP, and they recommend that these sites be investigated further to evaluate their eligibility.

With regard to site 20AE863, which seems to be a farmstead site that pre-dates the existing farmstead, CCRG recommends that additional archival/historical research be conducted first in an effort to learn more about the site before a decision is made to conduct more fieldwork. With respect to sites 20AE864, 20AE868, and 20AE869, CCRG recommends further evaluation to determine eligibility for the NRHP. We agree with their recommendations for all four sites.

If you have any questions, please contact Martha MacFarlane Faes, Environmental Review Coordinator, at (517) 335-2721. **Please reference our project number in all communication with our office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,



Martha MacFarlane Faes
Environmental Review Coordinator

for Brian D. Conway
State Historic Preservation Officer

MMF:DLA:BSL:bgg