

Michigan State Historic Preservation Review Board Meeting Minutes September 23, 2022

Minutes of the State Historic Preservation Review Board Meeting

Friday, September 23, 2022, 10:00 a.m.

*Lake Michigan Room, Michigan Economic Development Corporation
300 North Washington Square, Lansing, Michigan 48913*

BOARD MEMBERS PRESENT

Dean Anderson, Devan Anderson, Daniel Bollman, Kemba Braynon, Matthew Daley, Lane Demas, Sharon Ferraro, Lakota Hobia, Krysta Ryzewski

BOARD MEMBERS ABSENT

None.

STAFF MEMBERS PRESENT

Amy Arnold, Michael Hambacher, Martha MacFarlane-Faes, Nathan Nietering, Sarah Surface-Evans, Todd Walsh; State Historic Preservation Office (SHPO)

Jon Stuckey, Austin Wright; Michigan Office of the Attorney General (AG)

MEMBERS OF THE PUBLIC PRESENT

From list.

1. CALL TO ORDER AND ROLL CALL

Board Chair Kemba Braynon called the meeting to order at 10:04 a.m.

Board member Lakota Hobia offered a welcome and greeting acknowledging today is Michigan Indian Day, which celebrates and recognizes the contributions of Michigan's 12 federally-recognized tribes, two state-recognized tribes, and all those tribal descendants who have heritage in Michigan even if they are now located in another state.

2. APPROVAL OF AGENDA

Motion to approve the agenda of the September 23, 2022 regular board meeting, with the sequence of the National Register nomination presentations changed to group virtual and in-person presentations together.

Motion: Ferraro

Second: Devan Anderson

Vote: 9-0

3. APPROVAL OF MINUTES – January 23, 2022

Board Comments: None

Motion to approve the minutes as proposed.

Motion: Bollman

Second: Dean Anderson

Vote: 9-0

4. SHPO STAFF REPORT – Martha MacFarlane-Faes

- MacFarlane-Faes opened with a summary of the many changes which have occurred since the previous meeting in May: the passing of State Historic Preservation Officer Mark Rodman on June 15, the departure of Brian Grennell in August for a new job with MDOT, and the various vacancies, with three SHPO positions currently posted (1 Historical Architect and 2 Historians who will do 106 above-ground reviews). All existing vacancies mean SHPO presently has a vacancy rate of 30 percent. MacFarlane-Faes added that she is serving on the National Council of State Historic Preservation Officers board and the challenges of filling SHPO positions across the country is a hot topic.
- MEDC has signed a contract with Lucidea to provide SHPO with a new database service using the Argus platform. Organizational support and a funding commitment will enable this GIS-based platform to interface with both SHPO and other state employees and the general public.
- The new State Historic Tax Credit program launched on June 15 and received an overwhelming response from throughout the state, as expected. Thirteen large commercial project applications were received totaling over \$350 Million in Qualified Rehabilitation Expenses (QRE's), or about \$88 Million in tax credits at 25%. The large application portal closed after just one hour. The small commercial credit received a total of 15 applications totaling nearly \$14 Million in QRE's equaling about \$3.5 Million in credits. The small commercial portal closed after about 5 hours. The residential application window stayed open longer and closed after about 75 applications were received; additional details are not yet available. There have been several complex technical difficulties that have become apparent after all applications were received, which we are working to unravel. SHPO is in the process of contacting applicants for Part 1 additional application materials and fees.
- The Certified Local Government (CLG) program hit the milestone of 40 communities. Ten communities have been added in the last three years, including two since the last board meeting: Pontiac and Muskegon. Over the summer SHPO announced FY22 CLG grants for the following: City of Northville – Update design guidelines for the Northville Historic District; City of Ann Arbor – Update the Old Fourth War Historic District Survey; City of Niles – Roof rehabilitation for the Henry Chapin House, part of the Niles History Center. The application round for FY23 CLG grants will open October 3.
- In other grant news, the application period for SHPO's Lakeshore Heritage Resilience Grant program closed on September 1. We received requests totaling

nearly \$4 Million from applicants in eligible CLG, Main Street, and Redevelopment Ready Communities. SHPO has \$750,000 available, funded through National Park Service's Paul Bruhn Historic Revitalization Program. Other National Park Service (NPS) grants are presently moving forward and toward completion.

- SHPO has been consulting on several complex Section 106 projects over the summer. Several staff attended a site visit to the Line 5 Tunnel site at the Straits of Mackinac in early September with federal agencies, tribal representatives and other stakeholders and listened in on a public scoping meeting in St. Ignace. Another complex project involves potential redevelopment of properties within the former K.I. Sawyer Air Base near Marquette which is National Register eligible.
- Beginning discussions are underway with the Michigan Association of Land Banks, MI Land Bank Authority and Michigan Historic Preservation Network (MHPN) to consider a historic preservation focus as part of the Legislature's recent \$55 Million appropriation for Land Banks. MacFarlane-Faes will attend the statewide land bank conference in Detroit later in the fall to learn more.
- Relevant events include the launch yesterday of "Pattern Book Homes for 21st Century Michigan," authored by our own Dan Bollman at East Arbor Architecture, a joint project by MEDC and the Michigan Municipal League to offer open source plans for appropriate multi-unit infill housing on existing neighborhood lots. Also, on October 10, a new MI State Historical Marker will be dedicated for the Birwood Wall in Detroit. The 6-foot high wall, built to separate an existing Black neighborhood from a newly constructed White one, is a visual representation of the practice of redlining. Detroit Mayor Mike Dugan and the Detroit City Historian will give remarks among others. The wall was listed in the National Register through the SHPO's 20th Century Detroit African American Civil Right sites project and the marker is also funded by this grant.
- In the National Register program, all of the properties heard and approved by the review board at the last meeting have been formally listed over the summer. In addition, several demolished properties heard before the board earlier this year have been delisted from the National Register, and other delistings are planned before the end of the year. This effort continues to ensure Michigan's records are accurate.
- Todd Walsh (SHPO National Register Coordinator) briefly outlined the new National Register of Historic Places General Guidance and Requirements document, copies of which were provided to the board. This is a section by section and line by line companion document for preparers to consult regularly when preparing a nomination in Michigan.
- Sarah Surface-Evans (SHPO Senior Archaeologist) outlined recent Archaeology statistics: nearly 1,200 Section 106 projects reviewed so far this fiscal year; 207 new archaeological site numbers assigned; more researchers are being allowed to do research in person at the office to accommodate high demand and reduced COVID protocols; a number of Programmatic Agreements and Memoranda of Agreements are in the works; work also continues on state standards including the archaeological site form and a new survey short report form that can be used in certain situations.

- SHPO Archaeology has been involved in several important outreach efforts. Amy Krull and Mike Hambacher assisted with cultural resource training for the Natural Resource Conservation Service-USDA. Sarah will be presenting along with the THPO from the Match-e-be-nash-she-wish Band of Potawatomi at a tabletop EPA training exercise in early October. Together with the Saginaw Chippewa Indian Tribe of Michigan, SHPO Archaeologists will be conducting an archaeological monitoring training on November 1st at the Ziibiwing Center for Anishinaabe Culture and Lifeways in Mount Pleasant. Through outreach with the Michigan Anishnaabek Cultural Preservation and Repatriation Alliance (MACPRA) SHPO is hosting a THPO Workshop for THPOs and Tribal Cultural Representatives on November 16th in Lansing and virtually.
- Michigan Archaeology Day is right around the corner and will take place October 29, 2022, to be held in person at the Michigan History Center here in Lansing in partnership with the Michigan DNR. Twenty exhibitors and two guest speakers are planned to be featured. More details to follow at <https://www.miplace.org/archaeology-day/>.

5. CORRESPONDENCE & PUBLIC COMMENT

Letters of support were received for the Upjohn Company Office Building, Kalamazoo; the Saugatuck Gap Filler Annex, Saugatuck; comments were received regarding the Philip A. Hart Plaza, Detroit; and 33 letters of support and 2 letters of objection were received concerning Anaem Omot, Menominee County.

Summary of Public Comment:

NOTE: Comments offered by the public are limited to 2 minutes per speaker.

- Sandra Clark representing the Michigan History Center – agenda item 6a., Anaem Omot nomination – spoke in support of the nomination presented today.
- Ashley Christner representing Gold Resource Corporation – agenda item 6a., Anaem Omot nomination – spoke in opposition to the nomination presented today.
- Russ Gardner – agenda item 6f., Saugatuck Gap Filler Annex nomination – spoke in support of the nomination presented today.
- Ron Corn representing the Menominee Indian Tribe – agenda item 6a., Anaem Omot nomination – spoke in support of the nomination presented today.
- Christian Øverland representing the Wisconsin Historical Society – agenda item 6a., Anaem Omot nomination – spoke in support of the nomination presented today.
- Mary Hansen – agenda item 6a., Anaem Omot nomination – spoke in support of the nomination presented today.
- Regina – agenda item 6a., Anaem Omot nomination – spoke in support of the nomination presented today.

- John Broihahn, Wisconsin State Archaeologist – agenda item 6a., Anaem Omot nomination – spoke in support of the nomination presented today.
- Paula Mohan – agenda item 6a., Anaem Omot nomination – spoke in support of the nomination presented today.
- Rebecca Comfort, American Indian Nations Liaison for the Wisconsin Historical Society – agenda item 6a., Anaem Omot nomination – spoke in support of the nomination presented today.

6. NATIONAL REGISTER NOMINATIONS

a. **Anaem Omot, Lake and Holmes Townships, Menominee County**

Presented by Tribal Historic Preservation Officer David Grignon and David Overstreet

Board Comments: Braynon acknowledged that the Board had received several letters of support, and two letters of opposition to, this nomination, including a lengthy letter of opposition sent on behalf of Gold Resource Corporation received only on September 19. Ryzewski opened with a summary of this project for the benefit of newer board members: that this nomination has been proposed to come before the board more than once previously but had been delayed for various reasons. As an archaeologist, she found the nomination to be robust, highly detailed, and over 150 pages. The Gold Resource opposition letter was received only four days ago and was also robust and in excess of 100 pages, including a report from an archaeologist they contracted. In the opposition letter, Gold Resource Corporation states that the nomination does not meet criteria A or D, there are numerous issues with integrity and the boundaries, and archival and ethnographic data, among other things.

Ryzewski continued by reminding the board that when working with a Traditional Cultural Property (TCP) nomination, the National Park Service has published several guidelines and documents to assist in the evaluation of the property, which guide that it is different than some more common property types. One of these guides that archaeological districts should be treated similar to commercial districts, where some individual features may not be eligible on their own, but the collection and collective context can certainly be eligible. Ferraro agreed that it would have been beneficial to have Gold Resources Corporation's concerns sooner than just a few days before today's meeting. She continued that much like the McGhee House which was before the board at the last meeting, where changes may have been made over time which do impact part of its integrity, it is the overriding history of the property that make it so important. Technical flaws can be addressed, but the history outlined in the nomination clearly demonstrate that it is at the TCP level.

Demas commented that, when considering all of the nominations today, so many are similar in that the integrity aspect of Feeling is so important to evoking a place's significance. Much like the Saugatuck Gap Filler Annex at the top of

Mount Baldhead, you can sense the sentiment and pressure of the Cold War as you ascend the dune. But is there a double standard when you look at a place that an entire nation is saying is significant when you can't necessarily see everything that gives it its feeling?

Bollman commented that the board was supposed to see the nomination in January but it was delayed, and asked if there was any reason that the nomination couldn't be tabled again such that the authors of the nomination would address the concerns raised in the letter. Braynon responded that the preparers of the nomination have been waiting patiently for this nomination to come before the board, but it would be one possible course of action to table the nomination today and allow SHPO staff to review the objection letter to make recommendations to the preparer to address the concerns. Another option would be to make a motion to either approve or deny the nomination. Bollman asked if the Section 106 process would protect any properties, including this site, if they are simply determined to be eligible for the National Register. MacFarlane-Faes confirmed that the Section 106 process looks at both listed and eligible properties equally when considering adverse effects, provided the undertaking has some federal involvement to trigger the 106 process.

Bollman continued by stating how interesting it was to read through the nomination and analysis even without the benefit of being an archaeologist. Ferraro asked if the nomination was approved by the Review Board today and goes to NPS in Washington, could it be returned with comments for revision? Walsh responded that yes, that was a potential outcome among three: approve, return with comments, or determine to be not eligible. Devan Anderson asked if letters of support and objection are typically included with the nomination when submitted to the National Park Service for approval. Walsh confirmed that all public comment is included with the nomination when it is sent to NPS. Stacy Tchorzynski, Michigan DNR Archaeologist attending the meeting in the audience responded to Bollman's earlier comment about project review that a portion of the mining project requires a state level review (not federal/106), which requires that adverse effects be taken into account for listed properties, not eligible properties.

Hobia suggested that if this nomination is tabled today she would recommend that a special meeting be called for the board to act before the next regular meeting (January 20, 2023). She continued that for a property to be nominated, it must only be done under one criterion at a minimum. As currently presented, the nomination makes arguments for an archaeological district, a TCP and as an ethnographic landscape under criteria A and D. Overall, it clearly makes the argument for a Traditional Cultural Property, in the perspective of the community, in accordance with National Register Bulletin 38. The Gold Resource objection letter cites the general lack of sources to support the TCP component, but this goes to different methods and knowledge-making within Native communities. Hobia continued that THPO Grignon, as the historic preservation officer representing his tribe, is authorized to represent the voice and history of his tribal nation. The quotes he provided didn't just come from him, but they are informed

by the rich tradition of oral histories, mentioned frequently throughout the nomination. As a THPO, people come to you, and it is your responsibility to determine how the information is shared, both within and outside of the community. Hobia noted another concern raised in the objection letter is the TCP components didn't necessarily list contributing vs non-contributing resources and she continued by asking how sensitive information can be redacted in a Traditional Cultural Property nomination form. She complimented the authors in their skillful writing whereby archaeological resources are cited as specific resources, which can be redacted under Michigan State Law. This method respects the tribe to maintain control over its own data. Where a TCP form may reference archaeological resources within the bounds of the document, those places aren't strictly archaeological sites to members of the community, they are special places to be visited. Hobia continued noting criterion D is typically applied to archaeological research, but ethnographic research was also presented in this nomination. If there are still questions about archaeological components, at least the ethnographic research seems to strongly support criterion D regardless. Devan Anderson inquired if Hobia was suggesting that today's nomination could be recommended under only Criterion A and perhaps come back in the future with additional information and sources to support a criterion D argument. Hobia responded that that might be one potential path forward.

Dean Anderson stated that Ryzewski and Hobia had well summed-up several issues he was also considering. Ryzewski noted that in instances where some sites had been completely destroyed and the Gold Resource objection letter suggested they were ineligible, under a TCP nomination framework even sites which have been destroyed can be considered contributing if from the tribal perspective they are still significant. She inquired if the SHPO staff have any further clarity on what the consequences might be if it is approved by the Review Board under Criteria A and D if the archaeology information is not included. Ryzewski pointed out that the opposition letter cites archaeological site files, which the review board has not seen. Dean Anderson added that anytime there is a project with archaeological discovery, there will be sites that are found, sites that are evaluated, sites that are not evaluated, and all of these things can be a factor. In many projects, sites may be located, and rather than evaluated, they are avoided, but in those cases then there is less knowledge about what they actually contain. In National Register Bulletin 15, there is a discussion about districts that make it quite clear that you can have sites within a district that are not eligible, including individual sites that have been determined to be not eligible, but they can still have value to the district as a whole and to its context. This would include sites that are also unevaluated. The circumstance of sites that may be unevaluated or determined to be ineligible doesn't change the overall potential eligibility of the district overall.

Ryzewski highlighted that in the nomination the district is defined as a 'single, contiguous site' and the important emphasis that it is a single larger site that should be considered as a whole. Dean Anderson noted that the section that describes the district boundary also presents reasons justifying the boundary.

The first reason stated is that the boundary represents the location of the traditional Menominee homeland; the second reason points to features of the landscape within the district that are important to the Menominee homeland; and the third reason notes the presence of archaeological features within the district. He continued that while the reasons stated may or may not be in order of importance, archaeological sites nonetheless are mentioned third of three reasons for boundary justification.

Devan Anderson pointed out his newfound understanding of the importance of the Menominee River itself to this nomination, somewhat irrespective of the individual archaeological sites. Hobia agreed that continuously throughout the nomination the word 'lifeblood' is used to describe the river and its significance both to the landscape and to the culture of the way the Menominee Nation interacted with it.

Walsh clarified that National Register guidance states that in regard to determining and defining the areas of significance, instructions state that the areas should be listed in the hierarchical order of their significance.

Motion to approve the nomination as presented.

Criteria, Considerations and Level: A&D, a, c, d, national

Motion: Ferraro

Second: Demas

Vote: 9-0

b. Immaculata High School, Detroit, Wayne County

Presented by Lillian Candela

Board Comments: None.

Motion to approve the nomination as presented.

Criteria, Consideration, and Level: A&C, a, local

Motion: Bollman

Second: Devan Anderson

Vote: 9-0

c. Upjohn Company Office Building, Kalamazoo, Kalamazoo County

Presented by Michael Hambacher

Board Comments: Ferraro noted a few grammatical typos and will follow up with Walsh to correct these. Demas noted that in addition to all of the other trademarked medicines The Upjohn Company patented, Viagra could also be added to the list.

Motion to approve the nomination as presented.

Criteria and Level: A&C, local

Motion: Ferraro

Second: Hobia
Vote: 9-0

NOTE: the Board took a lunch break starting at 12:19 p.m. The meeting business resumed at 12:46 p.m.

d. William E. Higginbotham School, Detroit, Wayne County

Presented by Rebecca Savage

Board Comments: Daley observed the good contextualization of Greenfield Township and its annexation which led to development of the neighborhood and this was well done. Ryzewski noted the well-constructed cultural context of the development of this part of the city and inquired of the adjoining playfield was part of the nominated property. Savage responded that the land immediately to the north was recently purchased by the new tenants of the Johnson Recreation Center. Ryzewski pointed out that this entire area had early homes for African Americans including a period when there were Quonset Huts on the site, and inquired if there would be room within the nomination to make mention of these developments which also fall during the period of significance, for future documentation and reference. Savage agreed and will work with Walsh to add this in.

Motion to approve the nomination as presented.

Criteria and Level: A&C, local

Motion: Dean Anderson

Second: Ryzewski

Vote: 9-0

Board member Dean Anderson took this pause to acknowledge the recent passing of Kathryn Bishop Eckert, a former Michigan State Historic Preservation Officer and former Review Board member.

e. Philip A. Hart Plaza, Detroit, Wayne County

Presented by Rebecca Savage

Board Comments: Ryzewski noted there is one archaeological site discovered in this vicinity, excavated immediately prior to the construction of the plaza. Nietering responded that SHPO will make certain references to the archaeological recovery are included and note that those artifacts are now in the collection of the Grosscup Museum at Wayne State University. Nietering added that in the course of corresponding with the Isamu Noguchi Foundation to further strengthen the comparative analysis and Noguchi design vocabulary discussion, the Foundation has expressed recent concern on the diminished Noguchi

integrity after the recent pavement changes and the removal of one small-scale, Noguchi designed object, in the process. Ryzewski noted that the nomination provided to the board does not include the name of the preparer(s). Nietering responded that this will be filled in before it is submitted to NPS.

Motion to approve the nomination as presented.

Criteria, Consideration and Level: A&C, g, national

Motion: Ferraro

Second: Devan Anderson

Vote: 9-0

f. Saugatuck Gap Filler Annex, Saugatuck, Allegan County

Presented by Chuck Gustafson

Board Comments: Ferraro inquired if the Annex might be eligible at the national level of significance given that it is one of the last two which remain from a national defense system. Walsh indicated the level of significance has been considered as part of the nomination process – the SHPO is intending to ask our NPS National Register reviewer for their opinion as to the appropriate level for this resource. Walsh continued that the fact that it is rare and so intact does lead to consideration of a higher level of significance, however, it was not rare or exceptional during the period of significance, nor did it directly contribute to national events. Being the sole survivor is different than being a unique creation. Demas inquired of the first use of modern technology outside of a research setting qualified as nationally-significant during the period of significance. Walsh responded that additional research would probably be necessary to expand on that context beyond what is currently written, but that could be done if the preparer wished to do so. Dean Anderson asked if the nomination today is approved at the state level is the discussion of national level potential included with the correspondence sent to NPS? Walsh responded that yes, this is correct.

Motion to approve the nomination as presented, with a request to the National Park Service to consider national level significance.

Criteria and Level: A&C, state

Motion: Ferraro

Second: Hobia

Vote: 9-0

7. LOCAL HISTORIC DISTRICT STUDY COMMITTEE REPORTS – Amy Arnold

a. Krainz Woods/Sojourner Truth Homes Historic District, Detroit, Wayne County

Board comments: Ryzewski noted that on page 5 there is a discussion of the establishment of Hamtramck Township, with a date given of 1827, which is incorrect. The correct date is 1798 and they should seek out a better source for this accurate information.

b. Dr. David R. Byrd Center and Wilsey-Sperry-Nelson Farm Local Historic District, Pittsfield Township, Washtenaw County

Board comments: None.

8. APPEALS – Jon Stuckey and Austin Wright

a. Mohamed El Hussein v. Washtenaw County Historic District Commission

Board Comments: Bollman noted that sometimes structural details are not fully considered because they are innovative, and other times it is because they are just “bad” details, in that the design has been tried, not been successful, and therefore is rejected or changed. Ferraro stated this appears to be a poor design for a northern climate. Bollman continued that there is a lesson this building has “learned,” and the insistence that a bad detail must be maintained is bad for preservation, both in this instance and in preservation generally. However, it does not appear that the Historic District Commission’s (HDC’s) decision was arbitrary or capricious; they believe that this character defining feature should remain. In this case, this person has done nothing wrong, they are just trying to repair a bad detail, but it does not appear that the HDC acted outside of their authority.

Ferraro agreed in stating that the HDC did follow its own rules, they made an accommodation to allow the siding design to be changed on the non-public facades. It appears the commission followed their own standards, the Secretary of the Interior’s Standards for Rehabilitation, the state enabling legislation and their local historic district ordinance. Their decision is consistent with what they have done in the past. Dean Anderson noted there is a discussion of where the petitioner appeared to be doing the right thing by trying to identify other materials that would work to meet visual look and budget but wouldn’t work when installed diagonally. Ferraro agreed that it may be that some of these alternative materials had never been hung diagonally and therefore the manufacturer or installer would not have warrantied the product. Clearly, the applicant is looking for a product which can be warrantied. The failures that were pointed out with the existing siding were caused by the bad roof design overhead, and even a new material will fail at some point because of the poor design above.

Bollman asked if the comments and discussion of the board get returned with the final decision and order, or if it is just the final decision and order that gets produced. Stuckey responded that it is just the final decision and order. If there are subjective concerns to relay back to the local HDC, it may be possible to do this through SHPO staff. MacFarlane-Faes added that especially since both Washtenaw County and Ann Arbor are Certified Local Government communities, that might provide a good avenue to open discussion or for commissioner

training. Devan Anderson pointed out that there was a time and a place for diagonal designs, and the realization has since come that may not actually be the best design.

Dean Anderson stated that he was not completely convinced that the petitioner should be penalized for trying hard to do the right thing. Bollman responded that the Review Board is seeking to determine if the HDC's ruling was arbitrary or capricious. Ferraro stated that much like how many other regulations govern how an individual may use private property, restrictions may be placed on this property if done so uniformly.

Motion to adopt the proposal for decision that the appeal filed in the case of Mohamed El Hussein v. Washtenaw County Historic District Commission be reversed, and the historic district commission's decision be upheld.

Motion: Bollman

Second: Ferraro

Vote: 9-0

9. DATE OF NEXT MEETING

January 20, 2023

10. ADJOURNMENT

Motion to adjourn: Devan Anderson

Second: Hobia

Vote: 9-0

Meeting adjourned at 1:58 p.m.

Minutes prepared by Nathan Nietering