

HOUSE BILL NO. 5874

June 27, 2024, Introduced by Reps. Mentzer, Brixie, Arbit, McFall and Hood and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to provide for the responsibilities of the department of natural resources, the state historic preservation office, and other state agencies concerning archaeology, Native American cultural items, and certain discoveries of human remains.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Department" means the department of natural resources.

3 (b) "SHPO" means the state historic preservation office of the
4 Michigan economic development corporation.

5 Sec. 3. The department shall do all of the following:

6 (a) Fulfill this state's archaeological responsibilities under

1 the natural resources and environmental protection act, 1994 PA
2 451, MCL 324.101 to 324.90106, except as otherwise provided in MCL
3 324.63510, 324.63523, 324.63524, and 324.63545.

4 (b) Set priorities and establish best practices for
5 archaeology on state-owned lands and bottomlands.

6 (c) Identify and document archaeological resources on state-
7 owned lands and bottomlands, and assist in the management of those
8 resources.

9 (d) Serve as the basic contact regarding archaeology for state
10 agencies involved with projects that are not federally assisted or
11 permitted.

12 (e) In consultation with representatives of federally
13 recognized tribes in this state, establish communication protocols
14 regarding archaeological investigations of Native American sites
15 and inadvertent discoveries of Native American human remains except
16 investigations and discoveries that occur at the site of a
17 federally assisted undertaking subject to 54 USC 306108.

18 (f) Issue permits to perform archaeological exploration on
19 state-owned lands or bottomlands or on lands managed by the
20 department.

21 (g) Work with the department of environment, Great Lakes, and
22 energy on proposed mining projects from the beginning of
23 exploratory work for a potential mine and participate in the review
24 of mining permit applications under subchapter 4 or 5 of chapter 3
25 of article III of the natural resources and environmental
26 protection act, 1994 PA 451, MCL 324.63101 to 324.63714 and
27 324.64101 to 324.64111.

28 (h) Serve as the contact for law enforcement agencies notified
29 of the inadvertent discovery of human remains on public or private

1 land.

2 (i) Provide archaeological expertise, guidance, and
3 consultation for all of the following:

4 (i) The underwater salvage and preserve committee created in
5 section 76103 of the natural resources and environmental protection
6 act, 1994 PA 451, MCL 324.76103, and other state offices,
7 committees, agencies, and departments.

8 (ii) The Michigan Underwater Preserve Council, Inc.

9 (iii) The National Oceanic and Atmospheric Administration and
10 other federal agencies.

11 Sec. 5. The SHPO shall work to make access to all parts of the
12 state archaeological site file, including, but not limited to,
13 electronic data read and write ability, available equally to
14 archaeologists in the department and the SHPO.

15 Sec. 7. The department and the SHPO shall collaboratively do
16 all of the following:

17 (a) Manage and curate the state archaeological collections
18 according to curation standards under 36 CFR part 79.

19 (b) Ensure the completeness and accuracy of the state
20 archaeological site file.

21 (c) Respond to requests for archaeological site file
22 information under the freedom of information act, 1976 PA 442, MCL
23 15.231 to 15.246, subject to section 13(1)(o) of the freedom of
24 information act, 1976 PA 442, MCL 15.243.

25 Sec. 9. The department and state government archaeologists
26 that are not within the department shall do all of the following:

27 (a) Provide archaeological expertise and support for local,
28 state, federal, and Native American tribal entities.

29 (b) Comply with the Native American graves protection and

1 repatriation act, 25 USC 3001 to 3013, and regulations promulgated
2 thereunder.

3 (c) Provide advice regarding archaeological site discovery and
4 private artifact collections.

5 (d) Provide archaeological technical assistance, information,
6 and training.

7 (e) Serve as contacts for the public for inadvertent
8 discoveries of archaeological resources or cultural artifacts on
9 private land.

10 (f) Provide education, interpretation, and outreach about
11 Michigan archaeology.

12 Sec. 11. Within 60 days after the effective date of this act,
13 state departments shall update all relevant information
14 disseminated to the public, Native American tribes, organizations,
15 and local, state, and federal partners so that it is consistent
16 with this act.

17 Sec. 13. This act does not apply to any location,
18 archaeological resource, or archaeological activity under the
19 jurisdiction of the Mackinac Island state park commission.