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Minneapolis Park & Recreation Board
Board of Commissioners
2117 West River Road
Minneapolis, MN 55411

Re: *Supplementary Memo re: Traditional Cultural Places (TCP) for the Minnehaha Regional Park – Dog Park Fencing Project Minneapolis, Minnesota 55417*

Dear Park Board Commissioners,

In support of the cultural resource assessment for the Minneapolis Park & Recreation Board's (MPRB) Minnehaha Regional Park – Dog Park Fencing Project (Project), we are providing this memo as a supplement to the Archaeological Literature Review and Assessment for the Minnehaha Regional Park – Dog Park Fencing Project report (Bray 2025), which will be submitted to MPRB concurrently.

This memo serves to outline the distinctions between the identification, evaluation, and treatment of archaeological properties and Traditional Cultural Places (TCPs), the latter of which are considered “properties of traditional religious and cultural significance” and “importance,” per the National Historic Preservation Act (NHPA) and its implementing bylaws under Section 106 (36 CFR Part 800). Understanding the differences between these two designations from the standpoint of various regulatory frameworks, including Section 106, state and local cultural resource review processes and statutes, local preservation ordinances, and/or Tribal cultural resource regulations, as well as from within the roles these properties and places occupy in community cultural traditions, beliefs, and activities, is essential for adequately identifying and evaluating historic properties or places/objects of cultural importance, and for ensuring meaningful consultation with relevant communities and stakeholders.

This memo should be read in conjunction with the Management Summary of the Archaeological Literature Review and Assessment for the Minnehaha Regional Park – Dog Park Fencing Project report, prepared by 106 Group (Bray 2025). As

information within that document could be considered sensitive, 106 Group has not summarized that information within this memo.

Traditional Cultural Places

Background

Section 106 of the NHPA requires federal agencies to consider the effects of their undertakings on historic properties, which are defined in 36 CFR Part 800 as properties that are listed in or eligible for listing in the National Register of Historic Places (NRHP). This definition of historic properties includes archaeological sites and TCPs, as well as other property types (e.g., historic properties, landscapes); however, the significance, methods for identification, and strategies for mitigating effects and the nature of those effects for archaeological properties and TCPs differ in important ways.

This memo provides supplementary regulatory context to the Project, whose proposed boundaries partially lie within the vicinity of National Park Service (NPS)-managed lands associated with the NRHP-listed TCP Mni Owe Sni (Coldwater Spring). Mni Owe Sni, and its surrounding area, is a place of traditional, ceremonial, and cultural importance to the Dakota, Ojibwe, and other local indigenous tribes. Although Mni Owe Sni was officially listed in the NRHP in 2023, thereby officially demonstrating its significance within the framework of Section 106, it has always been considered a place of significant, continuous cultural importance to local tribal communities.

Key Distinctions

Within the context of Section 106, and based on *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* [48 Federal Register 44716-44740] (National Park Service 1983), several key distinctions guide the processes related to identification, consultation, and assessment of significance and integrity when addressing archaeological properties and TCPs:

- Basis of Significance – The NRHP criteria by which archaeological sites and TCPs are evaluated can differ.
 - Archaeological sites can be evaluated under any NRHP criteria but are typically evaluated under Criterion D based on their potential to yield information important to history or prehistory. Evaluation under Criterion D typically focuses on material remains and research potential.

- TCPs, on the other hand, can be evaluated under Criterion D, as well as under Criterion A, for their association with events or practices important to a community's history, or under Criterion B for their association with important individuals. Further, TCPs may also be evaluated under Criterion C when buildings, structures, or objects whose architectural form or style reflect distinctive characteristics, artistic value, and/or are the work of a master, are present. ***The significance of a TCP is generally rooted in ongoing cultural, religious, or historical associations; these are often intangible and place-based, and emphasize continuity of cultural traditions, beliefs, or practices over time.***
- Assessing Integrity –
 - The integrity of an archaeological site eligible under Criterion D is typically assessed through the analysis of the measurable physical attributes of its existing or defining material culture. These measurable physical attributes can include material composition, the form and structure of artifacts, the precise geographical location and context of artifacts and/or features, and the stratigraphic composition, or matrix, in which the material culture was discovered.
 - Evaluating the integrity of TCPs requires a broader understanding of intangible signatures and contexts, including continuity of use over time, cultural meaning, and cultural or religious associations and practices. In many cases, the physical landscape associated with a TCP will have changed over time, but the overall integrity of that TCP may still exist through continuity of land use practices or enduring cultural meaning/significance attached to that landscape or place.
- Identification –
 - Methodologies assisting in the identification of archaeological sites often involve field surveys, testing, and analysis of remaining physical cultural signatures.
 - TCP identification within most regulatory frameworks requires early and ongoing consultation with communities that ascribe cultural significance to a place. The nature and extent of this consultation depends on the character of the TCP in question, and identification methodologies often involve engaging in oral

histories, conducting ethnographic research, and/or participatory documentation of cultural practices or beliefs. ***Not all TCPs are archaeologically visible (i.e., cannot necessarily be identified or evaluated based on extant physical remains).***

- Community Engagement –
 - Under 36 CFR §800.2(c)(2), during the Section 106 process, federal agencies must consult with Indian Tribes and Native Hawaiian Organizations (NHOs) when historic properties of religious or cultural significance – including archaeological sites – may be affected by a proposed undertaking.
 - However, ***when attempting to evaluate the significance of a TCP, this consultation must not be viewed as optional, prescriptive, or procedural; it should instead be regarded as necessary and must constitute a significant part of the evaluation process. A TCP’s significance cannot be determined without the perspective and input of the community or communities that value it.***
- Findings of Effects –
 - Effects to archaeological properties are often framed in terms of the extent to which the property will be physically impacted or depending on whether any potential adverse impacts might be sufficiently mitigated through data recovery or avoidance.
 - Potential effects to TCPs can be more nuanced in nature and extent, and may include adverse visual, auditory, cultural, or spiritual impacts, both immediate/direct and/or cumulative over time. ***Potential impacts to TCPs must be identified and evaluated through extensive consultation with associated communities, as this is typically the only reliable way to understand how potential impacts may compromise the property’s cultural use or meaning to those communities.***

Conclusion

When engaging in a regulatory process that requires consultation in conjunction with the review and evaluation of cultural resources, such as Section 106 or state, local, and/or Tribal review processes, treating archaeological properties and TCPs as functionally equivalent risks obscuring or minimizing the cultural

distinctiveness, living significance, and ongoing use of TCPs by affiliated communities. Because the methodologies used to address archaeological properties and TCPs can differ significantly, applying the same methods and assumptions to both will likely result in inadequate identification and evaluation of those properties. Therefore, it is necessary to recognize and ensure that procedural compliance does not replace substantive engagement with affected communities. Promoting and practicing a more nuanced awareness and application of these differences can result in respectful and community-informed outcomes.

Sincerely,
106 GROUP LTD.



Meredith Anderson, M.A., RPA
Regulatory Manager

References Cited

Bray, Madeleine

2025 Archaeological Literature Review and Assessment for the Minnehaha Regional Park – Dog Park Fencing Project. 106 Group, St. Paul, Minnesota.

National Park Service [NPS]

1983 Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. *Federal Register* 48(190):44716-44740.