Welcome to Ecology's Cultural Resources Review Recipient Training

Please keep your audio off for the entire training.

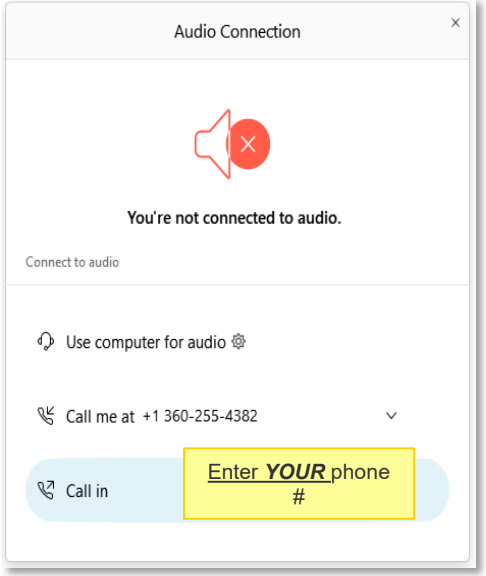
There will be breaks for questions!

Technical Problems?

Can't hear the Panelists?
Try an alternate audio connection.

1) **Move your cursor to the bottom of the Web-Ex and select the icon. If you don't see the phone icon, click the to reveal additional icons.**

2) **Next, choose an audio option**



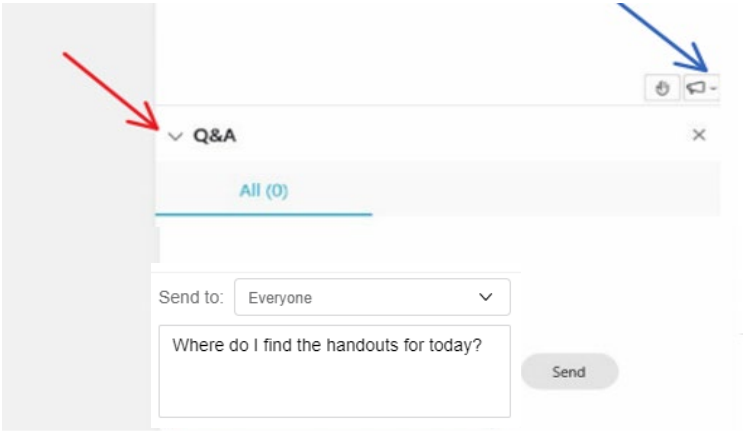
A. **Use computer for audio**
B. **Call me at (enter your phone number)**
   - WebEx calls you. You listen through your phone
C. **Call in using your phone. There may be several different numbers that you can try.**

Questions for Panelists?

To ask a question about the presentation, use the Q&A Box located in the lower right portion of your Web-Ex window.

Use the to provide feedback to the panelists.

To communicate with the Web-Ex meeting host, open and use the Chat Box.



To communicate with the Web-Ex meeting host, open and use the Chat Box.

DEPARTMENT OF ECOLOGY
State of Washington

Cultural Resources Review 101

Water Quality Combined Funding Program

Survey Questions (at end of training)

1. I am more confident after the training on how and when to initiate a cultural resources review for my project.

a. 3 = very confident

b. 2 = somewhat confident

c. 1 = Need more explanation

2. I know who to contact at Ecology for questions related to cultural resources review?

a. 3 = Yes!

b. 2 = Maybe

c. 1 = No

3. Are there any topics related to cultural resources review that you feel you could use more information on? Please Explain.

Your Presenters

- Seth Elsen, Water Quality Program, HQ Financial Manager
- Michelle Myers, Water Quality Program, HQ Financial Manager
- Heather Simmons, Water Quality Program, Central Region Project Manager

Outline

- Federal and State Laws
- What are cultural resources?
- Ecology Cultural Resource Review Process (steps, forms, and WISAARD)
- Final Determinations
- Tribal Consultation
- Consultation Timeframe and Budget
- Options to Standard Consultation
- IDP and Discoveries (Everyone)
- Final Questions and Discussion

Handouts: https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources

Introduction

Cultural resources are non-renewable parts of our environment.

Forests can often be replanted and rivers restored.

But once a cultural resource is destroyed, it is lost forever.

Notre Dame - 2019

Celilo falls blasting for The Dalles Dam - 1953

Federal and State Laws

Culturally modified tree.

Federal Laws

Descriptions provided by the National Parks Service:

- Antiquities Act 1906
- National Historic Preservation Act (NHPA)
  - Section 106
- Archeological and Historic Preservation Act (AHPA)
- Archaeological Resources Protection Act (ARPA)
- Abandoned Shipwreck Act (ASA)
- Native American Graves Protection and Repatriation Act (NAGPRA)
- 36 CFR 79

10,000 year old projectile points found in Redmond, WA (R. Kopperl / PaleoAmerica).

Section 106 of the National Historic Preservation Act (1966)

Requires federal agencies to **consider** the effects on historic properties of projects they **carry out, assist, fund, permit, license, or approve** throughout the country (Federal Nexus).

If a federal or **federally-assisted project** has the **potential** to affect historic properties, a Section 106 review will take place.

If any of the above conditions apply, then a Section 106 consultation is done, not 21-02.

More information on Section 106 (link).

Petroglyphs, Kittitas County Historical Museum

Native American Graves Protection and Repatriation Act (1990)

DEPARTMENT OF ECOLOGY State of Washington

Provides greater protection for Native American burial sites and more careful control over the removal of human remains and associated objects.

Describes the rights of Native American lineal descendants and Indian tribes with respect to the treatment, repatriation, and disposition of Native American **human remains, funerary objects, sacred objects, and objects of cultural patrimony**, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation.

Some clarifying definitions

Cultural Patrimony: Objects possessing continuing cultural, traditional, or historical importance to the heritage of a group, inalienable by the group at the time the objects were separated from the group or the historical setting of the objects.

Inalienable: [Importance of / legal right to object is] unable to be taken away [from group] or given away by the [original] possessor.

Source (link)

State Executive Orders, Laws, and Rules

Governor's Executive Order 21-02 – Archaeological and Cultural Resources

Libraries, Museums and Historical Activities - Title 27 RCW
- RCW 27.44 Indian Graves and Records
- RCW 27.53 Archaeological Sites and Resources

Archaeology and Historic Preservation, Department of (DAHP) - Title 25 WAC
- Chapter 25-48 Archaeological Excavation and Removal permit (references 27.53)

Cemeteries, Morgues and Human Remains - Title 68 RCW
- RCW 68.50.645 - Skeletal human remains – Duty to notify
- RCW 68.60.050 – Protection of historic graves – Penalty
- RCW 68.60.055 – Skeletal human remains – Duty to notify
- RCW 68.60.060 – Violations – Civil liability

Schoolhouse in Govan, Washington.

Governor's Executive Order 21-02 (Washington State)

- Wait, what!? 21-02? What happened to 05-05?
- Signed on April 07, 2021
- Replaces Executive Order 05-05, which is no longer active.
- Doesn't change Ecology's policies or the review process on Ecology funded projects.
- Relevant Ecology Forms have been updated (IDP done, CRR form in process).

DAHP Information (link)

Copy of order (link)

STATE OF WASHINGTON
OFFICE OF GOVERNOR JAY INSLEE

EXECUTIVE ORDER 21-02

ARCHAEOLOGICAL AND CULTURAL RESOURCES

WHEREAS, Washington has a rich and diverse cultural heritage, as represented by the numerous archaeological and historic sites that have been identified and located throughout our state; and

WHEREAS, Native American sacred places and landscapes are foundational to the identity and spiritual practices of Washington's tribal nations; and

WHEREAS, preservation and protection of these sites provides educational and cultural values for all citizens and leads to better understanding between cultures of our shared history; and

WHEREAS, many people contribute their time and efforts to preserve and protect Washington's unique archaeological and historic archaeological sites, historic buildings, and traditional cultural places; and

WHEREAS, these sites, buildings and places hold special cultural, historical, and spiritual significance for both tribal members and non-tribal members; and

WHEREAS, the Department of Archaeology and Historic Preservation (DAHP) and the Governor's Office of Indian Affairs (GOIA) share statewide responsibility for enhancing the public's awareness of the need and value of protecting Washington's heritage and establishing effective consultation with Native American tribal governments.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the power vested in me by the Constitution and statutes of the state of Washington, do hereby order the following for all Executive Branch and Small Cabinet agencies within my administration:

Executive Order 21-02

Executive Order 21-02 requires all state agencies planning projects that will use state funds to consider how they may impact significant cultural and historic places.

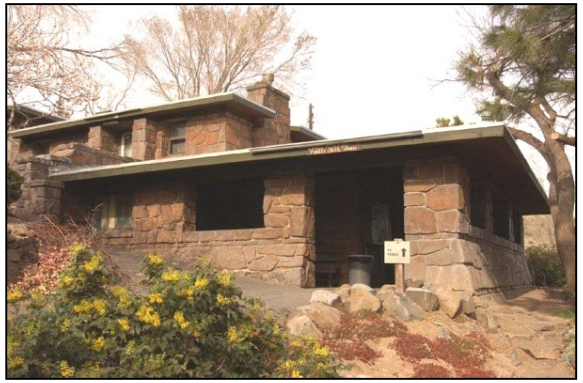
To do so, agencies are required to notify the Department of Archaeology and Historic Preservation (DAHP) and concerned tribes and **afford them an opportunity to review and provide comments about potential project impacts**.

Executive Order 21-02 applies to all State Funded Projects not subject to Section 106 that have the *potential* to impact cultural resources.

Department of Archaeology and Historic Preservation (DAHP)

STATE ENVIRONMENTAL REVIEW

- Determinations of Eligibility
- Protect archaeological sites on ALL non federal lands
- Provide permits for scientific investigations
- Human Remains Recovery
- DAHP DOES NOT
  - Coordinate consultation for other agencies.
  - Act as lead agency on behalf of other agencies.
  - Make decisions on behalf of other agencies.



Cemeteries / Human Remains

Not considered cultural resources but protected by state and federal law

Cemeteries and human remains are protected under different federal and state laws.

State Law

- RCW 27.44 – human remains
- RCW 27.53 – archaeological resources

Human remains cannot be owned - you cannot keep human bones even if they are found on your private property!

Abandoned cemeteries exist!

Bone Identification 101

Which one is human? Can you tell?

A

B

C

D

E

F

G

H

I

Section 106 or Executive Order 21-02?

Which one applies?

- Section 106:
  - If the project is using federal funds (319 or match) <u>or</u> is being used to match federal funds.
  - If the project requires a federal permit.

- Executive Order 21-02:
  - If the project has no federal nexus and has the potential to impact cultural resources.

Logging tools from the 1800's.

Questions So Far?

Cultural Resources Review Process

Disclosure

- This portion of the presentation is general in nature and reflects Ecology policy, Water Quality Program practices, and the experiences of the speakers.
- Each project is unique.
- **<u>Please discuss your project with your grant manager early and often.</u>**

Arrowhead.

What are Cultural Resources?

Cultural resources include both historic and pre-historic places, artifacts, buildings, structures, objects, sites, and districts. Some examples are:

- Archaeological sites.
- Buildings older than 50 years that are on, or eligible for, the historic register.
- Historic districts that include many buildings.
- Structures such as significant bridges, roads, transmission towers, and telegraph poles.
- Objects such as boundary markers, fountains, or monuments.
- Locations of significant events, pre-historic or historic occupation of activity such as a trail, petroglyph, village site, or battlefield.
- Traditional or sacred sites.

First Steps – Understanding the Project

(Not necessarily sequential – information gathering)

1. **Communicate early with your Grant Manager. Don't wait for them to reach out.**
2. Scope of Work, Area of Potential Effect (APE) and project schedule? (Ecology Cultural Resources Review Form)
3. What information is already known about the project area (WISAARD)?
4. Is there a federal nexus?
   a. If so, who will be the lead agency?
   b. If there is a federal permit, a federal agency will typically lead the consultation.
5. Was a consultation already completed?
   a. Review: Date of consultation and surveys, scope of work, and APE, consultation letters, letter of determination.
   b. Was it adequate to cover the work described in the project design?

First Steps – Understanding the Project (2)

1. Communicate early with your Recipient. Don't wait for them to reach out.
2. **Scope of Work, the Area of Potential Effect (APE), and project schedule? (Cultural Resources Review Form)**
3. What information is already known about the project area (WISAARD)?
4. Is there a federal nexus?
   a. If so, who will be the lead agency?
   b. If there is a federal permit, a federal agency typically often lead the consultation.
5. Was a consultation already completed?
   a. Review: Date of consultation and surveys, scope of work, and APE, consultation letters, letter of determination.
   b. Was it adequate to cover the work described in the project design?

Scope of Work & Area of Potential Effect (APE)

- Where is the project? Create good maps and location info.
- What potential impact will the project have on the ground and surrounding features?
- For ground disturbance, how deep, how wide, what equipment?
- Where are all the locations where disturbance could occur?
    - Look beyond the immediate project footprint. What about access roads, staging areas, soil compaction, vegetation disturbance?
    - It is better for APE to be too big than not big enough.
- All this information should be submitted in the Cultural Resources Review Form.

Ecology's Cultural Resources Review Form

*Use Ecology's form rather than DAHP's.

DEPARTMENT OF ECOLOGY
State of Washington

WASHINGTON DEPARTMENT OF ECOLOGY
CULTURAL RESOURCES REVIEW FORM

This form only initiates consultation. Ecology, tribes, DAHP, or other agencies may require additional information to complete the project review such as: plans, specifications, photographs, or other information. Turn completed form in to Ecology Project Manager, Site Manager, or Cultural Resource Contact.
Do not include any confidential information, such as coordinates of known archaeological sites.

PROJECT SPONSOR / PRIMARY CONTACT INFORMATION

PROJECT SPONSOR ORGANIZATION:	**DATE OF SUBMISSION:**
ADDRESS:	**PRIMARY CONTACT NAME:**
CITY, STATE:	**PHONE #:** ( ) -
ZIP, COUNTY:	**EMAIL:**

PROJECT SITE INFORMATION

PROJECT/SITE NAME:	**PROJECT ID NUMBER** (Near Term Action #, for example):
PROJECT/SITE MANAGER NAME *(if different than above)*:	**LANDOWNER NAME:**
PROJECT MGR PHONE #: ( ) -	**Is there a signed landowner agreement?** ☐ Yes ☐ No
PROJECT MGR EMAIL:	*It is required to obtain one prior to review.* ☐ N / A

Will the Project require a federal permit or other federal / state agency approval?
☐ Yes ☐ No ☐ Unsure **If so, what type of permit?**
If you select yes, please talk to your Ecology Project Manager prior to submitting this form.

Does any part of the project area and / or Area of Potential Effect (APE) fall into the following ownership categories (check all that apply)? ☐ State ☐ Federal ☐ Tribal ☐ Municipal ☐ Private
☐ Other:

ECOLOGY GRANT, LOAN OR CONTRACT INFORMATION

ECY PROJECT TITLE:

ECY GRANT, LOAN, OR CONTRACT NUMBER:

ECY GRANT, LOAN, OR CONTRACT TYPE (Centennial, Floodplains by Design, Equipment Cache, or IAA, etc.):

Do you have additional state or federal funding for your project? *Check all that apply:* ☐ State ☐ Federal
If you select Federal, please talk to your Ecology Project Manager prior to further completing this form.
If applicable, what is the name of the other funding program(s):

ECOLOGY INFORMATION (*to be completed by the Ecology Project/Site Manager*)

ECY PROJECT/SITE MANAGER:	**ECY CR CONTACT:**
ECY PROJECT MGR PHONE #: ( ) -	**ECY CR CONTACT PHONE #:** ( ) -
ECY PROJECT MGR EMAIL:	**ECY CR CONTACT EMAIL:**
ECY FINANCIAL MANAGER:	**ECY PROGRAM** (WQ, WR, SEA, OCR, TCP, etc.):

DAHP PROJECT NUMBER* (If applicable):
**Assigned through the use of the Washington Information System for Architectural & Archaeological Records Data (WISAARD)*

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6000 or visit https://ecology.wa.gov/accessibility. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

ECY 070-537 (revised 06/2021) 1

PROJECT DETAIL

Describe the type of work to be completed. Provide as much detail as possible to avoid delays in the review. This is ***not limited*** to ground disturbing activity or the project boundary. Consider above ground impacts, indirect and direct effects, or physical, visual, auditory, and vibration impacts. The description should contain length, width, and depth of the proposed project activities including staging and temporary construction.

Is this a new project, an ongoing or phased project, or change in scope of work (SOW)?
New ☐ Ongoing or Phased ☐ Change in SOW ☐ Other (please explain):
If ongoing / phased project or change in scope of work, please talk to your Ecology Project Manager prior to continuing this form.

ARE YOU PROPOSING A REVIEW FOR AN INDIVIDUAL PROJECT OR MULTIPLE PROJECTS?
INDIVIDUAL PROJECT ☐ *MULTIPLE PROJECTS** ☐
**For multiple projects under one review, provide a GIS shapefile or map of each project APE as an attachment.* If Scope of Work is different for each project, make sure to provide a unique description for each below.

PROJECT DESCRIPTION: *Provide a detailed description of the existing site conditions and the proposed project activities within the Area of Potential Effect (APE) – Provide a map of the APE on the next page. GIS shapefiles can also be provided*

CULTURAL RESOURCE INFORMATION

Does your project involve demolition, maintenance, additions, upgrades, or rehabilitation of a building or structure that is 45 years or older? Yes ☐ No ☐
If "Yes", visit the ***DAHP Historic Property Compliance Website***.

What are the risk levels present on your project site(s)? *Mark all that apply.* **This can be found on the DAHP WISAARD Statewide Predictive Layer.** *WISAARD does not support Internet Explorer or Safari.*
Low ☐ Moderate ☐ Moderately High ☐ High ☐ Very High ☐

Do you have knowledge of any previous cultural resource review within the project(s)boundaries during the past 10 years? Yes ☐ No ☐ Unknown ☐

If yes, please reference the report, survey or summarize the previous cultural resource review. Include the DAHP Project Number, if known. *Provide for each applicable project, if multiple projects covered under review*

Cultural Resource Report Information (Author, Date, Title):
DAHP Project Number:
Did you receive a Concurrence Letter from DAHP? Yes ☐ No ☐ Unknown ☐
If Yes, please enter the DAHP Log Number and Date:

Provide any other information that may assist with this cultural resource review (do not include any confidential information, such as coordinates of known archaeological sites):

INADVERTENT DISCOVERY PLAN INFORMATION

Ecology requires the submittal of an Inadvertent Discovery Plan (IDP) to the Ecology Project Manager for review prior to implementing any project that will involve, or could result in, ground-disturbance. After review, upload the IDP to EAGL if required, discuss the IDP protocol with all individuals working on the project site (staff, contractors, volunteers, etc.), and ensure a copy is always kept on site (either hard copy or electronic version) and readily available at all times. It is required, without exception, in the event of a discovery of cultural resources or human remains, that work stops immediately and the IDP protocol is implemented.

Have you completed an Ecology or other state agency approved IDP form for this site(s)? Yes No ☐
Not yet ☐ **Date of intended submission:**
If so, have you provided a copy of the completed IDP to the Ecology Project/Site Manager? Yes ☐ No ☐

If not, you are required to submit one to Ecology prior to starting work on the site. You can submit one IDP for multiple projects if the information is the same. You can download the Ecology IDP here: ***Ecology Inadvertant Discovery Plan****. Ecology has created a helpful* ***IDP Video*** *for your field staff or contractors.*

ECY 070-537 (revised 06/2021) 2

Updated Ecology Cultural Resources Review Form (link)

Area of Potential Effect (APE)

ATTACH A MAP OR AERIAL IMAGE: Must show the project location, Area of Potential Effect, nearby identifying features (roads, water, and trails).
**Provide additional data, information, photos, or maps for the review in a separate document as an attachment.*

Project Location – *must* include identifying nearby features (roads, waterbodies with names).

REQUIRED: Township: Range: Section:
Address: City: County:

Area of Potential Effect

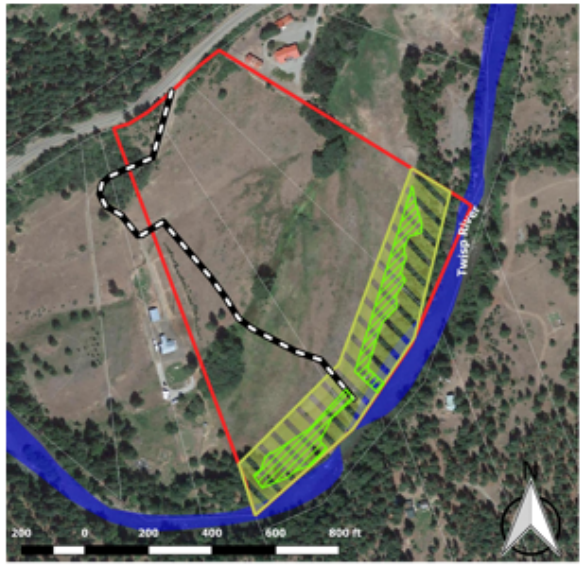
Project boundary

Other image

Area of Potential Effect is defined as the geographic area or areas within which the project or undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. The area of potential effects is influenced by the scale and nature of the project or undertaking and may be different for different kinds of effects caused by the undertaking. Ecology recommends carefully considering the geographic area you are defining for your APE – our review is based upon location and setting, not upon the type of ground disturbing activities.

Project Location:

REQUIRED: **Township:** 33N **Range:** 20E **Section:** 10 & 15
Address: 1053 Twisp River Rd. **City:** Twisp **County:** Okanogan
Lat: 48.36641 *(Example: 46.305257)* **Long:** -120.32864 *(Example: -120.540214)*



Daudon Plantings
Area of Potential Effect (APE)

APE
Proposed Planting Area
Existing Access Route
Project Parcel Boundaries
River
Okanogan County Parcel Boundaries

Planting Zone: 1.26 acres
Streambank Length: 850 ft
Latitude: 48.36641 ° N
Longitude: 120.32864 ° W

Township Range & Section: 33N - 20E Sections 10 & 15

Okanogan County

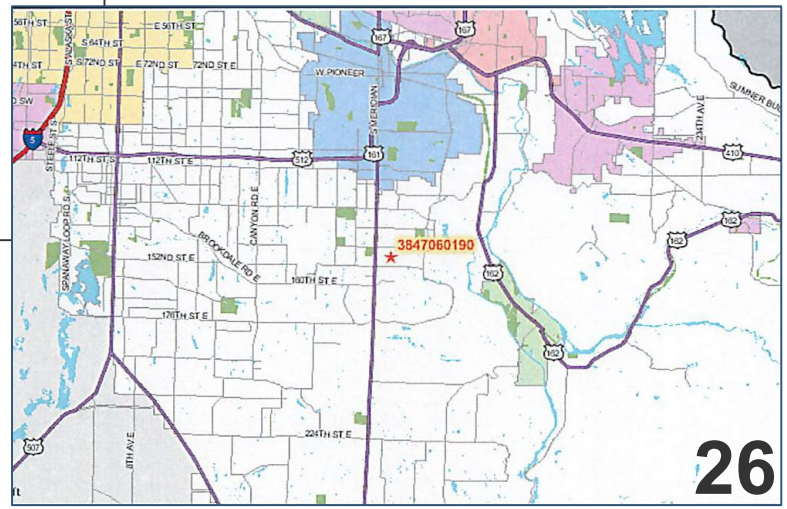
METHOW SALMON RECOVERY FOUNDATION

Good!

Project Location – Lat / long, TSR, address...

APE - the boundary of all potential disturbance. May include access and staging areas as well as where implementation will occur.

Not Good Enough (by itself)

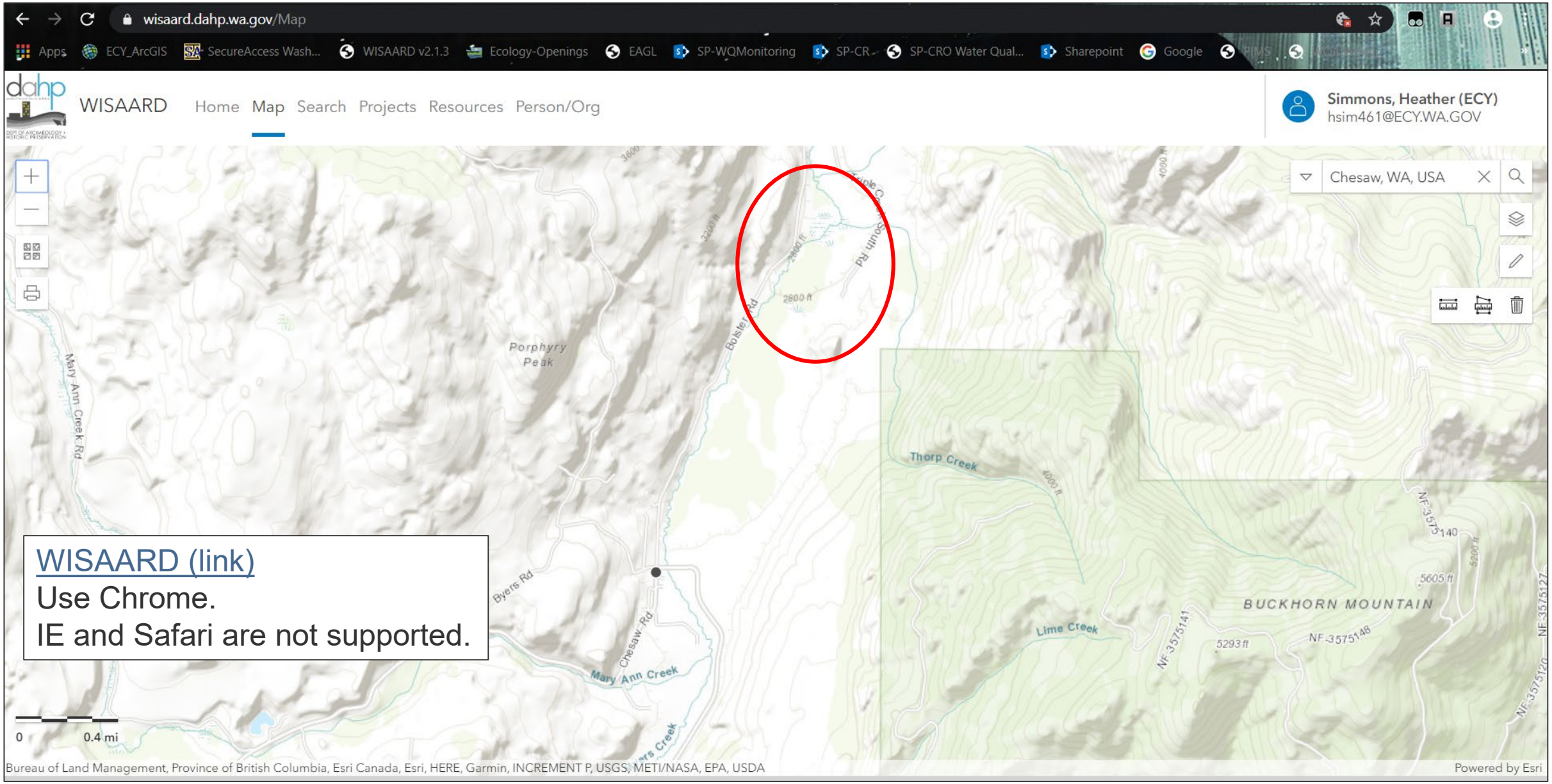


First Steps – Understanding the Project (3)

1. Communicate early with your Recipient. Don't wait for them to reach out.
2. Scope of Work, the Area of Potential Effect (APE), and project schedule? (Cultural Resources Review Form)
3. **What information is already known about the project area (WISAARD)?**
4. Is there a federal nexus?
   a. If so, who will be the lead agency?
   b. If there is a federal permit, a federal agency will typically lead the consultation.
5. Was a consultation already completed?
   a. Review: Date of consultation and surveys, scope of work, and APE, consultation letters, letter of determination.
   b. Was it adequate to cover the work described in the project design?

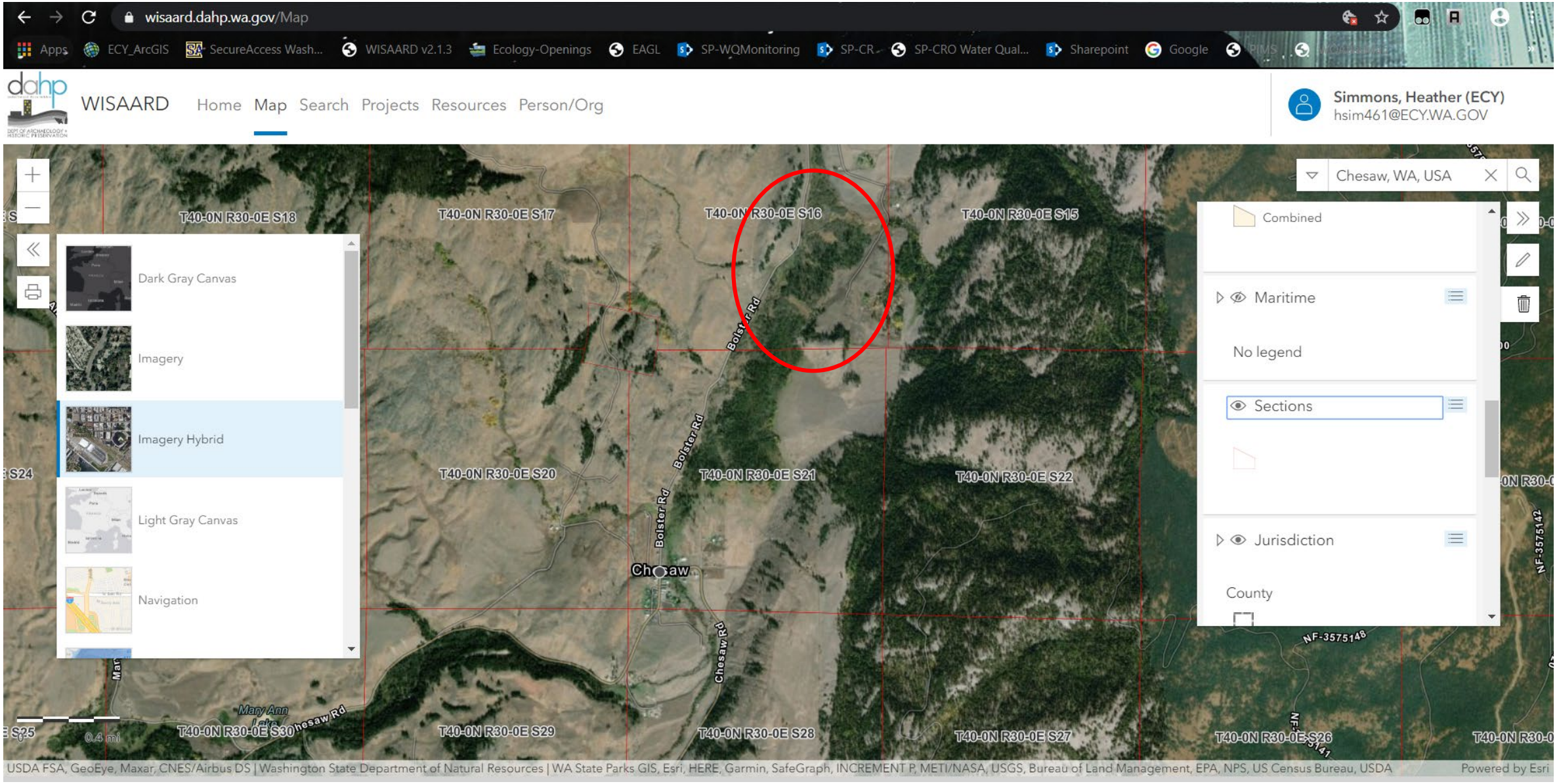
WISAARD – Public Facing Database

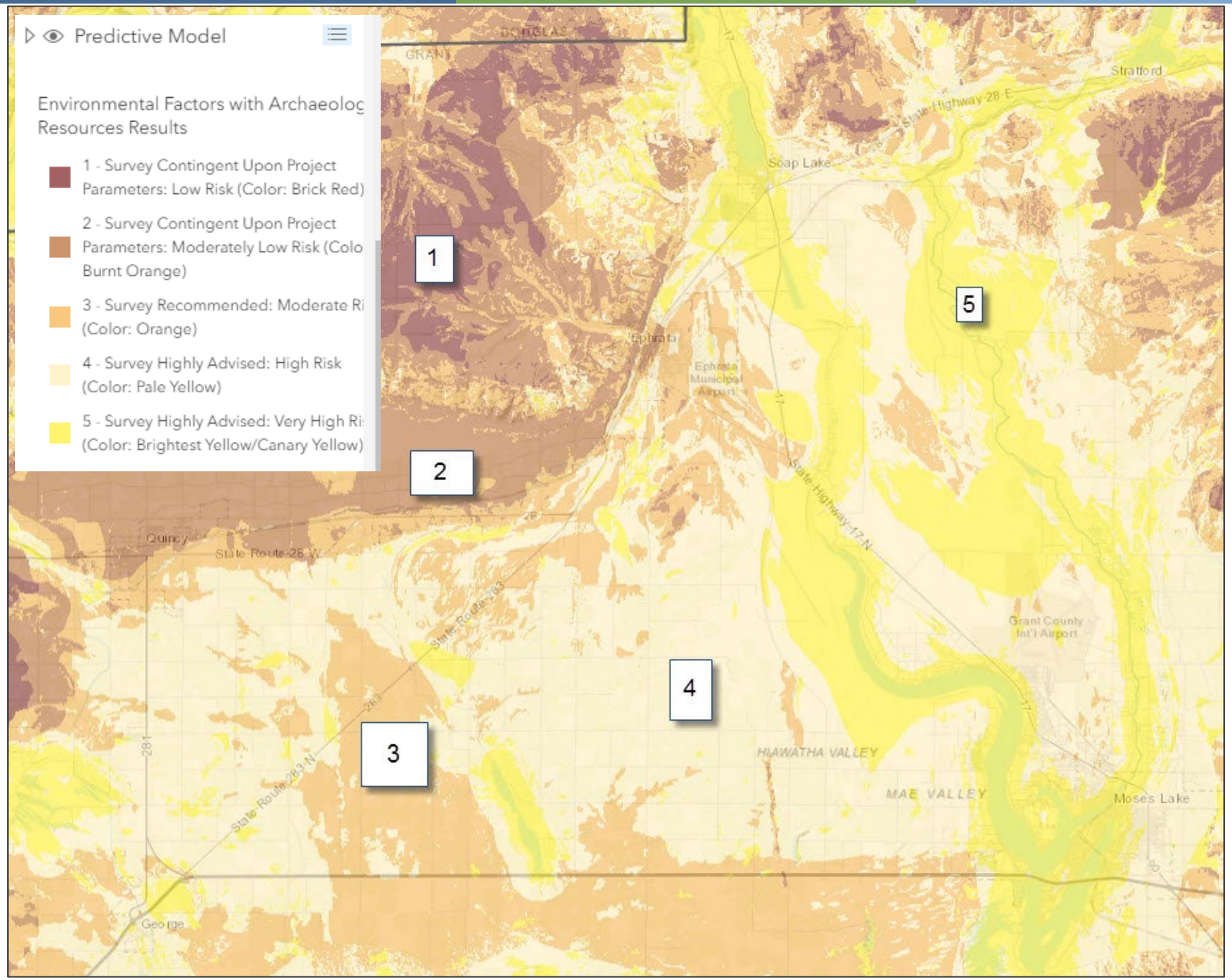
DEPARTMENT OF ECOLOGY State of Washington



WISAARD (link)
Use Chrome.
IE and Safari are not supported.

WISAARD – Public Facing Database (cont.)





DEPARTMENT OF ECOLOGY
State of Washington

Predictive Model

LEGEND

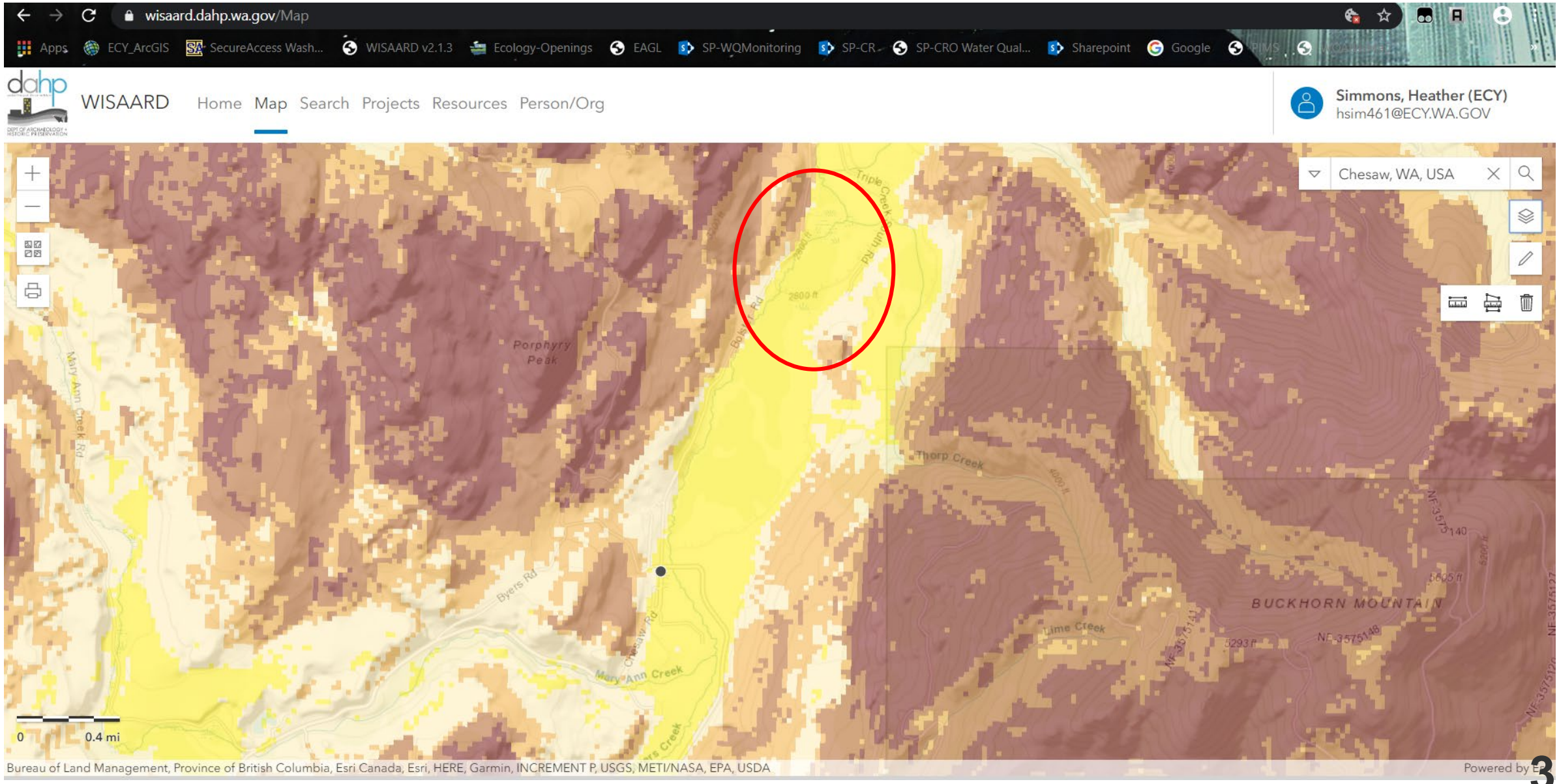
1 = Low Risk
2 = Moderately Low Risk
3 = Moderate Risk
4 = High Risk
5 = Very High Risk

The yellower the area, the more risky.

This based upon current - not historical - land form and results of surveys.

There are errors with this model, so do not be surprised if the tribes come back with information not shown in WISAARD.

WISAARD – Predictive Model

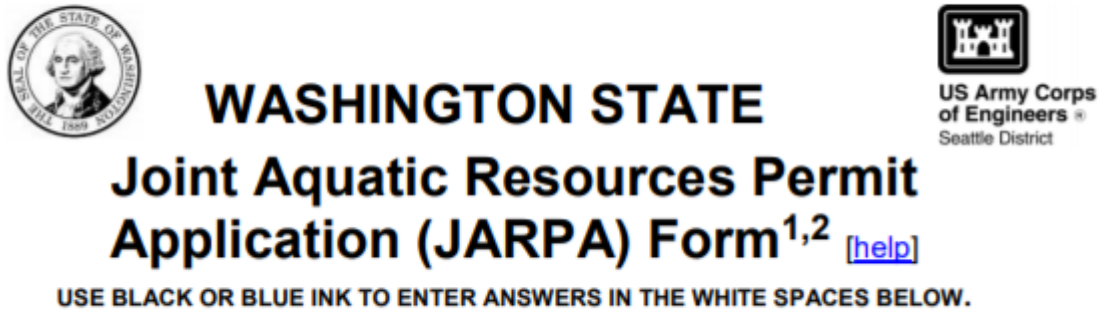


WISAARD – GLO Plat Maps

First Steps – Understanding the Project (4)

1. Communicate early with your Recipient. Don't wait for them to reach out.
2. Scope of Work, the Area of Potential Effect (APE), and project schedule? (Cultural Resources Review Form)
3. What information is already known about the project area (WISAARD)?
4. **Is there a federal nexus?**
   a. **If so, who will be the lead agency?**
   b. **If there is a federal permit, a federal agency will typically lead the consultation.**
5. Was a consultation already completed?
   a. Review: Date of consultation and surveys, scope of work, and APE, consultation letters, letter of determination.
   b. Was it adequate to cover the work described in the project design?

Cultural Resources and Permitting



WASHINGTON STATE

US Army Corps of Engineers
Seattle District

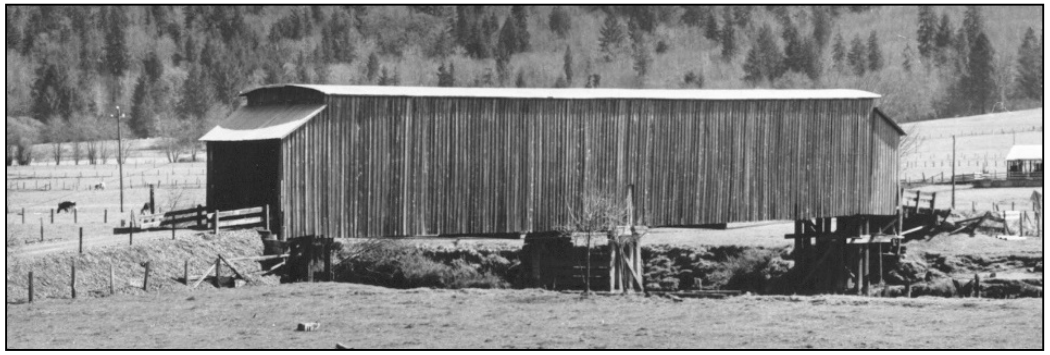
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

6h. Will any portion of the project receive federal funding?

- **If yes**, list each agency providing funds.

☐ Yes ☐ No ☐ Don't know

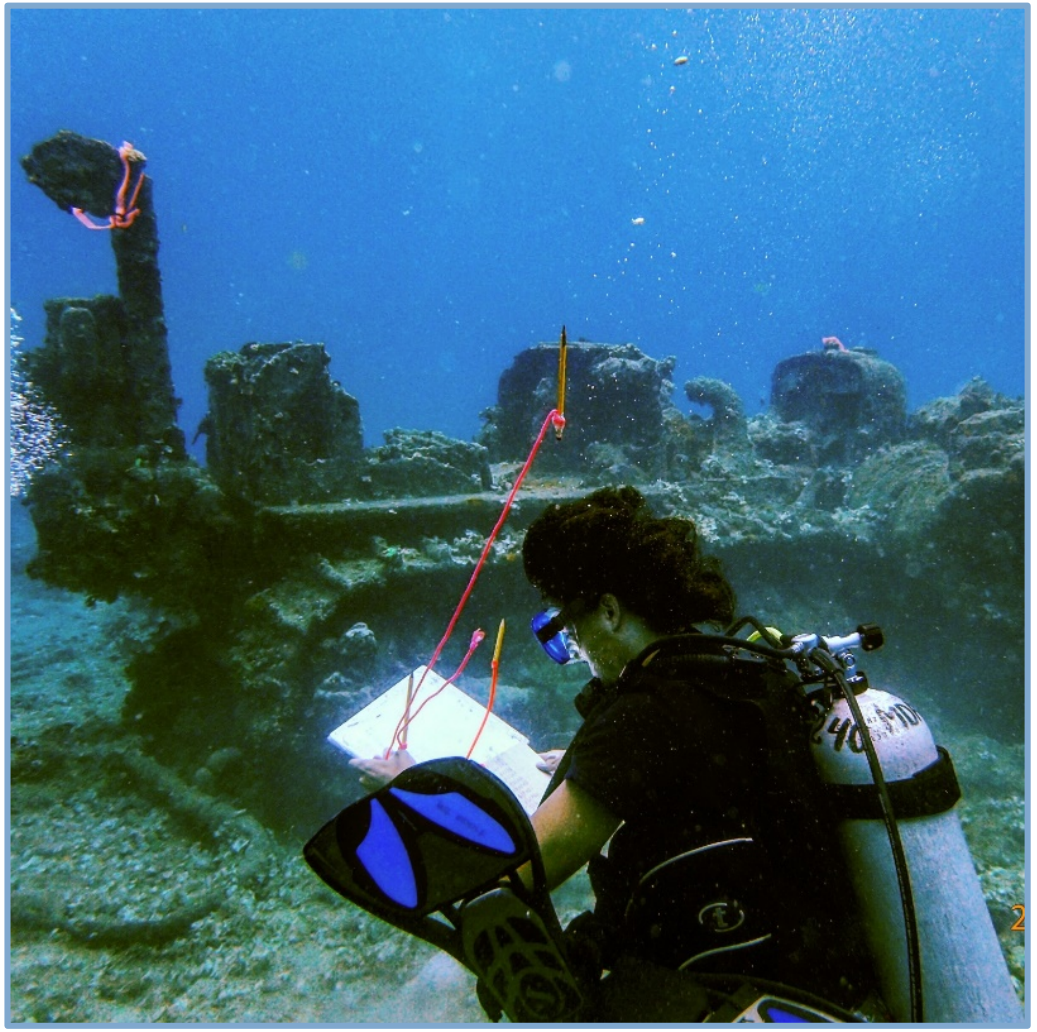


- If JARPA is required, pay attention to Question 6H.
- If you have any federal funds involved in your WQC grant/loan, **please check yes!**

First Steps – Understanding the Project (5)

1. Communicate early with your Recipient. Don't wait for them to reach out.
2. Scope of Work, the Area of Potential Effect (APE), and project schedule? (Cultural Resources Review Form)
3. What information is already known about the project area (WISAARD)?
4. Is there a federal nexus?
   a. If so, who will be the lead agency?
   b. If there is a federal permit, a federal agency will typically lead the consultation.
5. **Was a consultation (or partial consultation) already completed?**
   a. **Review: Date of consultation and surveys, scope of work, and APE, consultation letters, letter of determination.**
   b. **Was it adequate to cover the work described in the project design?**
   c. **Some consulting agencies do not want to share their consultation documents, because they are sensitive. But Ecology has the right to review them.**

Any Questions?



Ecology's Cultural Resources "typical" Review & Consultation

Grant recipient submits:

* Cultural Resources Review Form
* IDP
* Landowner Agreement

to ECY PM

→ Ecology conducts review.

→ Ecology initiates consultation with DAHP and Tribes and Issues a Preliminary Determination

→ Ecology issues a Final Determination and notifies grant recipient

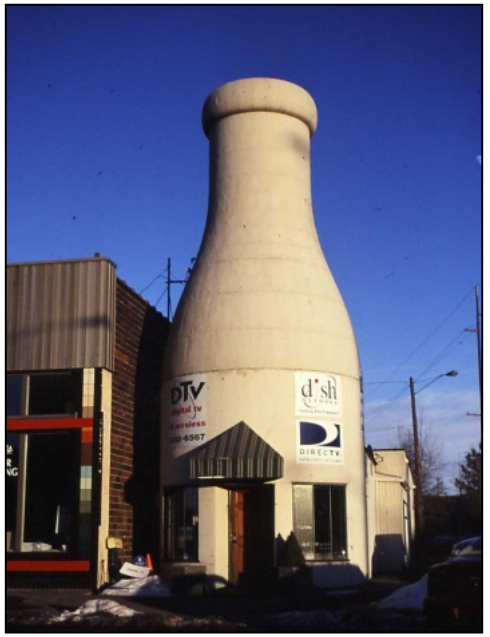
→ Project Can Start but...

From start to finish, the review process can take 2 to 3 months (six weeks minimum).

What is a final determination?

Examples of Ecology's final determinations:

1. *"No Cultural Resource Impacts with a stipulation of an Ecology IDP."*
2. *"Archaeological monitor of the APE."*
3. *"Archaeological survey of APE."*



Is a final determination really final? (hint: no)

Affected parties input, change in scope of work or archaeological discoveries can change the determination at any time.

What is Disturbance?

Disturbance (effects, impacts, etc.) caused by a project could include:

- Ground disturbance (i.e. at surface or deep, under streams).
- Disturbance or alteration of buildings over 50 years old.
- Disturbance of rocks, trees, or any above surface natural features.
- Disturbance of traditional cultural properties and sacred spaced (as defined by tribes).
- Acquisitions!!! When land is being acquired with Ecology funding, a cultural resource review is required even if no disturbance is being planned at this time.

Archaeologists…

- Provide valuable archaeological background information of the project site and larger surrounding area.

- Conduct surveys, develop monitoring plans, and reports for the project.

- Like all of us, can be super busy during the field season, so plan early.

- Should not initiate government to government consultation.

- Should coordinate with recipient and Ecology before initiating a DAHP number in WISAARD, submitting site forms, etc.

Beyond Consultation: Outreach

- Encourage you to identify tribes and stakeholders in your region and project area.
- Begin communication early.
- Outreach can avoid misconceptions and create trust for your organization.

Review & Consultation Time Frame

Project Schedule

- Simple project – 6 to 8 weeks.
- More complex project – 2 to 3 months.
- If additional requirements, such as archaeological survey, are required – one to three months.
- Depends on project, archaeologist availability, findings, season, etc…

****Discuss with Ecology Project Manager sooner rather than later!**

How Does It Impact Your Budget?

DEPARTMENT OF ECOLOGY State of Washington

Project Budget

- Budgeting for cultural resources review depends on project scope, size of APE, and overall risk of your project area.
- During project agreement negotiation, include:
  - Your staff time to prepare and review cultural resource documents.
  - Possible archaeologist consultant time.

Discuss with Ecology Project Manager sooner rather than later

Alternatives to a “typical” Review & Consultation

Three common alternatives:

- Adoption Is an Option.
- Straight to Survey.
- Bundling projects (batch consultation).

Historic barn in Kittitas County.

Adoption

- Adoption is an option when: Another agency has completed cultural review of the same APE and encompasses the Scope of Work as your project and the entire APE of your project.

- If you are aware of previous cultural resource work done within your project area, discuss with your Ecology Project Manager.

- Please know that there is never a guarantee a previous consultation can be adopted. Different agencies have different standards and requirements have changed over time.

- If you think adoption is an option, talk with your Ecology PM early!

Adoption (cont.)

For Ecology to consider adoption, you will need to provide the following to your Ecology PM:

- A completed Cultural Resources Review Form, IDP, and signed 10-year landowner agreement.
- A copy of any surveys or monitoring reports completed.
- A copy of all correspondence with DAHP.
- A copy of all correspondence with tribes.

It is YOUR responsibility to track down and provide this documentation.

Adoption - Example

2020 – Nason Creek

- RCO completed consultation for a larger project.
- Survey report completed.
- Input from tribes required additional testing. Survey updated.
- Recipient submitted CRR form to Ecology PM. IDP developed and uploaded to EAGL.
- Ecology Cultural Resource Contact consulted with tribes and DAHP proposing to adopt consultation.
- Adopted consultation.

Straight To Survey*

- Straight to Survey is when the grant recipient has knowledge that their proposed project area may be within a very high cultural sensitive area.
- An archaeological survey is conducted at the proposed project site prior to Ecology initiating a cultural resources review.
- An archeological survey report is provided to Ecology's along with a cultural resource review form, an IDP, and a signed landowner agreement (get before survey).
- Ecology then conducts a cultural resources review and the formal 30 to 35 day government to government consultation.
- Advantage:
  - Reduces chance of inadvertent discovery at your project site.
  - Saves time in the review and consultation process.

* Discuss with your Ecology Project Manager before scheduling archaeological survey.

Straight to Survey – Examples

1. Project areas along historic fishing areas *i.e. along the Columbia River and Coast.*

2. Areas where an archaeological surveys have always been required in the recent past.

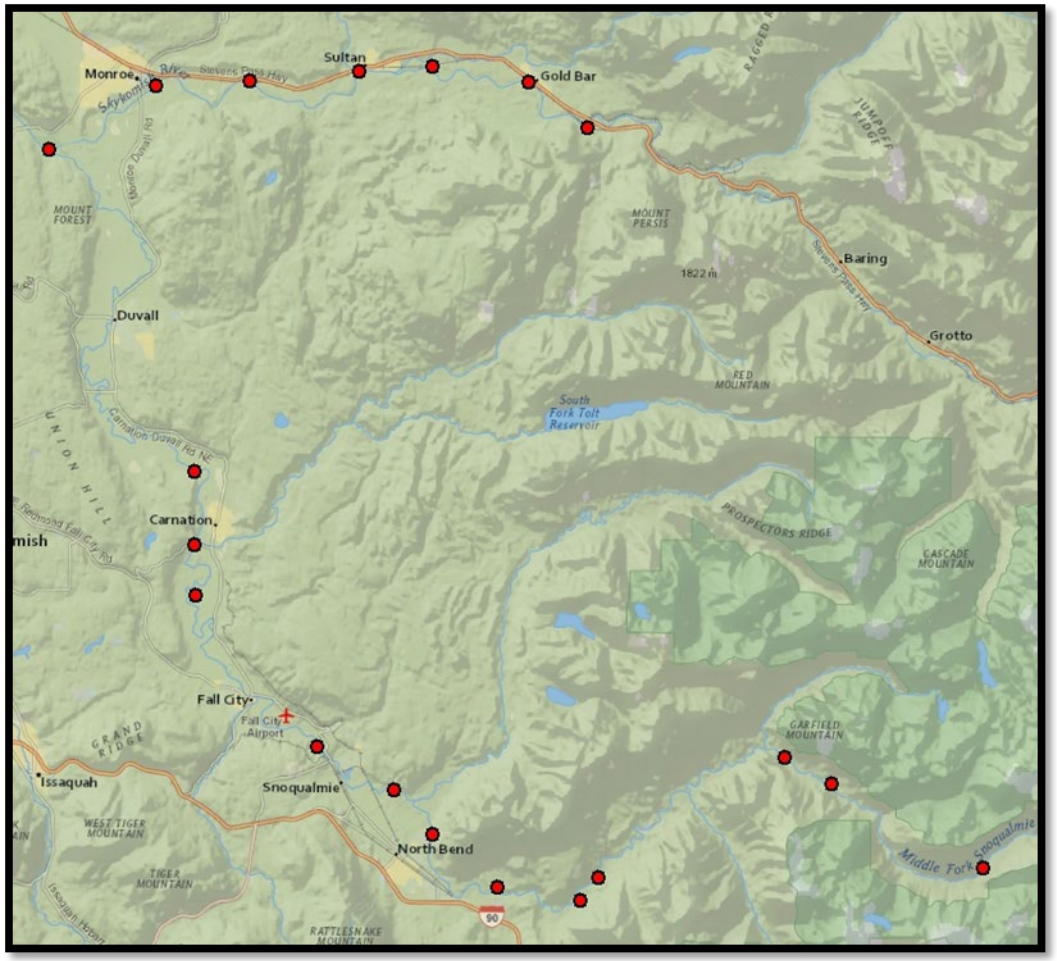
3. Areas where WISAARD predictive model shows a very high risk.

4. Pre-consultation coordination with tribes, DAHP, or other stakeholders.

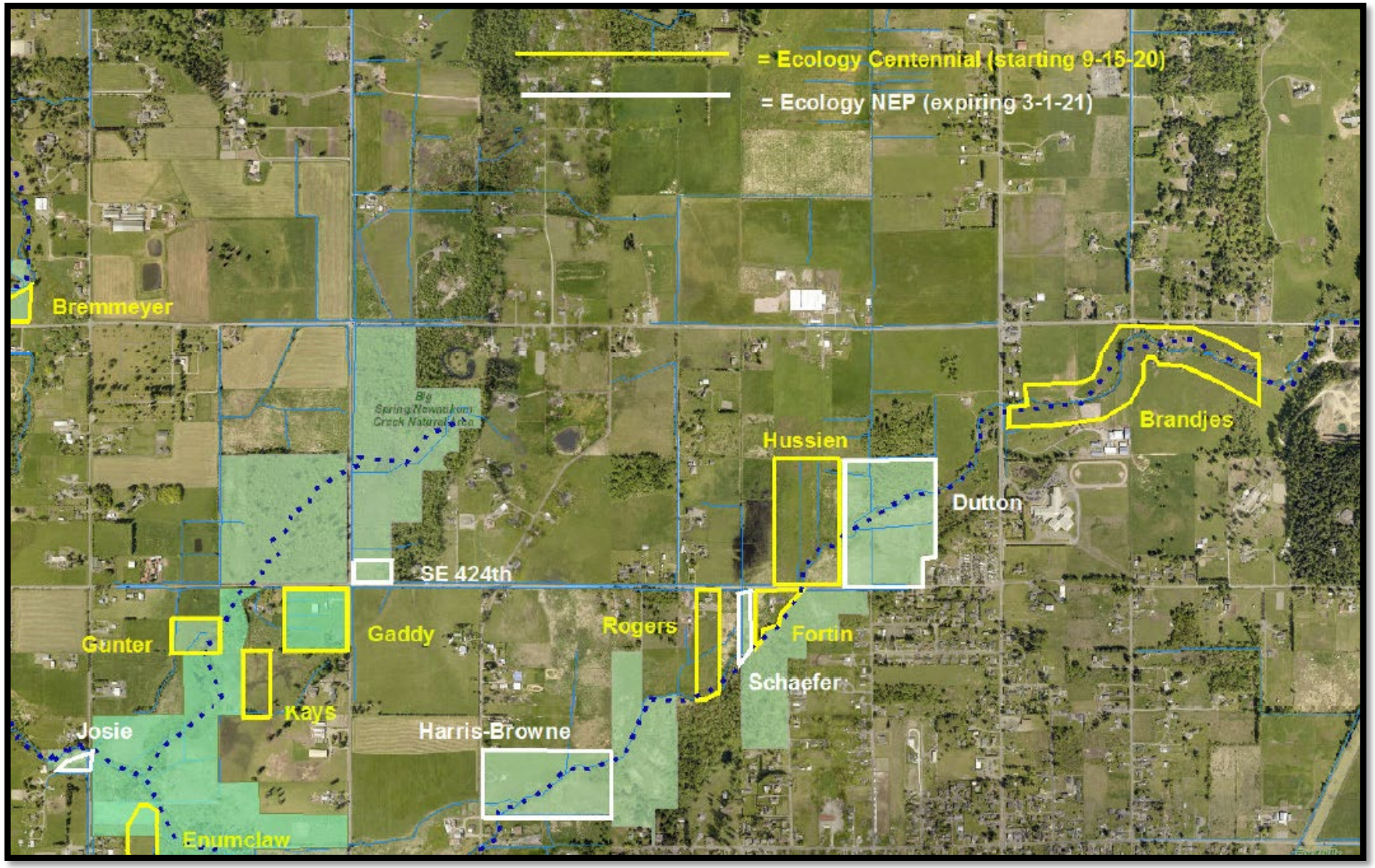
5. Known or observed historic resources on site.

Example – Batched Consultation

- Batched consultations can be helpful for identical projects at multiple locations.
    - Onsite Septic System Replacements
    - Riparian Plantings
    - Stormwater Improvements
    - Stream Monitoring
- Batched consultation allows for the entire project to move forward together, rather than a site-by-site approach.



Batched Consultation



Ways to Increase Efficiency

- Communicate early and often with your grant manager. Make sure they understand your project and that you understand the process.
- Ensure the initial consultation information (21-02, past surveys, maps, etc.) you send is complete. Incomplete consultation ‘packages’ can result in problems with interagency coordination, and even result in duplicative consultation on the same project (wasting time!)
- Do you have all the landowners involved (have a landowner agreement in place)?
- *Sometimes a short pre-consultation meeting with the **Ecology Project Manager** and **Cultural Resource Staff** can save weeks of back and forth emails.*

Questions?

10,000 year old stone tool found in suburban Seattle, Bear Creek, R. Kopper / SWCA

Inadvertent Discovery Plan (IDP)

- Required for any project Ecology is involved with that has the potential to impact cultural resources, regardless of whether consultation is completed or not.
- Ecology's Inadvertent Discovery Plan Template (last update June 2021).
- Ecology IDP Video available on DAHP's IDP site.
- The IDP should be made available to all staff, contractors, and volunteers on the site. They should be familiar with the contents and where to find it.

IDP (cont.)

laminated copies of photos available – ask your Project Manager

DEPARTMENT OF ECOLOGY State of Washington

INADVERTENT DISCOVERY PLAN

PLAN AND PROCEDURES FOR THE DISCOVERY OF CULTURAL RESOURCES AND HUMAN SKELETAL REMAINS

To request ADA accommodation, including materials in a format for the visually impaired, call Ecology at 360-407-6000 or visit https://ecology.wa.gov/accessibility. People with impaired hearing may call Washington Relay Service at 711. People with a speech disability may call TTY at 877-833-6341.

Site Name(s): _____ Location: _____

Project Lead/Organization: _____ County: _____

If this Inadvertent Discovery Plan (IDP) is for multiple (batched) projects, ensure the location information covers all project areas.

1. INTRODUCTION

The IDP outlines procedures to perform in the event of a discovery of archaeological materials or human remains, in accordance with applicable state and federal laws. An IDP is required, as part of Agency Terms and Conditions for all grants and loans, for any project that creates disturbance above or below the ground. An IDP is not a substitute for a formal cultural resource review (Executive 21-02 or Section 106).

Once completed, **the IDP should always be kept at the project site** during all project activities. All staff, contractors, and volunteers should be familiar with its contents and know where to find it.

2. CULTURAL RESOURCE DISCOVERIES

A cultural resource discovery could be prehistoric or historic. Examples include (see images for further examples):

- An accumulation of shell, burned rocks, or other food related materials.
- Bones, intact or in small pieces.
- An area of charcoal or very dark stained soil with artifacts.
- Stone tools or waste flakes (for example, an arrowhead or stone chips).
- Modified or stripped trees, often cedar or aspen, or other modified natural features, such as rock drawings.
- Agricultural or logging materials that appear older than 50 years. These could include equipment, fencing, canals, spillways, chutes, derelict sawmills, tools, and many other items.
- Clusters of tin cans or bottles, or other debris that appear older than 50 years.
- Old munitions casings. ***Always assume these are live and never touch or move.***
- Buried railroad tracks, decking, foundations, or other industrial materials.
- Remnants of homesteading. These could include bricks, nails, household items, toys, food containers, and other items associated with homes or farming sites.

Implement the IDP if you see...

Chipped stone artifacts.

Examples are:

- Glass-like material.
- Angular material.
- "Unusual" material or shape for the area.
- Regularity of flaking.
- Variability of size.

Stone artifacts from Oregon.

Stone artifacts from Washington.

Biface-knife, scraper, or pre-form found in NE Washington. Thought to be a well knapped object of great antiquity. Courtesy of Methow Salmon Rec. Foundation.

ECY 070-560 (rev. 10/20) 8 IDP Form

Implement the IDP if you see...

Ground stone artifacts.

Examples are:

- Unusual or unnatural shapes or unusual stone.
- Striations or scratching.
- Etching, perforations, or pecking.
- Regularity in modifications.
- Variability of size, function, or complexity.

Above: Fishing Weight - credit CRITFC Treaty Fishing Rights website.

Artifacts from unknown locations (left and right images).

ECY 070-560 (rev. 10/20) 9 IDP Form

Includes:

- What a discovery may look like.
- What to do if a discovery is found or suspected.
- Who to contact.
- Special procedures for human remains.
- What happens next.
- Under what conditions the project may proceed.

Discoveries

What is a discovery? What happens when one is made? Hint: DON'T PANIC!

- An inadvertent discovery means something was found when it was not expected.
- There are state laws we must follow on discoveries. This is not part of consultation.
- While some discoveries can occur on the surface, including scatters of artifacts, most happen with projects involving excavation.
- We can have discoveries in heavily disturbed areas. Why? Because years ago, they were not paying attention to cultural resources and there were no state cultural resource laws prior to 2005.
- Discoveries happen all the time for Ecology projects. As long as your IDP is followed correctly, delays are typically minimal.

Discoveries (cont.)

- Even when a proper consultation is completed; even when an archaeological survey is done; there can always be a discovery. The most important thing is that it is recognized, ***work stops immediately***, ***the discovery is protected***, and there is an IDP on site that is followed.

- DAHP and the tribes will verify what the discovery is and provide recommendations on what needs to be done next and under what conditions the project can continue.

- They may want to remove the item, they may want it left in place with a protective no-entry buffer around it, or they may only want to document it.

Discoveries can include historic resources

Ellensburg, WA
Stormwater project, discovery required archaeological permit - City had IDP and implemented it properly. Intact foundation of the Durgan House, survived the great Ellensburg fire of July 4th 1889.

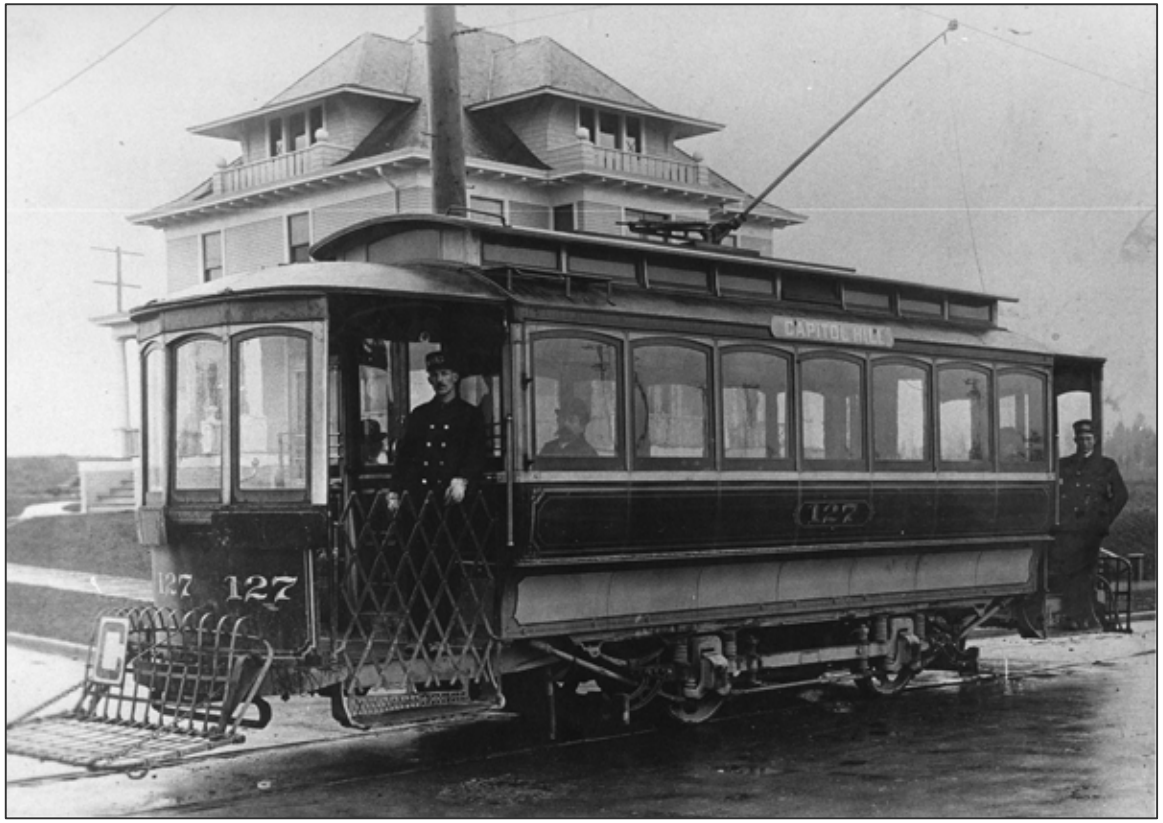
Historic resource discovery, Stormwater Project 2014. Water Quality Program

Discoveries can be made on the surface

- Historic ammunition discovered while planting trees on the banks of the Skagit River.
- Leave in place, do not touch.
- Follow your IDP!

Many cities had early forms of transit

City of Spokane trolley track system, still visible today.



City of Seattle Municipal Street Railway System – first of its kind in the Nation!

Damage can occur to historic city features, such as trolley tracks, when contractors are not aware of IDP.

Discoveries Can Represent Time:

Recovered from South Magnolia CSO, Ecology SRF Funded Clean Water project

Nippon Beer bottle (during the prohibition era) produced 1921 – 1933.

Discoveries often represent people

Data recovery on an National Register eligible historic site representing a multi-ethnic low income community dating back to 1911-1942. This community, formerly called Smith Cove Shacktown, was evacuated, purposely burned and buried under 14 feet of fill by the Navy in 1942. The Navy then built a depot in this location.

This community was re-discovered when excavating for the South Magnolia CSO project.

Items reflect the times

- Several items demonstrate ethnic diversity in the community.
- Native American using glass bottle flakes as if chipped stone tools or lithics.
- Sino-Japanese populations present – three Japanese liquor bottles, Chinese coins, Chinese brownware and Japanese hand-painted teapot.

- Over 2600 historical artifacts
- Food waste, glass bottles
- Ceramics, leather shoes/boots
- Personal hygiene items
- Furniture and construction items
- Structural remains of a small pier
- Coins, railway tokens, toys (pitchfork), police suspenders, and prince nez style glasses

Example
Discovery Done Correctly

2017 – Methow Watershed

- Cultural Resources Review completed successfully in 2015 (adopted previous survey).
- May of 2017, Recipient emailed Ecology Project Manager letting them know that a carved stone was found and work was stopped.
- DAHP and Ecology suggested a 20 foot buffer be created around the location of discovery.
- Colville Tribe concurred although expressed that in future adoptions, they would still like to be notified of projects (suggested 15 day comment period).
- Archaeologist did an assessment of site and completed a report that was shared with Colville.
- Everyone then concurred that work could continue as planned (rock was discovered outside planting area).

Tips for a Successful Cultural Resources Review

- Communicate with your Ecology PM early in your project.
- Allow enough time in the project schedule.
- Only proceed with site work if received notification from Ecology.
- Have IDP at your project site.

Problems That Can (Should) Be Avoided

1. **After The Fact Review**– more costly and time consuming
2. **Discovery** – **IDP Protocol Not Followed** – could result in additional costs or lawsuits that will not be covered by your grant or loan.
3. **Trying to adopt outdated documents** or inappropriate surveys in lieu of consultation.
4. Consultation initiated by the **wrong agency**. Can result in delays.
5. **Waiting too long** to initiate consultation (fast track not always guaranteed). Archaeologists are busy during field season too!
6. **Landowner agreement** not secured.

Shell midden.

Teamwork!

- We are all working together to improve the environment and protect and enhance water quality.
- Ecology, DAHP, and the Tribes want to see your project be successful.
- Together we can ensure your project is a success and cultural resources in Washington State are protected for future generations!

We're Here to Help!

Have further questions or want to discuss your project further?

- **First Point of Contact - Your Ecology Project Manager**
- **State-wide CRC's**
  - **Liz Ellis**, (360) 407-6429 - Section 106 (all), NEP, 319 Nonpoint, Wastewater
  - **Seth Elsen**, (360) 407-6703 – EO 21-02, OSS, Nonpoint Financial Manager
  - **Michelle Myers**, (360) 407-6564 - EO 21-02, Stormwater Financial Manager
- **Central Region CRC**
  - **Heather Simmons**, 509-379-4600, EO 21-02, Non-Point Project Manager
- **Eastern Region CRC**
  - **Cynthia Wall**, 509-570-4145, EO 21-02, CCWF / SRF Project Manager

Environmental Review for Loan Projects

TRAINING - STATE ENVIRONMENTAL REVIEW PROCESS (SERP) for STATE REVOLVING FUND (SRF) LOANS

WHEN: July 15, 2021 1:00pm – 3:30pm

WHO: Liz Ellis, Ecology State Environmental Review Coordinator & Cynthia Wall, Ecology Eastern Region Project Manager

WHERE: Virtual WebEx – See Ecology Website to sign up

Beaver Dam Analogs in Okanogan County, Okanogan Highlands Alliance

Please complete the survey questions when you exit this training. The feedback really helps us!

Thank you!
Questions?