

DRAFT

Procedure: Cultural Resource Review when a District uses WSCC assistance (12-1-14)

-Since the Governor's Executive Order 0505 holds WSCC accountable for Cultural Resource reviews for Projects that WSCC funds, the WSCC Executive Director will make any final decisions regarding whether a Cultural Resource Site Survey or any additional Cultural Resource activities are required to be done before WSCC reimbursement will be made.

-To comply with GEO-0505, the following is the procedure that WSCC will use to assist districts to meet the GEO-0505 requirements.

Step 1. The District will determine if the project involves any ground disturbing activities or involve any structures 50 years or older?

- *If the answer is "no", the District must document this in their practice file, and notify the WSCC Cultural Resources Coordinator (CRC) in writing of their decision and why for CRC confirmation.*
- If the answer is "yes", go to step 2 and/or 3.

Step 2. For any activities involving structures 50 years or older, the district fills out a Historic Property Inventory form on DAHP's Historic Property Inventory online database for DAHP's review. DAHP may require more intensive investigation or mitigation of impacts to the structure depending on the historical significance of the building.

Step 3. For any ground disturbing activity, the District will always complete DAHP's EZ-1 form to describe the project.

If the District chooses to have a professional archeologist do a site specific cultural resources survey (with the archeologist following DAHP guidelines), then the complete survey report will accompany the EZ1 form.

-DAHP EZ forms available at: <http://www.dahp.wa.gov/governors-executive-order-05-05>

-DAHP CR Report Cover Sheet at: http://www.dahp.wa.gov/sites/default/files/CRSURVEYcoversheet_Aug2011.doc

Note: This step could certainly be augmented by the District working with any Tribe that is interested and willing to work with the district. Any tribal agreement concerning the project, verbal or otherwise, should be documented and included with the EZ1 report.

Second Note: At any time a district may choose to have a Cultural Resource Site Specific Cultural Resource Survey done whether one is required or not.

Step 4. The District will submit a copy of the EZ-1 Form electronically along with a site specific cultural resources survey, if there is one, and any previous tribal or DAHP correspondence regarding the project to the CRC.

Step 5. The CRC will compile and send out all of the appropriate correspondence:

a. If an EZ-1 Form:

- 1) WSCC tribal cover letter with the Director's signature and the EZ1 form to all potentially interested tribes.
- 2) An email to DAHP for review: the EZ1 form and all project correspondence including tribal, WSCC, and District correspondence.

b. If an EZ1 form and a Site Specific Cultural Resources Survey:

1) WSCC tribal cover letter with the WSCC Director's signature and only the Cultural Resource Survey (and no other correspondence unless necessary) asking for concurrence to implement to all potentially interested tribes.

2) Electronic versions of all WSCC letters, any tribal or district correspondence, and the survey will be emailed to DAHP for review.

Step 6. The WSCC CR Coordinator will send DAHP's and the tribes' correspondence and responses, or a lack of response notice to the District,

- a. If DAHP and tribes respond that there will be no effect to cultural resources or do not respond within the 30 day request period then the CRC will notify the district that the project will be considered to have complied with GEO-0505 and the project may be implemented.

The District will write an Inadvertent Discovery Plan (IDP), (if one is not in place already) and then the district or landowner may proceed with project activity. Every person working on the project site must be familiar with the IDP procedures in case any cultural resources are discovered.

The District will consider all mitigation measures into the project that are mentioned in any responses.

- b. If DAHP or a tribe requests more information, the District will be asked to compile required information and submit to WSCC's CR Coordinator and the cultural resources review process will continue.

- c. If the District, DAHP, or the tribes determine there will be an effect on cultural resources or historic properties, that cannot be avoided or adequately minimized, then go to step 7.

Step 7. The WSCC Executive Director's determination that the project will have an effect on Cultural Resources or historic properties triggers a process of formal consultation regarding whether the effect is adverse or not.

The WSCC CR coordinator will coordinate the formal consultation process.

A professional archeologist may be asked to provide input into the process if needed.

Formal consultation can result in a memorandum of agreement detailing how the adverse effects will be resolved. The CR process is complete after the MOA has been signed by the appropriate consulting parties and then the District/Landowner may proceed with project activity.

Useful References

-The WSCC Coordinator will maintain tribal contact information and provide it upon request.

-The WSDOT web site also has a current list of tribal contacts at:

<http://www.wsdot.wa.gov/tribal/TribalContacts.htm>

-Tribal cultural resources contact information at:

<http://www.dahp.wa.gov/sites/default/files/Washington%20Tribes%20Contact%20List.pdf>

-Washington Department of Archaeology and Historic Preservation (DAHP) EZ forms at:

<http://www.dahp.wa.gov/governors-executive-order-05-05>

-Governor's Office of Indian Affairs at: <http://www.goia.wa.gov/>

-Tribal information map at: <http://www.goia.wa.gov/Tribal-Information/Map.htm>

-National Historic Preservation Act, 16 USC 470: <http://www.usda.gov/rus/water/ees/pdf/nhpa.pdf>

-Protection of Historic Properties, 36 CFR 800: <http://www.usda.gov/rus/water/ees/pdf/36cfr800.pdf>

-Advisory Council for Historic Preservation: <http://www.achp.gov/>

-National Register of Historic Places at: <http://www.cr.nps.gov/nr>