

## **WSCC Cultural Resource (CR) Policy Questions and Answers – Larry Brewer (Rev 3-11-15)**

For further comments or questions, please email Larry at [lbrewer@scc.wa.gov](mailto:lbrewer@scc.wa.gov)

**Q1-** Who has CR decision making authority?

A- Since the Governor's Executive Order 0505 (GEO-0505) is directed to the State Agencies, Mark Clark as Executive Director is the final decision maker. The current policy is delegating most of that responsibility to comply with GEO-0505 to each District.

**Q2** What is an UDP, that all Districts should have?

A- The cornerstone of the WSCC policy and procedures to protect CR is the Unanticipated Discovery Plan (UDP). Because even though a CR Site survey might be completed by a professional archeologist, there is always the potential that a CR may be discovered by a Landowner or a contractor when physically implementing conservation practices and the UDP provides guidance to actually protect CR should that occur.  
- District should officially adopt their UDP.  
- also called an *Inadvertent Discovery Plan*.

**Q3-** If a CR site survey is recommended, who pays for it?

A- That is part of the practice costs, just like an engineering design that is needed for some practices.

**Q4-**Who pays for the added workload of dealing with CR.

A- That is part of the cost of the District's business of helping Landowners protect and manage their resources. Some Districts have already been addressing CR in their conservation work, and some districts will need to begin addressing CR in their conservation work.

**Q5-**What practices are exempted?

A- At this time no practices are categorically exempted from GEO-0505.

-Exemptions will be sought by WSCC, such as 1) Small Scale projects, 2) minimal disturbance practices, 3) and various other type of exemptions.

**Q6-**What if other CR policies need to be followed by other state or federal agencies.

A. The WSCC procedure (Option A) says that if a CR review is done by other state or federal agencies, then that review can be considered adequate to comply with 0505, and the District can document that review on a "GEO-0505 Complied Statement"

**Q7-**Why do we need additional forms and paperwork, when we have a system in place to consider CR?

A- No additional forms are needed by WSCC other than a District signature to verify that a CR review has been done or is not needed as part of WSCC agency documentation to expend state funds.

A- Additional forms will be needed by WSCC, if WSCC is assisting with the CR review (Option C).

**Q8-** If we have tribal clearance to do a project, why do we need to follow this procedure to do an additional review?

A-0505 directs agencies to review projects with DAHP and affected tribes, so DAHP must have an opportunity to review proposed projects as well as all affected tribes.

**Q9-** Why do we need to use the EZ1 form.

A-The DAHP EZ1 form provides a good project description in a standard format to improve the efficiency and speed of the review process by DAHP and the affected tribes. Lack of a good project description can result in more CR review work being needed.

-The EZ1 form also provides good CR documentation of the details and scope of the project for the “GEO-0505 Complied statement” signing official.

-The EZ1 form is only required by WSCC if the District uses WSCC assistance for the review (Option C).

**Q10-** Why is there a 30 day response time frame, when less time should be adequate?

A - 30 days is a customary amount of response time and stems from the federal CR procedures.

-A longer time could be requested by DAHP or a tribe if needed by them to better evaluate a project before responding.

**Q11-** Does each District need to adopt a CR policy of their own?

A- The District should officially adopt their Unanticipated Discover Plan (UDP) as discussed in question 2 above. A District could have a CR policy, if they desire.

**Q12-** Can the different CR Review options be clarified.

A- The CR procedure has been modified to better highlight the

Option A - CR review by another State of Federal Agency)

Option B – CR Review done entirely by the District

Option C – CR review done by the District with WSCC assistance.

**Q13-** How does NRCS training fit into the GOIA and DAHP training?

A- NRCS training is more directed at the federal CR requirements (Section 106) and at CR identification.

-GOIA training concerns more Government to Government training and how to work with tribes.

-DAHP training is usually more on identification, history, and importance of CR.

**Q14-** Will CR training be provided?

A- There will be WSCC training on the new CR policy.

-WSCC will work with DAHP to provide some CR training for the Districts.

-It will also be recommended that Districts seek some local training either individually or jointly.

-Local tribes could be asked to provide some valuable CR training which might also help build relationships.

**Q15-** WSCC Assistance (Option C) does not seem efficient.

A- Option C is provided to help those Districts who desire assistance with the process of complying with GEO-0505. It is hoped that after a few projects with WSCC assistance, a District will begin to complete the process on their own.

**Q16-** What is a ground disturbing activity?

A-The common definition is: any work that impacts the soil or ground from its current conditions. There is no threshold for this criterion. If the activity requires any work that goes below the surface of the ground, it requires a CR review, unless exempted by agreement with DAHP.

**Q17-**Can DAHP Wisaard Maps be used?

A- DAHP Wisaard Maps are a record of CR site surveys that are completed and the maps are used by trained archeologists to help them with a CR review or to do a site survey. Often DAHP reviews the maps when they respond to an EZ1 request.

-The lack of a recorded site near a proposed project, does not necessarily indicate a low likelihood of finding CRs on the project. But on the other hand, having CRs recorded near a proposed project could increase the likelihood of finding CRs.

**Q18** – Can WSCC help identify tribes that need to be contacted?

A-Yes, WSCC will work with GOIA (Government Office of Indian Affairs) to try to develop a contact list for Districts.

**Q19** – District staff need a clear understanding of the CR process in order to explain to landowners.

A- WSCC will be providing training on the new WSCC CR policy and CR process.

A- WSCC will also be providing some guidance on the CR process that a district should be following for GEO-0505 compliance.

**Q20** – Can some BMPs be streamlined similar to WDFW’s Habitat Enhancement Streamlined Reviews?

A- A streamlined process may be considered as one of the exemptions.

**Q21**-How can Districts know who is qualified as a professional archeologist?

A- DAHP web site provides the qualifications for a professional archeologists on their web site at:

<http://www.dahp.wa.gov/hiring-a-preservation-consultant>

**Q22**- Can option C, use of WSCC assistance be used sometimes and not other times?

A- Yes a District can use WSCC assistance (Option C) only on those projects where needed.

**Q23**- Seems like GEO-0505 was written for large scale projects and not small projects like District do.

A- You seem to be correct, however, the Commission has said that all cost shared projects with WSCC funding will follow the CR policy unless they are exempted. (See Q5 above concerning exemptions)