



STATE OF WASHINGTON

**DEPARTMENT OF ARCHAEOLOGY & HISTORIC
PRESERVATION**

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Centennial Accord Plan

Department of Archaeology and Historic Preservation

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Director/State Historic Preservation Officer

Introduction

The Department of Archaeology and Historic Preservation (DAHP) is the state's sole agency with the mission to preserve and protect Washington State's cultural resources. The agency has project review authority under federal law and archaeological permitting authority under state law. Under state law the agency is required to solicit comments from affected Tribes prior to making a decision on archaeological and Native American burial excavation permits. Under federal law, it is the responsibility of the federal agency to consult with Tribes but DAHP considers it a state responsibility to ensure federal consultation occurs and is conducted in a meaningful way.

DAHP does not have any grants available to Tribes. However, on occasion when the budget allows, DAHP may conduct a small contract with a Tribe for inventory or evaluation of cultural resources.

DAHP is the central repository for the state's cultural resource data. This is established under both federal and state laws. As part of that mandate, DAHP develops data sharing agreements with Tribes to ensure access to cultural resource data on a GIS platform. DAHP intends that within two years the agency will be able to provide a secure internet portal to tribal governments for real time access to cultural resource data as opposed to quarterly updates.

DAHP also works with Tribes, when requested, to list historic properties on either the Washington Heritage Register or the National Register of Historic Places.

DAHP in partnership with Tribes, Federal, State Agencies, and local heritage associations and concerned citizens sponsors Washington Archaeology Month to promote the protection and stewardship of the state's and tribes archaeological heritage.

Tribal Liaisons

Because the majority of DAHP staff work within numerous areas affecting tribal cultural resources there is no one tribal liaison on staff. Instead, tribes are encouraged to coordinate with DAHP staff in the area of expertise and on specific technical issues. Government-to-government and policy issues are the responsibility of the Director and State Historic Preservation Officer.

The cultural resource areas are as follows:

- Policy and Legislative issues: Dr. Allyson Brooks, 360-586-3066.
- Section 106 archaeological issues and oil spill liaison: Dr. Rob Whitlam, 360-586-3080
- Archaeological permitting and data sharing: Stephenie Kramer, 360-586-3083
- State Environmental Policy Act reviews: Stephenie Kramer, 360-586-3083
- Transportation Projects: Matthew Sterner, 360-586-3082
- Washington Heritage Register and National Register of Historic Places: Michael Houser, 360-586-3076
- Cultural Resource Data Management: Rick Anderson, 360-586-3070
- Cultural Resource Training: Russell Holter, 360-586-3533
- State Historic Preservation Plan and Preservation Collaborative: Greg Griffith, 360-586-3073.

DAHP ensures that all staff have gone through the 40 hour mediation training provided by the Thurston County Dispute Resolution Center and attend either Government to Government or Cultural Resource Training to receive education in tribal issues. DAHP requires all archaeological staff to complete federal Archaeological Resources Protection Act training.

We encourage Tribes to visit our WEB site at www.DAHP.wa.gov for more information on staff.

Consultation Protocols by Program Area

DAHP recognizes that the Tribes have a unique relationship to the state's prehistoric cultural resources and retain information that is private and sacred. DAHP respects the Tribes status as sovereign nations with unique cultures and traditions. DAHP understands that they cannot speak for Tribes on cultural resource issues, but can only convey their concerns, ensure that consultation with other agencies is being conducted in a meaningful manner and that Tribes are fully involved during the planning stages of project development.

Section 106

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consult with the State Historic Preservation Officer and affected Tribes before proceeding with a federal undertaking. An undertaking is defined as direct or indirect funding, license or permit. Tribal Historic Preservation Officers act in lieu of the State Historic Preservation Officer when designated by the National Park Service on tribal lands. Tribes must also be consulted on all projects off tribal lands as they retain unique information. The federal government is also required to fulfill their Trust responsibilities to the Tribes during the Section 106 process.

Under the National Historic Preservation Act, the consultation requirement is government to government between the federal agency and the affected Tribes. However, in many cases Tribes may feel that the federal agency is not considering all the information or may not be engaging in meaningful consultation and will ask DAHP for assistance. When this situation occurs, DAHP contends that is one of their responsibilities to the Tribes, as residents of the state, to ensure that consultation is conducted in a responsible manner and tribal concerns are being incorporated into project planning within reason. Also, because Tribes have a unique relationship to tribal cultural resources, the agency will give deference and priority to issues raised by affected Tribes. DAHP will consider and support all mitigation requests by Tribes that are within reason and feasible.

Under Section 106 the decision as to which Tribes will be engaged in consultation is held by the federal agency. However, if a Tribe contends that they should be part of the consultation process, and is being ignored by a federal agency, DAHP will raise this issue with the responsible federal agency.

DAHP will make every effort to copy THPOS and/or affected Tribes when they respond to federal agency Section 106 consultation letters. Should Tribes copy DAHP on their letters to federal agencies, DAHP will make every effort to incorporate their concerns. DAHP will continue to ask federal agencies for copies of tribal correspondence.

State Environmental Policy Act

DAHP is considered the expert agency under the State Environmental Policy Act for cultural resources. While not every SEPA review is passed through the agency, the number is growing. The local jurisdiction or agency proponent holds the final decision on SEPA mitigation and DNS determinations. However, DAHP will make every attempt to ensure that the local jurisdiction or agency proponent consults with Tribes on cultural resources and will assist Tribes in expressing their concerns and mitigation requests to the appropriate party.

Archaeological Permitting

Under RCW 27.53 DAHP is required to solicit comments from affected tribes when issuing archaeological permits. DAHP is not bound by these comments but respects that the Tribes hold unique information and have a special relationship to the resource. Therefore, DAHP will make every attempt to give tribal comments as much consideration as possible and will try to incorporate tribal suggestions. DAHP will also hold annual or semi-annual permitting meetings with tribes to listen to their concerns and engage in meaningful dialog to improve the permitting process.

Human Remains Policy

DAHP recognizes that the issue of excavating and repatriating human remains is very emotional and difficult. DAHP will continue its policy of attempting to find ways to avoid or minimize harm to burials before issuing a permit under RCW 27.44 for the full excavation of a burial to be placed in another location. DAHP also respects that each Tribe has a unique process for dealing with inadvertent burial discoveries. DAHP will work with each Tribe to understand their procedures, show deference to their tribal policies, and per tribal request will post tribal human remains guidelines on the DAHP WEB site. DAHP will also continue working with local coroners and medical examiners to ensure that these entities are respectful of tribal concerns.

State Historic Preservation Plan

DAHP will continue to include all tribes in the development of the National Park Service mandated five-year State Historic Preservation Plan. DAHP will continue to hold public meetings to gain input and direction so that the plan is truly a state plan and not a DAHP work plan. During the development of the five-year plan DAHP will ensure that at least one meeting will occur solely between DAHP and Tribal Historic Preservation Officers.

The current State Historic Preservation Plan Objective 3B(ii) states that DAHP will

Initiate regular meetings between THPOs, other tribal government representatives, and state agencies to discuss tribal cultural resource issues and to facilitate information sharing, coalition building, and state historic preservation plan implementation. These meetings should occur at least every other year and at various locations around the state.

The Preservation Collaborative is the steering committee for the State Historic Preservation Plan. The Collaborative meets three times a year. There are two tribal representatives on the Collaborative designated by the Collaborative Chair. Other members include city representatives, county representatives, planners, architects, historians, agency representatives and the general public.

Data Sharing

DAHP will continue working with Tribes to ensure that they continue to receive regular and updated cultural resource data and that the data is secure from public access. DAHP will consult with Tribes on the development and implementation of archeological predictive models throughout the state. DAHP recognizes the concern about the public release of archaeological site location and content data. DAHP has developed policies and procedures to assure the protection of archaeological sites records consistent with the Public Records Act RCW 42.17.3101.

Cultural Resource Training

DAHP includes tribal speakers as part of cultural resource training to ensure that state employees gain sensitivity to tribal issues, and learn to balance tribal concerns during project development. DAHP will continue this policy for all spring and fall sessions of cultural resource training as well as any other training that DAHP may organize.

Oil Spill Response

Dr. Rob Whitlam is the DAHP representative on the oil spill team. In coordination with Tribal Historic Preservation Officers and tribal cultural resource specialists, DAHP developed a GIS based map for the Dept. of Ecology to use during oil spill response. The map designates Tribes requiring contact for specific areas and provides information on the each tribal contact. DAHP will continue to work with Tribes and the Dept. of Ecology to update that map as necessary.

Dispute Resolution Process

DAHP does not have a formal dispute resolution process. However, for Section 106 issues disputes are mediated by the federal agency or the Federal Advisory Council on Historic Preservation. For all state level disputes, DAHP will engage the Governor's Officer of Indian Affairs to accommodate and negotiate a fair resolution for all parties.

Disputes arising from the archaeological permitting process can either be resolved through agency director intervention or through the administrative hearings board.