

# Cultural Resources Compliance during Construction



**Cultural Resources Program  
Construction Compliance Training**  
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Secretary of Transportation

# Legal Basis for Cultural Resources Compliance

## WSDOT Policy

- It is WSDOT policy to avoid any adverse impacts, where practical, to cultural resources in planning, constructing, operating, or maintaining the state's transportation systems

## Federal Law

- National Historic Preservation Act (Section 106); National Environmental Policy Act (NEPA); US Department of Transportation Act [Section 4(f)]; Archaeological Resources Protection Act (ARPA)

## State Law

- Executive Order 05-05; State Environmental Policy Act (SEPA); Archaeological Sites and Resources Protection Act; Indian Graves and Records Act; Abandoned and Historic Cemeteries Act

# Cultural Resources Commitments

- All projects will have cultural resources commitments
- At a minimum, all projects will have an Inadvertent Discovery Plan (IDP) / Unanticipated Discovery Plan (UDP)
- Familiarize yourself with these commitments in the Environmental Compliance Notebook (ECN) and Commitment Tracking System (CTS)
- Contact the Environmental Permitting and Documentation Specialists (formerly EC and ETA) or the Cultural Resources Specialist early and often with questions
- Some examples of cultural resources commitments include: archaeological monitoring; tribal monitoring; exclusion zones; additional trainings or briefings; archaeological excavations
- If commitments are not met, a project can be delayed or shut down

# Consequences of Non-Compliance

## Agency Implications

- Loss of project funding from federal partners
- Additional costs and schedule impacts
- Loss of trust from tribes, consulting parties, federal partners, and regulatory agencies

## Personal Implications

- Disturbance of a burial or burial marker is a felony offense
- Not reporting discovery of human remains is a misdemeanor offense (“duty to report”)
- Disturbance of an archaeological site is a misdemeanor offense
- Disturbance of “any glyptic or painted record of any tribe” is a felony offense

# Communications as Key for Compliance

- Environmental Permitting and Documentation Specialists (formerly EC and ETA) and Cultural Resources Specialists are here to help keep projects moving forward
- The more we communicate, the better we can meet our commitments and the better we can keep a project on time and under budget
- Immediate communication generally leads to quick resolution
- Project changes, no matter how seemingly small, must be messaged out quickly so that their potential impacts can be analyzed
- When we find out about something after the fact, it is much more difficult to deal with, but finding out after is better than not finding out
- Remember that we are all in this together and have the same goals in mind of delivering projects that are on time and under budget

# Inadvertent Discovery Plan (IDP) / Unanticipated Discovery Plan (UDP)

- IDP / UDP must be located on site at all times
- All personnel on site should know where the IDP / UDP is located
- Protocols in the IDP / UDP are put in place as soon as a discovery is made by anyone on site
- Contact PE and Cultural Resources Specialist if artifacts or bones are uncovered
- If you have a question as to whether a find might be archaeological or human, contact the Cultural Resources Specialist immediately and provide as much information as possible, including a photograph if possible
- Treat the find with respect
- Only essential personnel should be allowed into the area and appropriate channels for communications should be followed

## I might implement the IDP / UDP if ...

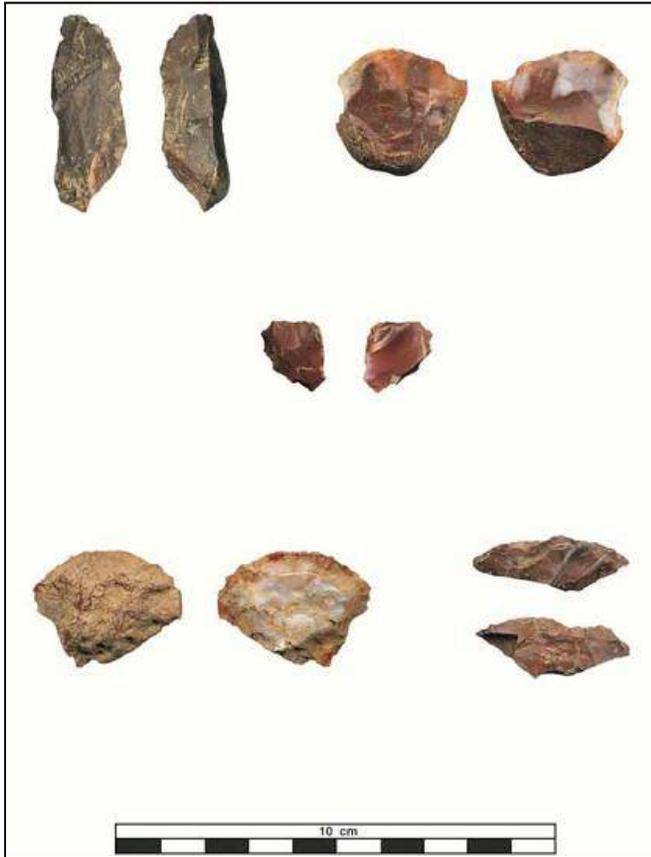
I see chipped stone artifacts.

- “Arrowheads”
- Regularly-patterned flaking
- Fractures like glass
- May have an “unnatural” shape
- May be an “unusual” material
- Angular



## I might implement the IDP / UDP if ...

I see chipped stone artifacts.



- Fractures like glass
- May have an “unnatural” shape



- Angular
- May be an “unusual” material

# I might implement the IDP / UDP if ...

I see chipped stone artifacts.



- Glass-like material
- Angular
- “Unusual” material
- Regularity of flaking
- Variability of size



## I might implement the IDP / UDP if ...

I see chipped stone artifacts.



- Regularity of flaking
- Overall “unusual” shape
- Variability of size



I might implement the IDP / UDP if ...

I see chipped stone artifacts.



- Fractures like glass
- Angular
- Overall “unusual” shape



## I might implement the IDP / UDP if ...

I see ground or pecked stone artifacts.



- Striations or scratching
- Unusual or unnatural shapes
- Unusual stone
- Etching
- Perforations
- Pecking
- Regularity in modifications
- Variability of size, function, and complexity



## I might implement the IDP / UDP if ...

I see ground or pecked stone artifacts.



- Pecked
- Regularity to modification
- May not be smooth
- May be only slightly modified



- Etching
- "Flat" sides
- Variability of size

I might implement the IDP / UDP if ...

I see ground or pecked stone artifacts.



- Smooth
- Unusual shape
- Perforated
- “Flat” sides



- Smooth
- Etching or incising
- Variability of size

I might implement the IDP / UDP if ...

I see bone or shell artifacts.



- Often smooth
- Unusual shape
- Perforated
- Carved
- Incised

## I might implement the IDP / UDP if ...

I see bone or shell artifacts.



- Often smooth
- Unusual shape
- Carved
- Often pointed if used as a tool
- Often wedge shaped like a “shoe horn”



## I might implement the IDP / UDP if ...

I see bone or shell artifacts.



- Often smooth
- Unusual shape
- Perforated
- Variability of size



## I might implement the IDP / UDP if ...

I see bone or shell artifacts.



- Tubular shells (“tusks”)
- Perforated
- Variability of size



I might implement the IDP / UDP if ...

I see fiber or wood artifacts.



- Wet environments needed for preservation
- Variability of size, function, and complexity
- Rare

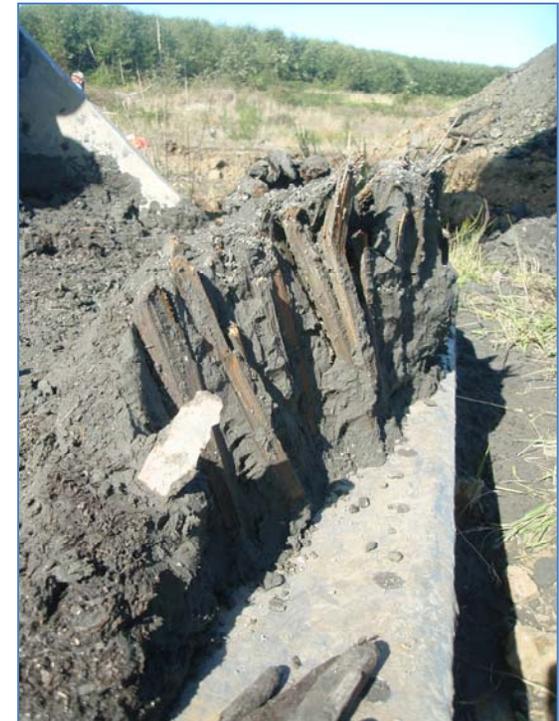


# I might implement the IDP / UDP if ...

I see fiber or wood artifacts.



- Wet environments needed for preservation
- Variability of size, function, and complexity
- Rare



I might implement the IDP / UDP if ...

I see historic period artifacts.



## I might implement the IDP / UDP if ...

### I see strange, different or interesting looking dirt, rocks, or shells?



- Human activities leave traces in the ground that may or may not have artifacts associated with them
- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Charcoal or charcoal-stained soils
- Oxidized or burnt-looking soils
- Accumulations of shell
- Accumulations of bone or artifacts
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

## I might implement the IDP / UDP if ...

I see strange, different or interesting looking dirt, rocks, or shells?



- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

## I might implement the IDP / UDP if ...

I see strange, different or interesting looking dirt, rocks, or shells?



- Accumulations of shell
- Often dense
- Often associated with a dark black soil
- Often associated with fire-cracked rock



## I might implement the IDP / UDP if ...

I see strange, different or interesting looking dirt, rocks, or shells?



- Accumulations of shell
- Black soil
- Fire-affected and fire-cracked rock

## I might implement the IDP / UDP if ...

I see strange, different or interesting looking dirt, rocks, or shells?



## I might implement the IDP / UDP if ...

I see strange, different or interesting looking dirt, rocks, or shells?



- Often have a layered or “layer cake” appearance
- Often associated with black or blackish soil
- Often have very crush and compacted shell

## I might implement the IDP / UDP if ...

I see historic debris?



- If the materials are 50 years or older, they could be historically significant and must be evaluated
- Foundations
- Walls
- Roads
- Railroad grades
- Wells
- Privies
- Infrastructure

**I might implement the IDP / UDP if ...**

**I see historic debris?**



## I might implement the IDP / UDP if ...

I see historic debris?



- Wooden gutter beneath historic demolition rubble

## I might implement the IDP / UDP if ...

I see historic debris?



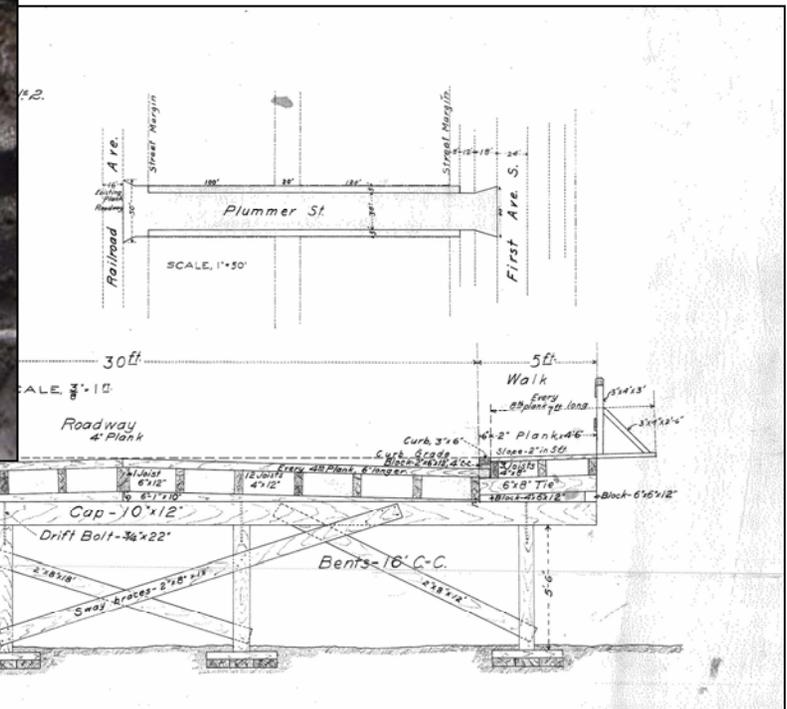
- Wood not so rare in historic sites
- Dimensional
- Sawn or cut
- Nails or fasteners
- Variability of size, function, and complexity

# I might implement the IDP / UDP if ...

I see historic debris?



- Wooden, spread-foundation footing for Plummer Street



**I might implement the IDP / UDP if ...**

**I see historic debris?**



I might implement the IDP / UDP if ...

I see historic debris?



# I might implement the IDP / UDP if ...

I see historic debris?

