PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE U.S. FOREST SERVICE
THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,
THE WASHINGTON STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE FEDERAL-AID HIGHWAY PROGRAM IN WASHINGTON

WHEREAS, the Federal Highway Administration Washington Division (FHWA), administers in Washington State the Federal-Aid Highway program authorized by the Federal-Aid Highway Act (23 U.S.C. 107 (d) - 313), through the Washington State Department of Transportation (WSDOT), which includes highway construction projects on National Forest Systems (NFS) lands; and

WHEREAS, the U.S. Forest Service (USFS) administers federal lands in Washington and may issue its consent under Title 23 U.S.C. Sections 107d and 317 when FHWA appropriates NFS lands for the program; and,

WHEREAS, the FHWA and USFS have determined that FHWA administration of the highway program and USFS issuance of its consent for appropriation of federal land for the program may have an effect on properties included in or eligible for the National Register of Historic Places; and

WHEREAS, pursuant to 36 CFR Part 800.14(b) of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) the FHWA, WSDOT, and the USFS have consulted with the Washington State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP); and

WHEREAS, FHWA recognizes that it has a unique legal relationship with Indian tribes (Tribes) set forth in the Constitution of the United States, treaties, statutes, and court decisions, and that consultation with an Indian tribe must, therefore, recognize the government to government relationship between the federal government and Indian tribes; and

WHEREAS, in the development of this Agreement, FHWA and WSDOT have consulted with federally recognized Indian tribes (listed in Exhibit 1) that ascribe traditional cultural and religious significance to historic properties that may be affected by Federal –Aid Highway projects in the State of Washington; and

WHEREAS, nothing in this PA changes, abridges, or abrogates tribal treaty rights.

NOW, THEREFORE, the FHWA, USFS, WSDOT, SHPO, and ACHP agree that the highway program shall be administered in accordance with the following stipulations to satisfy FHWA and USFS Section 106 responsibilities for undertakings on National Forest System (NFS) lands in Washington State.

STIPULATIONS

1. The FHWA will act as the lead federal agency for the purpose of compliance with Section 106 of the National Historic Preservation Act (NHPA) for all undertakings initiated under the Federal-aid highway program occurring on lands administered by the USFS in Washington State. In turn, FHWA designates WSDOT to carry out certain activities in order to fulfill its responsibilities under the NHPA. These activities include initiating and carrying out consultation with federally recognized tribes and other consulting parties, determining the Area of Potential Effects (APE) for undertakings that qualify under Exhibit 2, conducting cultural resource surveys, and recommending determinations of eligibility and effect on behalf of FHWA.

2. The USFS retains the right to assume lead federal agency status for projects that do not qualify under Exhibit 2 if it chooses to do so.

3. The USFS retains its responsibilities for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Archaeological Resources Protection Act (ARPA), and Section 110 of the NHPA for resources existing within rights-of-way located on NFS lands, and lead agency responsibility for compliance with Section 106 for non Federal-Aid Highway projects on NFS lands.

4. The FHWA, or WSDOT on behalf of FHWA, will consult with the USFS, SHPO/THPO, tribes, and other consulting parties and the ACHP, as appropriate and consistent with this Agreement and 36 CFR 800, for all WSDOT activities on NFS lands. These include land appropriations under Title 23 U.S. Code. Federal-Aid Highway projects under Title 23 include materials site exploration, borrow and material sources, haul roads, plant sites and staging areas, waste sites, wetland mitigation areas, or any other facility that may be related to a Federal-Aid or potential Federal-Aid Highway projects.

5. The USFS will not be required to consult directly with the ACHP or SHPO regarding issuance of its consent for appropriation of NFS lands under Title 23 U.S.C.

6. It is a condition of entry into and continuation of this Agreement that WSDOT employs professional staff meeting the Professional Qualifications Standards established by the Secretary of the Interior.[1] WSDOT staff who possess these professional qualifications are referred to in this Agreement as Cultural Resources Specialists (CRS). Involvement

1 *See* 36 CFR Part 61. It is the intention of this Agreement that it shall be interpreted to incorporate any subsequent standards promulgated by the Secretary of the Interior as then in force at any applicable time during the course of this Agreements use.

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of CRS is required throughout the Section 106 compliance process, including but not limited to, determination of APE, conduct of cultural resource surveys, and the development of the scope of work and selection and oversight of qualified consultants.

7. Projects and activities specified in Exhibit 2 are presumed to have minimal potential to affect historic properties. Those undertakings identified in Exhibit 2 will not require review by the USFS, the FHWA, the SHPO, or the ACHP, so long as all terms and conditions set forth in Exhibit 2 are satisfactorily met. All other identified projects and activities shall be addressed in accordance with the remaining stipulations of this Agreement.

8. The WSDOT CRS will notify the appropriate Forest Service Heritage Program Manager prior to initiating projects on NFS lands for the purpose of executing this Agreement. This Agreement will serve as the Archaeological Resources Protection Act and Organic Act permits for work performed by a WSDOT CRS on NFS lands. Contractors working on behalf of the WSDOT will be required to obtain relevant permits from the appropriate Forest Service Heritage Program Manager.

9. Prior to conducting cultural resource surveys on NFS lands, WSDOT or its contractor shall obtain existing USFS cultural resource data, USFS recommendations for identifying historic properties on affected NFS lands, and USFS recommendations regarding cultural resources within the APE. For the purposes of this Agreement, "surveys" will include surface surveys and shovel and auger probes. Artifacts recovered from subsurface sampling will be collected. Documentation will be sufficient to evaluate identified resources pursuant to 36 CFR 60.4.

10. The WSDOT CRS shall submit a draft cultural resource report and recommended findings to the appropriate Forest Service Heritage Program Manager for review and comment prior to their submission by WSDOT to SHPO. The Forest Service Heritage Program Manager will have 45 days to review the draft report and return comments to WSDOT. If comments are not received from the Forest Service Heritage Program Manager within 45 days, WSDOT will submit the report to SHPO and consulting parties for comment. All cultural resource survey, site documentation and reporting standards will be in accordance with the Secretary of the Interior's Standards and Guidelines (48 FR 44720-44737, September 29, 1983) and WSDOT policies. Final reports, amendments, and correspondence pertaining to Section 106 compliance, shall be submitted to the appropriate Forest Service Heritage Program Manager and consulting parties.

    The WSDOT CRS will develop recommendations of eligibility and effect in consultation with the Forest Service Heritage Program Manager and affected tribes. For undertakings in which historic properties are adversely affected, consultation by WSDOT on behalf of FHWA will continue pursuant to 36 CFR 800.6.

11. Artifacts removed from NFS lands shall remain the property of the federal government

and be curated in compliance with 36 CFR 79 at a repository approved by the appropriate Forest Service Heritage Program Manager. The cost of curation will be the responsibility of WSDOT unless otherwise agreed.

12. The SHPO and USFS may conduct periodic program or project monitoring pursuant to this Agreement and the ACHP will be invited to participate in such reviews, and for reviews in which the ACHP does not participate, WSDOT will provide the ACHP with copies of the results of such reviews.

13. EMERGENCY SITUATIONS

The FHWA, or WSDOT on behalf of FHWA, will carry out the requirements of 36 CFR 800.12(b), with the following exception as provided by §800.12(b)(2). When a disaster or emergency has been declared by the President or the Governor, or if WSDOT finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel and WSDOT issues a declaration of emergency in accordance with RCW 47.28.170 and WAC 468-12-880, and an immediate threat to life or property requires emergency operations by WSDOT that affect the character or use of historic properties, WSDOT shall notify FHWA if applicable, USFS, SHPO, affected tribes and the ACHP within 48 hours of commencing the emergency undertaking. Consultation, including the opportunity to review and comment on the emergency undertaking, shall be conducted as soon as possible to determine how to proceed in a fashion that will secure, as fully as practicable under the circumstances, the protections of Section 106 of the National Historic Preservation Act.

14. ANNUAL REPORTING

The WSDOT CRS will prepare an annual report of activities conducted under this Agreement. At a minimum, the report will enumerate activities conducted under Exhibit 2. The report will be made available to each affected Forest Service Heritage Program Manager on or before September 1 of each year, and will be made available for public inspection.

15. INADVERTENT DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS

The inadvertent discovery of cultural resources and/or human remains by WSDOT during project implementation will be handled in accordance with 36 CFR 800.13 and applicable state laws and regulations. WSDOT on behalf of FHWA is the lead agency. The USFS retains its responsibility for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Archaeological Resources Protection Act (ARPA), and Section 110 of the NHPA for resources existing within rights-of-way

located on NFS lands. An inadvertent discovery plan is provided in Exhibit 3.

16. REVISION, AMENDMENT, AND TERMINATION

Any party to this Agreement may request a meeting of all other signatory parties to review the activities and procedures being carried out under this Agreement. This Agreement shall become effective upon execution by the FHWA, USFS, WSDOT, SHPO, and the ACHP; and it shall continue in full force and effect for five (5) years, or until it is amended or terminated as provided below. Before the end of the five-year term, FHWA will consult with the USFS, WSDOT, SHPO, and the ACHP to determine interest in renewing this Agreement. The Agreement may be extended for an additional term upon the written agreement of the signatories.

Any signatory party to this Agreement may request that it be amended whereupon the parties will consult to consider such an amendment. The Agreement shall only be amended by a written instrument executed by all the parties.

1. Any signatory to this Agreement may request a revision to Exhibit 2. Revisions to Exhibit 2 will go into effect upon the written agreement of the signatories to this Agreement. Such revisions do not require that this Agreement be formally amended; however, WSDOT shall provide a clean copy of the revised Exhibit 2, clearly identifying the date it became effective, to the signatories for their files.

2. Any party to this Agreement may terminate it by providing thirty (30) days written notice to the other signatory parties provided the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

17. DURATION

This Agreement shall become effective upon execution by FHWA, WSDOT, USFS, SHPO, and the ACHP; and it shall continue in full force and effect for five (5) years, or until it is amended or terminated as provided above. Before the end of the five-year term, FHWA will consult with the WSDOT, SHPO, and the ACHP to determine interest in renewing this Agreement. The Agreement may be extended for an additional term upon the written agreement of the signatories.

PROGRAMMATIC AGREEMENT

Among: The Federal Highway Administration, The US Forest Service, The Washington State Department of Transportation, the Washington State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the Federal-Aid Highway Program in Washington

SIGNATURES

Execution and implementation of this Agreement evidences that the FHWA and the USFS have afforded the ACHP and SHPO a reasonable opportunity to comment on the Washington State Federal-Aid Highway program and that the FHWA and the USFS have taken into account the effects of the program on historic properties on NFS lands.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: 1/13/12

John M. Fowler
Executive Director
Advisory Council on Historic Preservation

WASHINGTON STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 12/28/11

Allyson Brooks, Ph.D.
Washington State Historic Preservation Officer
Director, Washington State Department of Archaeology and Historic Preservation

FEDERAL HIGHWAY ADMINISTRATION

By: Daniel M. Mathis Date: 12-20-2011

Daniel M. Mathis
Division Administrator
Federal Highway Administration, Washington Division

PROGRAMMATIC AGREEMENT

Among: The Federal Highway Administration, The US Forest Service, The Washington State Department of Transportation, the Washington State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the Federal-Aid Highway Program in Washington

SIGNATURES

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By: _____ Date: 12/19/11

Paula J. Hammond, P.E.
Secretary of Transportation
Washington State Department of Transportation

U.S. FOREST SERVICE

By: _____ Date: 1/4/12

Kent Connaughton
Regional Forester
Pacific Northwest Region
USDA Forest Service

Exhibit 1: Federally Recognized Tribes Consulted on the Programmatic Agreement

All 29 federally-recognized Washington state tribes and 5 federally-recognized out-of-state tribes have been invited to consult on this agreement. These tribes include:

Washington State Tribes
Chehalis Confederated Tribes
Colville Confederated Tribes
Cowlitz Indian Tribe
Hoh RiverTribe
Jamestown S'Klallam Tribe
Kalispell Tribe
Lower Elwha Klallam Tribe
Lummi Nation
Makah Tribe
Muckleshoot Indian Tribe
Nisqually Tribe
Nooksack Tribe
Port Gamble S'Klallam Tribe
Puyallup Tribe
Quileute Tribe
Quinault Nation
Samish Tribe of Indians
Sauk-Suiattle Tribe
Shoalwater Bay Tribe
Skokomish Tribe
Snoqualmie Tribe
Spokane Tribe
Squaxin Island Tribe
Stillaguamish Tribe
Suquamish Tribe
Swinomish Tribe
Tulalip Tribes
Upper Skagit Tribe
Yakama Nation

Out-of-state Tribes
Coeur d'Alene Tribe
Confederated Tribes of Grand Ronde
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation
Nez Perce Tribe

Exhibit 2: Undertakings with Minimal Potential to Cause Adverse Effects

Federal-aid highway funds are routinely used for highway undertakings that have minimal potential to cause effects to historic properties. An undertaking of one or more of the types listed below will not require Section 106 review by SHPO or Forest Service Heritage Program Managers. If at any time in the course of the undertaking information becomes available that would make this procedure inapplicable, including but not limited to the discovery of historic properties or human remains, Section 106 review shall be initiated by FHWA or by WSDOT on behalf of FHWA in accordance with Stipulations 8-12 of this Agreement.

Exhibit 2 applies only after background research determines that there no known historic properties or eligible resources in the APE that could be affected by the undertaking.

A. Activities with No Potential to Cause Adverse Effects

A-1 Roadway surface replacement, overlays, shoulder treatments, rumble strips, pavement repair, seal coating, pavement grinding, and pavement marking, that do not expand the existing wearing surface.

A-2 Installation, replacement, or repair of safety appurtenances and traffic control devices including but not limited to glare screens, snow and ice detectors, energy attenuators, cameras, lighting, signs, signals, and informational signage/kiosks; provided the activity does not include ground disturbance.

A-3 Fencing in existing right of way, provided no grading is involved.

A-4 Landscaping on shoulders and fill slopes within the demonstrated vertical and horizontal limits of previous disturbance.

A-5 In-kind repair or replacement of curb and gutter, sidewalks and catch basins; at the same location.

A-6 In-kind emergency repairs to maintain the structural integrity of a bridge or road way, and to remove landslide and rockslide material from travel lanes and shoulders.

A-7 Hazardous waste removal that requires immediate removal within the demonstrated vertical and horizontal limits of previous disturbance.

A-8 Work within existing permitted material source pits, quarries or other borrow sources; or borrow pits that have been subject to previous Section 106 review and where no historic properties were identified.

A-9 Rock removal and stabilization activities (e.g. rock scaling, bolting) within previously disturbed areas.

A-10 Stripping and painting of bridges or replacement of expansion joints.

A-11 Replacement or extension of culverts and other drainage structures less than 50 years old and which do not extend beyond the vertical and horizontal limits of previous disturbance.

A-12 New installation, or replacement or repair of cameras, lighting, signs, signals, and other traffic control devices, guardrails, retaining walls, barriers, and informational signage/kiosks, provided the associated ground disturbance is within the demonstrated vertical and horizontal limits of previous disturbance.

A-13 Construction staging areas or other locations proposed for temporary use during construction within the demonstrated vertical and horizontal limits of previous disturbance.

A-14 Geotechnical borings (4 inches in diameter or less) from an existing roadway, data collection, and non-invasive environmental sampling required to support the planning or design of an undertaking.

B. Activities with Minimal Potential to Cause Adverse Effects, with Inspection or Monitoring

An undertaking of one or more of the types listed below will not require further Section 106 review with SHPO. These projects require coordination with the appropriate Forest Service Heritage Program Manager to determine the appropriate level of inspection or monitoring.

B-1 Work within interchanges or within medians of divided highways, within the demonstrated vertical and horizontal limits of previous disturbance.

B-2 Work between a highway and an adjacent frontage road within the demonstrated vertical and horizontal limits of previous disturbance.

B-3 Construction of turning lanes and pockets, auxiliary lanes (e.g., truck climbing, acceleration and deceleration lanes), sidewalks and shoulder widening within the demonstrated vertical and horizontal limits of previous disturbance.

B-4 Slope flattening by placement of fill material on the side slopes of intersection crossroads and accesses to meet safety criteria, and other slope flattening done

within the demonstrated vertical and horizontal limits of previous disturbance or into bedrock or glacial till.

B-5 Placement of riprap or other erosion control method to prevent erosion of waterways and bridge piers within the demonstrated vertical and horizontal limits of previous disturbance.

B-6 Roadway widening within the demonstrated vertical and horizontal limits of previous disturbance.

B-7 Installation of bicycle and pedestrian lanes, paths and facilities within the demonstrated vertical and horizontal limits of previous disturbance.

B-8 Trenching or other excavation to install, replace, or repair electrical, water, sewer lines, fiber optics, telephone cable, or other WSDOT utilities in areas demonstrated to have been previously disturbed by construction, fill, or prior trenching activities.

B-9 Construction activities for safety or stabilization of areas of continuous slides, other mass wasting, or unstable landforms as evidenced by geotechnical core samples or other geotechnical evaluation.

Exhibit 3: Inadvertent Discovery Plan Template

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

_____ PROJECT, _____ COUNTY WASHINGTON

1. INTRODUCTION

The Washington State Department of Transportation (WSDOT) plans to construct the _____ project. The purpose of this project is to _____. The following Inadvertent Discovery Plan (IDP) outlines procedures to follow, in accordance with state and federal laws, if archaeological materials or human remains are discovered.

2. RECOGNIZING CULTURAL RESOURCES

A cultural resource discovery could be prehistoric or historic. Examples include:

- An accumulation of shell, burned rocks, or other food related materials
- Bones or small pieces of bone,
- An area of charcoal or very dark stained soil with artifacts,
- Stone tools or waste flakes (i.e. an arrowhead, or stone chips),
- Clusters of tin cans or bottles, logging or agricultural equipment that appears to be older than 50 years,
- Buried railroad tracks, decking, or other industrial materials.

When in doubt, assume the material is a cultural resource.

3. ON-SITE RESPONSIBILITIES

STEP 1: STOP WORK. If any WSDOT employee, contractor or subcontractor believes that he or she has uncovered a cultural resource at any point in the project, all work adjacent to the discovery must stop. The discovery location should be secured at all times.

STEP 2: NOTIFY MONITOR. If there is an archaeological monitor for the project, notify that person. If there is a monitoring plan in place, the monitor will follow its provisions.

STEP 3: NOTIFY WSDOT PROJECT MANAGEMENT AND CULTURAL RESOURCES PROGRAM. Contact the WSDOT Project Manager and the Cultural Resources (CR) Program Manager:

WSDOT Project Manager:
Name
Number
email

CR Program Manager:
Scott Williams
360-570-6651
willias@wsdot.wa.gov

If you can't reach the CR Program manager, contact your project's assigned Cultural Resources Specialist or an alternate:

Assigned CR Specialist:	Alternate CR Specialist:
Name	Name
Number	Number
email	email

The Project Manager or the Cultural Resources Program will make all other calls and notifications.

If human remains are encountered, treat them with dignity and respect at all times. Cover the remains with a tarp or other materials (not soil or rocks) for temporary protection in place and to shield them from being photographed. Do not call 911 or speak with the media.

4. FURTHER CONTACTS AND CONSULTATION

A. Project Manager's Responsibilities:

- Protect Find: The WSDOT Project Manager is responsible for taking appropriate steps to protect the discovery site. All work will stop in an area adequate to provide for the total security, protection, and integrity of the resource. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed following provisions for treating archaeological/cultural material as set forth in this document.

- Direct Construction Elsewhere On-site: The WSDOT Project Manager may direct construction away from cultural resources to work in other areas prior to contacting the concerned parties.

- Contact CR Manager: If the CR Program Manager has not yet been contacted, the Project Manager will do so.

B. CR Program Manager's Responsibilities:

- Identify Find: The CR Program Manager (or a CR Specialist if so delegated), will ensure that a qualified professional archaeologist examines the find to determine if it is archaeological.

    - If it is determined not archaeological, work may proceed with no further delay.

    - If it is determined to be archaeological, the CR Manager or CR Specialist will continue with notification.

    - If it is uncertain if the find may be human remains , the CR Manager or CR Specialist will ensure that the WA State Physical Anthropologist examines the find. If it is determined to be human remains, the procedure described in Section 5 will be followed.

- Notify DAHP: The CR Program Manager (or a CR Specialist if so delegated) will contact the involved federal agencies (if any) and the Department of Archaeology and Historic Preservation (DAHP).

- Notify Tribes: If the discovery may relate to Native American interests, the Manager or Specialist will also contact the project's Tribal Liaison, or, if the project is not assigned a Liaison, the Executive Tribal Liaison.

Federal Agencies:

Agency:
Name
Title
Number
Email

Agency:
Name
Title
Number
Email

Department of Archaeology and Historic Preservation:

Dr. Allyson Brooks
State Historic Preservation Officer
360-586-3066

or

Matthew Sterner
Transportation Archaeologist
360-586-3082

Tribal Liaisons:

Project Tribal Liaison
Name
Number
Email

Executive Tribal Liaison
Name
Number
Email

The Tribal Liaison, or CR Program Manager or Specialist, will contact the interested and affected Tribes.

Tribes consulted on this project are:

Tribe:
Name
Title
Number
Email

Tribe:
Name
Title
Number
Email

Tribe:
Name
Title
Number
Email

Tribe:
Name
Title
Number
Email

Tribe:
Name
Title
Number
Email

Tribe:
Name
Title
Number
Email

C. Further Activities

- Archaeological discoveries will be documented as described in Section 6.
- Construction in the discovery area may resume as described in Section 7.

5. SPECIAL PROCEDURES FOR THE DISCOVERY OF HUMAN SKELETAL MATERIAL

Any human skeletal remains, regardless of antiquity or ethnic origin, will at all times be treated with dignity and respect.

If the project occurs on federal lands (e.g., national forest or park, military reservation) the provisions of the Native American Graves Protection and Repatriation Act of 1990 apply, and the responsible federal agency will follow its provisions. Note that state highways that cross federal lands are on an easement and are not owned by the state.

If the project occurs on non-federal lands, WSDOT will comply with applicable state and federal laws, and the following procedure:

A. Notify Law Enforcement Agency or Coroner's Office:

In addition to the actions described in Sections 3 and 4, the Project Manager will immediately notify the local law enforcement agency or coroner's office.

The coroner (with assistance of law enforcement personnel) will determine if the remains are human, whether the discovery site constitutes a crime scene, and will notify DAHP.

Agency
Number

B. Participate in Consultation:

Per RCW 27.44.055, RCW 68.50, and RCW 68.60, DAHP will have jurisdiction over non-forensic human remains. WSDOT personnel will participate in consultation.

C. Further Activities:

- Documentation of human skeletal remains and funerary objects will be agreed upon through the consultation process described in RCW 27.44.055, RCW 68.50, and RCW 68.60.
- When consultation and documentation activities are complete, construction in the discovery area may resume as described in Section 7.

6. DOCUMENTATION OF ARCHAEOLOGICAL MATERIALS

Archaeological deposits discovered during construction will be assumed eligible for inclusion in the National Register of Historic Places under Criterion D until a formal Determination of Eligibility is made.

Cultural Resources Program staff will ensure the proper documentation and assessment of any discovered cultural resources in cooperation with the federal agencies (if any), DAHP, affected tribes, and a contracted consultant (if any).

All prehistoric and historic cultural material discovered during project construction will be recorded by a professional archaeologist on State of Washington cultural resource site or isolate form using standard techniques. Site overviews, features, and artifacts will be photographed; stratigraphic profiles and soil/sediment descriptions will be prepared for subsurface exposures. Discovery locations will be documented on scaled site plans and site location maps.

Cultural features, horizons and artifacts detected in buried sediments may require further evaluation using hand-dug test units. Units may be dug in controlled fashion to expose features, collect samples from undisturbed contexts, or interpret complex stratigraphy. A test excavation unit or small trench might also be used to determine if an intact occupation surface is present. Test units will be used only when necessary to gather information on the nature, extent, and integrity of subsurface cultural deposits to evaluate the site's significance. Excavations will be conducted using state-of-the-art techniques for controlling provenience.

Spatial information, depth of excavation levels, natural and cultural stratigraphy, presence or absence of cultural material, and depth to sterile soil, regolith, or bedrock will be recorded for each probe on a standard form. Test excavation units will be recorded on unit-level forms, which include plan maps for each excavated level, and material type, number, and vertical provenience (depth below surface and stratum association where applicable) for all artifacts recovered from the level. A stratigraphic profile will be drawn for at least one wall of each test excavation unit.

Sediments excavated for purposes of cultural resources investigation will be screened through 1/8-inch or ¼-inch mesh, as warranted.

All prehistoric and historic artifacts collected from the surface and from probes and excavation units will be analyzed, catalogued, and temporarily curated. Ultimate disposition of cultural materials will be determined in consultation with the federal agencies (if any), DAHP, and the affected tribes.

Within 90 days of concluding fieldwork, a technical report describing any and all monitoring and resultant archaeological excavations will be provided to the Project Manager, who will forward the report to the WSDOT Cultural Resources Program for review and delivery to the federal agencies (if any), SHPO, and the affected tribe(s).

If assessment activity exposes human remains (burials, isolated teeth, or bones), the process described in Section 5 above will be followed.

7. PROCEEDING WITH CONSTRUCTION

Project construction outside the discovery location may continue while documentation and assessment of the cultural resources proceed. A WSDOT CR Specialist must determine the boundaries of the discovery location. In consultation with DAHP and affected tribes, Project Manager and Cultural Resources Program staff will determine the appropriate level of documentation and treatment of the resource. If federal agencies are involved, the agencies will make the final determinations about treatment and documentation.

Construction may continue at the discovery location only after the process outlined in this plan is followed and WSDOT (and the federal agencies, if any) determine that compliance with state and federal laws is complete.