

Cultural Resources

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


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A Global Perspective:

**95% of the Land in the World (including Antarctica)
is Regulated by Archaeological Pre-Planning and
Inadvertent Discovery Laws**



-  Countries with Eminent Domain Over Archaeology as well as Pre-Planning and Inadvertent Discovery Protection Laws
-  Countries with Archaeological Pre-Planning and Inadvertent Discovery Protection Laws
-  Undetermined



Washington State Department of Archaeology and Historic Preservation

Established by the National Historic Preservation Act of 1966

Also established by state legislation RCW 27.34

State and federally funded



Why be concerned about cultural resources?

- Cultural resources are “endangered species” too! ...cultural resource concerns need to be balanced with other environmental attributes.
- Some of your constituents are passionate about preserving these resources.
- Performing cultural resource management work upfront will save you time and money in the long run.
- Historic preservation is “green”
- State and federal statutes

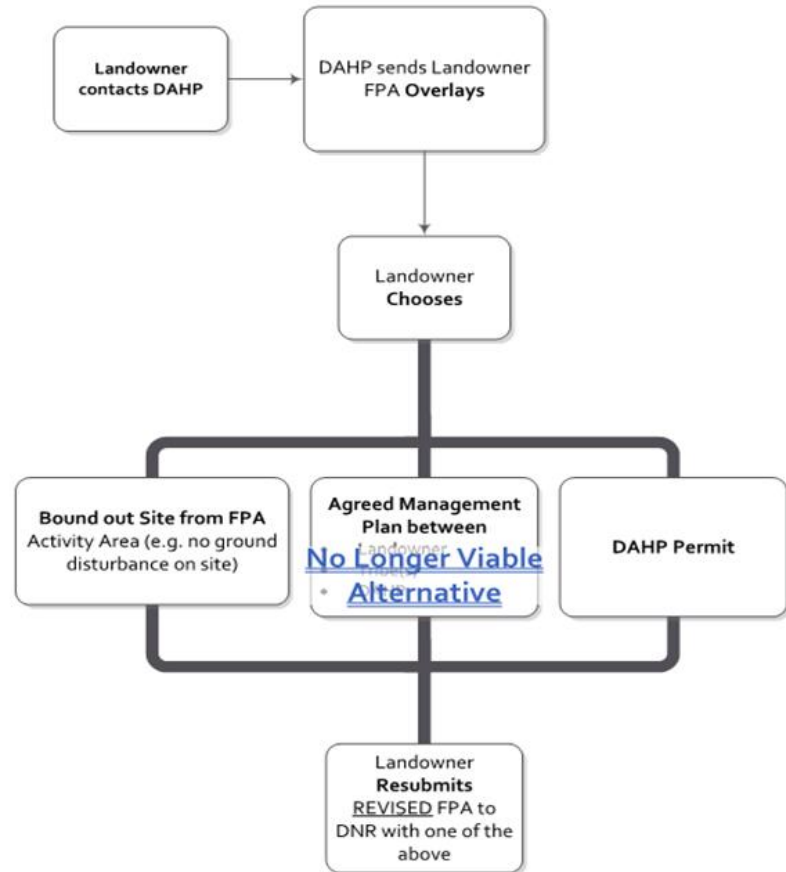
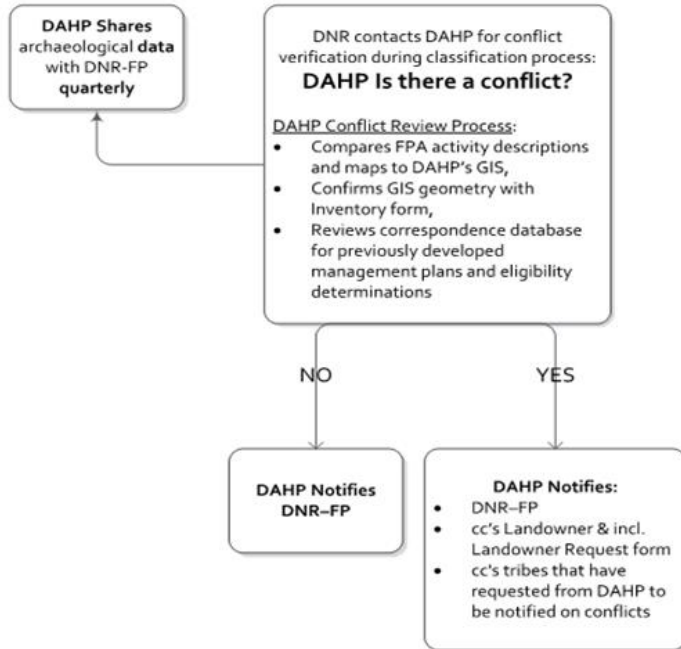


Laws Pertaining to Cultural Resources

- National Historic Preservation Act of 1966
- State Environmental Policy Act (SEPA) 1971
- Shoreline Management Act (SMA) 1971
- Growth Management Act (GMA) 1990
- RCW 27.34 WA Heritage Protection
- RCW 27.44 Indian Graves & Records (1941)
- RCW 27.53 Archaeological Sites & Resources
- Governor's Executive Order 05-05 (2005)



DAHP's Forest Practice Application Workflow





WASHINGTON STATE DEPARTMENT OF
Natural Resources

Peter Goldmark - Commissioner of Public Lands

Forest Practices Rules Pertaining to Cultural Resources

- WAC 222-16-050 Classifying FPAs with Cultural Resources
- WAC 222-20-120 Notice of forest practices that may contain cultural resources to affected Indian tribes
- WAC 222-16-010 Definition of Cultural Resources
- WAC 222-10-010 SEPA



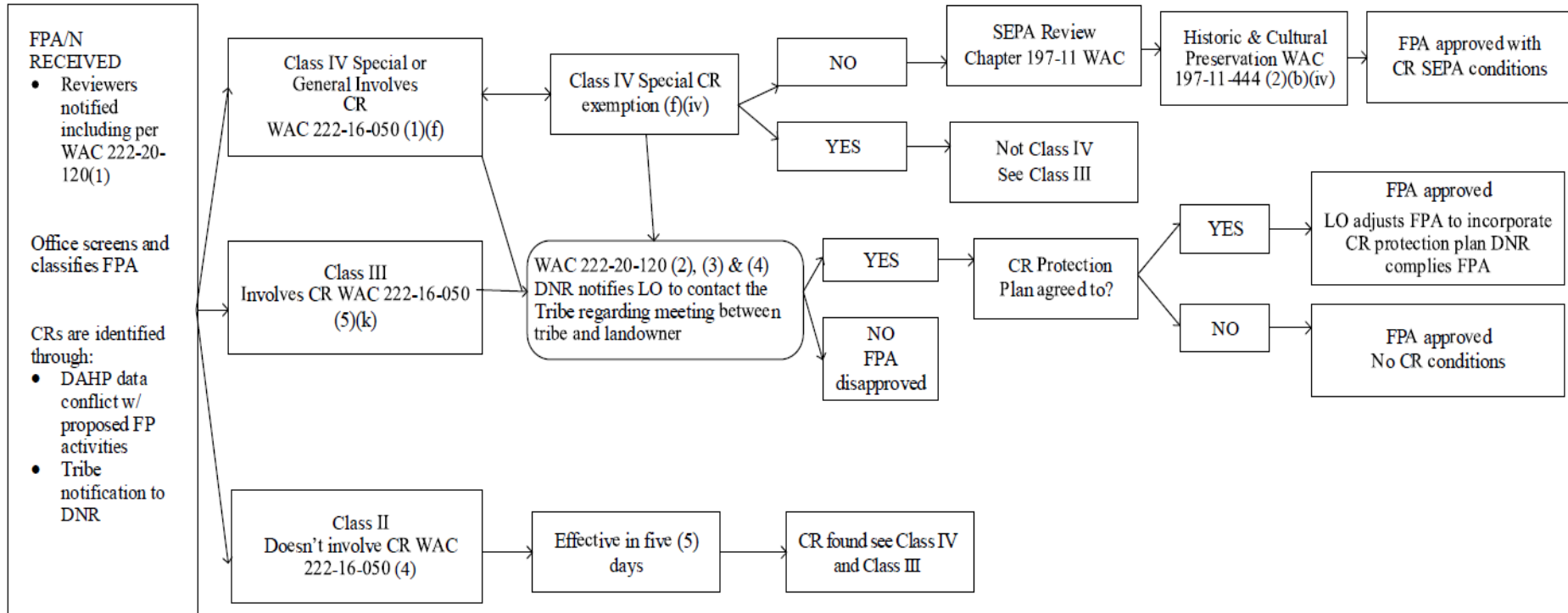
**DNR Forest Practices Process for Processing FPA/Ns
for the Protection of Tribal Cultural Resources**

1. Each tribal person with responsibilities for cultural resources is encouraged to be signed up with FPARS to review forest practices applications. In addition, the tribe should have its' current usual and accustomed area (U and A) entered into FPARS.
2. Whenever an FPA is submitted within the tribal U and A, the tribe in their review determines whether the site of the proposed forest practice "contains" a cultural site. If so, the tribe contacts DNR within the first 10 days of the application being processed, so that DNR can contact the landowner and inform them of their requirement to contact the tribe(s) regarding a meeting between the tribe and landowner.
 - a. For FPAs submitted in Kittitas County, a predictive model is applied to determine those landowners that DNR will contact regarding the required meeting between the Confederated Tribes and Bands of the Yakama Nation and the landowner.
 - b. NOTE: Some tribes and landowners have agreements to do cultural reviews prior to submitting an FPA. This is the best opportunity to have an influence on landowners to protect your cultural resources, so that you are not as limited by regulatory timeframes.
3. The landowner contacts the tribe to meet, onsite if it is necessary, to determine if there is a cultural resource that may be impacted by the FPA.
4. If there is the potential for impacts to cultural site(s), the landowner works with the tribe(s) to identify a plan for protection.
5. If a plan is agreed to, the landowner submits an FPA amendment to DNR showing the amended proposed forest practices activities such as moving cutting boundaries or adding leave trees to protect the cultural resource. As a result of this step, DNR can enforce the changed forest practices activities when the FPA is approved, and the tribe's confidentiality of the cultural site shall remain in place.
6. DNR approves/disapproves the FPA within 30 days.
7. Assuming that DNR approved the FPA, the tribe should review the approved FPA to assure the landowner has carried through with their commitment to amend their proposed forest practices activities. NOTE: The tribe should contact the landowner if there is a concern about amendment.
8. Landowner implements FPA. Assuming the FPA is in compliance, the cultural site is protected.
9. If the landowner does not follow the FPA, DNR can take appropriate enforcement action.



DNR Process for FPA's Containing Cultural Resources

DNR PROCESS FOR FPA'S CONTAINING CULTURAL RESOURCES



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