

King County Parks
CULTURAL RESOURCES INADVERTENT DISCOVERY PLAN

This cultural resources Inadvertent Discovery Plan (IDP) details the steps to follow should the unanticipated discovery of cultural resources occur during ground disturbance by King County Parks and Recreation (Parks) staff, volunteers, or contractors.

Background

King County has a rich cultural history and archaeological sites in King County provide a record dating back over 12,000 years. Archaeological resources are material remains of past human life that are 50 years old or older. The ancestors of today's Duwamish, Muckleshoot, Puyallup, Snoqualmie, Stillaguamish, Suquamish, and Tulalip tribes left behind the oldest archaeological materials in King County. Precontact archaeological sites pre-date non-native settlement and include Native American artifacts of stone, shell, and wood, and human remains and grave goods. Historical archaeological sites post-date settlement that began in 1850 in King County. Historical period archaeological sites come from historic occupation and use by native people, Euro-Americans, and other non-natives.

Archaeological sites tell us about the history and prehistory of King County, as well as inform us about past fish and animal populations, climate, and how people responded to changes to them. Known archaeological sites are sites that are listed in the Washington State Archaeological Site Inventory or that have been verified by a professional archaeologist and documented in some other way. Many archaeological sites have been disturbed over the past 160 years of development in King County. However, significant archaeological resources remain intact across the County and cultural materials are frequently discovered during ground disturbing activities, such as trenching, foundation excavation, grading, channel clearing, vegetation removal or planting, fence installation, and landscaping. These activities have the potential to destroy any archaeological materials that may be present.

Archaeological sites, both known and undiscovered, are protected by federal, state, and local laws, regulations, and codes. The specific cultural resources laws, regulations, and codes that apply to a project are determined by the project's regulatory context, which is based on permitting, funding, and land ownership. Federal laws include Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act. State laws and regulations include RCW 43.21.C, RCW 27.53, RCW 27.44, Executive Order 21-02, and WAC 25-48. In particular, the Archaeological Sites and Resources Act (RCW 27.53) prohibits knowingly excavating or disturbing precontact and historical archaeological sites on public or private land without a state-issued excavation permit. The Indian Graves and Records Act (RCW 27.44) prohibits knowingly destroying American Indian graves and requires re-interment under supervision of the appropriate Indian Tribe following inadvertent disturbance. Local codes include King County Code 20.62 and the King County Executive's Cultural Resources Review and Protection Policy (LUD 16-1-1-EP). Most work performed by Parks is county-funded and does not require federal or state permitting. Therefore, coordination with the Washington State Department of Archaeology and Historic Preservation (DAHP) is required when cultural resources are identified on Parks' property.

Most archaeological sites in King County have not been recorded or even discovered because most land in the County has yet to be surveyed for cultural resources. So even if there is no known site in a project area, it is still possible that the project will affect an unknown archaeological site. Therefore, the King County Historic Preservation Program (KCHPP) reviews projects for the potential to disturb unknown archaeological sites and provides guidance for any necessary archaeological fieldwork prior to and during the project to comply with the applicable federal, state, and local cultural resources laws and regulations.

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If cultural resources are identified in a work area, then Parks coordinates with DAHP and if necessary, DAHP may require Parks to obtain a state-issued excavation permit for further work in and around an archaeological site. An exception to this process is when federal agencies, such as the Federal Highway Administration (FHWA) or United States Army Corps of Engineers (USACE), are involved. If a state agency, such as the Recreation and Conservation Office (RCO), is funding or permitting a Parks project, then the cultural resources representative from that agency may take over cultural resources coordination with DAHP for the project. The focus of this IDP is internal Parks work that does not require permits from any outside state or federal agency and has not, or will not, receive any outside funding.

Expectations

If project review by KCHPP determines there is little chance of encountering undisturbed archaeological materials, whether it be due to past known disturbance or landform history, then project work may proceed without archaeological investigation. Even so, it is important that all project staff be on the lookout for indications of an archaeological site during planned ground disturbance. Contact a professional archaeologist if cultural materials are identified.

Examples of potentially significant archaeological resources include (see Figures 1-6):

- Artifacts in association with obvious changes in soil color and texture;
- An area of charcoal or charcoal-stained soil, especially with concentrations of shells or bones;
- Clearly prepared surfaces that suggest temporary stability, such as a corduroy road, a flat-lying layer of brick, or a plastered surface;
- Arrowheads, stone tools, or concentrations of stone chips;
- Large concentrations or dumps of historical bottles and cans, or other historical material that is older than 50 years in age. Note that old glass is usually thicker and a different color than modern beverage bottles and old dumps typically do not contain plastic;
- Human remains;
- Old privies (outhouses);
- Buried fire pits or ovens;
- Buried foundations or intact wall segments;
- Clusters of animal bones associated with burned rocks or stone tools or chips;
- Fragments of basketry, cordage, nets, or traps made of wood or bark;
- Culturally modified trees;
- Fire-darkened or fire-reddened rocks that are usually broken and may be associated with fire-reddened layers of soil; and,
- Constructed grades, especially railroad grades with rails, ties, trestles, and bridges.

If any of these items are present, then it is possible that the work area includes a potentially significant archaeological resource. A professional archaeologist will decide how the discovery should be documented and if a state-issued excavation permit is required. A phone call or photograph by text can sometimes be sufficient to help decide if a site visit is needed. When in doubt, notify the Parks staff archaeologist to view a possible discovery ahead of hiring a consultant.

Some examples of cultural materials that are probably not culturally significant include:

- Pilings without attached structural wood materials;
- Fragments of asphalt and concrete or loose bricks or concrete footings in the fill;
- Broken glass fragments or scattered pieces of broken ceramics;
- Scattered metal items in the fill; and,
- Concentrations of coal, cinders, lumber, wood debris, or sawdust without associated artifacts.

When a cultural resource is first identified, the extent and boundaries of the cultural deposit or artifacts are not usually fully known. In such cases, a professional archaeological survey may be required before decisions about next steps can be made. At this point, a state-issued excavation permit from DAHP will likely be required. The permit details the research design, field work plan, and approach of analysis.

If an archaeological site will be impacted by a project, then DAHP may recommend that Parks avoid the cultural materials by altering the project design. Alternatively, DAHP may ask Parks to support further cultural resources assessment and investigation by a professional archaeologist to evaluate the significance of the find. If significant cultural resources are indeed present and negative impacts cannot be avoided, then cultural resources mitigation may be necessary. Treatment of any identified archaeological resources would be determined through coordination between Parks, KCHPP, DAHP, and the Tribes. The details of any sub-surface investigations associated with evaluation testing and/or data recovery excavation as part of mitigation would be included in an application for a state-issued excavation permit. Before a permit is issued, the application is reviewed by DAHP, the Tribes, and other interested parties. Reviewers may make conditions, comments, or requests. No ground disturbance can occur in the archaeological site until a permit is issued by DAHP and the terms of the permit are carried out. If Parks is working with a partner or consultant, the partner or consultant may be required to meet the terms of an excavation permit before work can proceed on Parks' property.

A similar process is followed when a project has a federal nexus, though the lead agency can circumvent the state-issued excavation permit process through formal consultation with the involved parties. The lead federal agency will determine what survey, boundary delineation, testing, and/or data recovery investigation will be required through consultation. Contact the lead federal agency if cultural resources are inadvertently discovered on a Parks project that has a federal permit or funding source.

Inadvertent Discovery Plan

The following provisions will be followed if construction or other ground disturbing activities cause disturbance to cultural resources:

1. If any King County Parks employee, volunteer, contractor, or subcontractor believes that he or she has uncovered any cultural resource at any point in the project, all work within at least 100 feet of the discovery shall cease. The King County Parks Project Manager will immediately notify a professional archaeologist (either a King County staff archaeologist or a contracted consulting archaeologist, referred to hereafter as the "Project Archaeologist") who will determine whether a cultural resource was encountered.
2. If the Project Archaeologist determines that a potentially significant cultural resource was encountered or if the finding is unclear, then the Project Archaeologist will notify the King County Parks Project Manager, as well as immediately contact DAHP and KCHPP to report the unanticipated discovery of cultural resources. All cultural material will be treated as potentially eligible for listing in the National Register of Historic Places (NRHP), until further investigated and evaluated. Following notification of DAHP and KCHPP, the Project Archaeologist will notify any affected tribal governments. The Project Archaeologist will work with DAHP to determine which tribe(s) should be consulted. The Project Archaeologist will apply to DAHP for an emergency excavation permit. A King County staff archaeologist may assist with this process.

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3. The King County Parks Project Manager will take appropriate steps to protect the discovery to ensure the site's integrity. For example, vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site and overnight protection may be required. The discovery vicinity will continue to be protected until the appropriate course of action is decided upon through consultation, any needed excavation permit is obtained, and treatment of the discovery is complete. All communications between the project staff and any agency about cultural resource issues will go through the Project Archaeologist.
4. Project ground disturbance may continue beyond the discovery area if additional effects to the cultural resource are not anticipated. Continued construction will be conducted to the extent that no additional impacts to cultural resources should take place. The total area of work stoppage will be adequate to provide for the security, protection, and integrity of the discovery in accordance with state laws and regulations regarding cultural resources. Ground disturbance may continue elsewhere in the project area while the permit application is reviewed, as well as documentation and assessment of the cultural resource proceeds. Ground disturbance at the discovery may only resume after DAHP formally notifies King County Parks that treatment is complete following the approach agreed upon in the excavation permit.
5. DAHP may expedite review of excavation permit applications in the case of inadvertent discoveries during construction. Routine documentation of newly discovered cultural material should not greatly impact construction schedules. Where complex or extensive cultural remains are encountered, the King County Parks Project Manager, Project Archaeologist, KCHPP, and other involved qualified archaeological personnel will determine the appropriate level of cultural resources documentation and treatment of the resource through consultation with DAHP and representatives of affected tribal governments.
6. All precontact and/or historical cultural material discovered during project ground disturbance will be recorded by a Professional Archaeologist on a Washington State Site Inventory Form using standard techniques. Site overviews, features, and artifacts will be photographed. Stratigraphic profiles and soil/sediment descriptions will be prepared for any subsurface exposures. Discovery locations will be documented on scaled site plans and site location maps. No sub-surface excavations into the site will occur and no artifacts will be collected prior to the Project Archaeologist obtaining a state-issued excavation permit.
7. Cultural features, horizons, and artifacts detected in buried sediments may require further evaluation using hand-dug test units to clarify aspects of integrity, stratigraphic context, or feature function. Test units may be excavated in controlled fashion to expose features; collect radiocarbon, floral, or faunal samples; or interpret stratigraphy in undisturbed contexts. A test unit might also be used to bisect a feature or 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 potential to address significant research domains. Excavations will be conducted using professionally accepted techniques for controlling provenience of recovered materials. Testing an archaeological site in this manner will require a state-issued excavation permit or approved work plan, depending on the project's regulatory context.
8. Sediments excavated for purposes of cultural resources investigation will be screened through 1/4-inch mesh. 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 on a standard form. Test excavation units will be recorded on - 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. Radiocarbon and macrofossil samples will be taken from intact subsurface features exposed by shovel/auger probes or test units. A stratigraphic profile will be drawn for at least one wall of each test excavation unit. All precontact and/or historical artifacts collected from the surface or from probes and test units will be analyzed, cataloged, and temporarily curated by King County. Ultimate disposition of cultural materials will be determined in consultation with King County Parks Project Manager, KCHPP, DAHP, and the affected tribe(s), as outlined in the excavation permit.

9. Within 90 days of concluding fieldwork, the Project Archaeologist will prepare a summary describing all archaeological investigation associated with the unanticipated discovery. Copies of the summary report will be submitted to KCHPP, DAHP, and the affected tribe(s) for review. The report may recommend mitigation if site testing shows that the archaeological site is eligible for listing in the NRHP. Mitigation could be required if the project cannot avoid further negative impacts to the cultural resource. Mitigation steps would be determined through consultation with the King County Parks Project Manager, KCHPP, DAHP, and the affected tribe(s).

Human Remains

Additional steps are required if the unanticipated discovery includes human skeletal remains. Any identified human skeletal remains will always be treated with dignity and respect. If ground disturbance by an employee of King County Parks, a Parks volunteer, contractor, or subcontractor encounters human skeletal remains, then the following provisions will be followed:

1. All activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until DAHP provides notice to proceed [RCWs 68.50.645, 27.44.055, and 68.60.055].
2. The finding of human skeletal remains will be reported to the King County Medical Examiner in the most expeditious manner possible. The King County Parks Project Manager will prioritize securing the discovery area to ensure the safety and integrity of the remains. After contacting local law enforcement, the King County Parks Project Manager will inform the Project Archaeologist and KCHPP of the discovery.
3. The King County Medical Examiner will assume jurisdiction over the human skeletal remains and determine whether those remains are forensic (crime scene) or non-forensic (archaeological site).
 - a. If the King County Medical Examiner determines that the human skeletal remains should be treated as a crime scene, then the police will take jurisdiction over the remains and King County Parks will follow law enforcement instruction.
 - b. If the King County Medical Examiner determines the remains are non-forensic, then they will report that finding to DAHP and DAHP will take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will determine whether the remains are Indian or Non-Indian and will report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

The County will prepare a summary describing the unanticipated discovery of human skeletal remains, the chain of custody, and available details on the final disposition of the remains. Copies of the summary report will be submitted to KCHPP, DAHP, and the affected tribe(s) for review, as needed. This documentation is specific to the discovery of human skeletal remains and is separate from any archaeological reporting requirements for the project.

Confidentiality

Archaeological sites can become targets of vandalism and illegal removal activities. Archaeological sites have been destroyed by artifact collectors or curious visitors, so site locations are not made public. DAHP and KCHPP maintain archaeological site databases and can share sensitive site location information with appropriate parties. Property owners and agencies with a need to know can be told about site locations on their property. Otherwise, personnel from King County Parks, volunteers, contractors, and subcontractors shall keep and maintain all information regarding any discovered archaeological resources as confidential, especially the discovery of human remains.

Information such as maps, records, or other information identifying the location of archaeological sites, historic sites, artifacts, or the site of traditional, ceremonial, or social uses and activities of Indian Tribes is exempt from public disclosure consistent with state law (RCW 42.56.300).

Personnel from King County Parks, volunteers, contractors, and subcontractors should not contact the media or share information regarding a discovery on social media without consent. If needed, the Project Archaeologist can brief staff, volunteers, and contractors on the procedures to follow should potentially significant cultural resources be discovered.

STATE AND LOCAL GOVERNMENT CONTACTS

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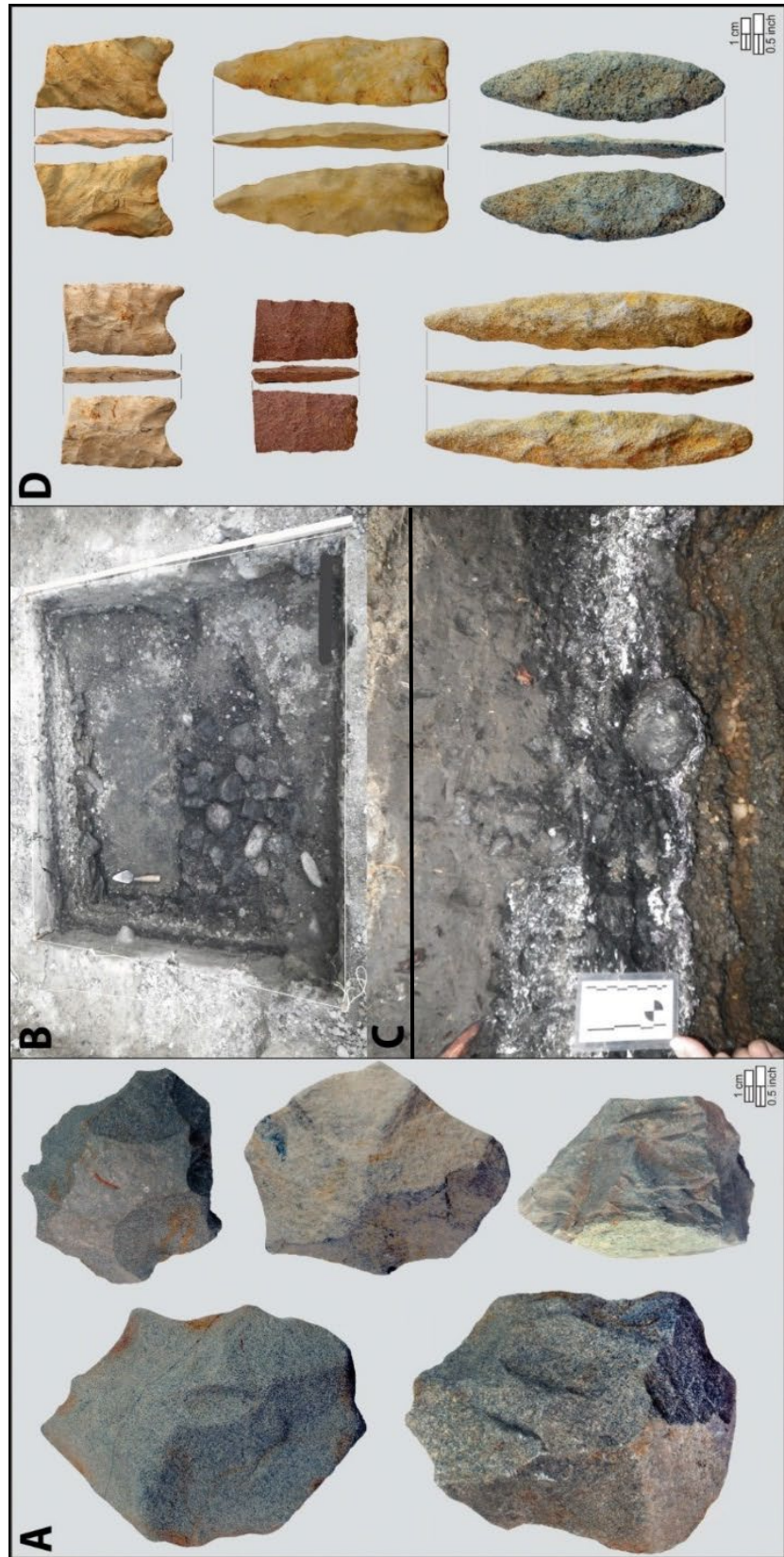


Figure 1. Examples of potentially significant precontact period cultural materials: a) lithic cores; b) oven; c) shell midden; d) projectile points (Images from Northwest Archaeological Associates and SWCA Environmental Consultants excavations).

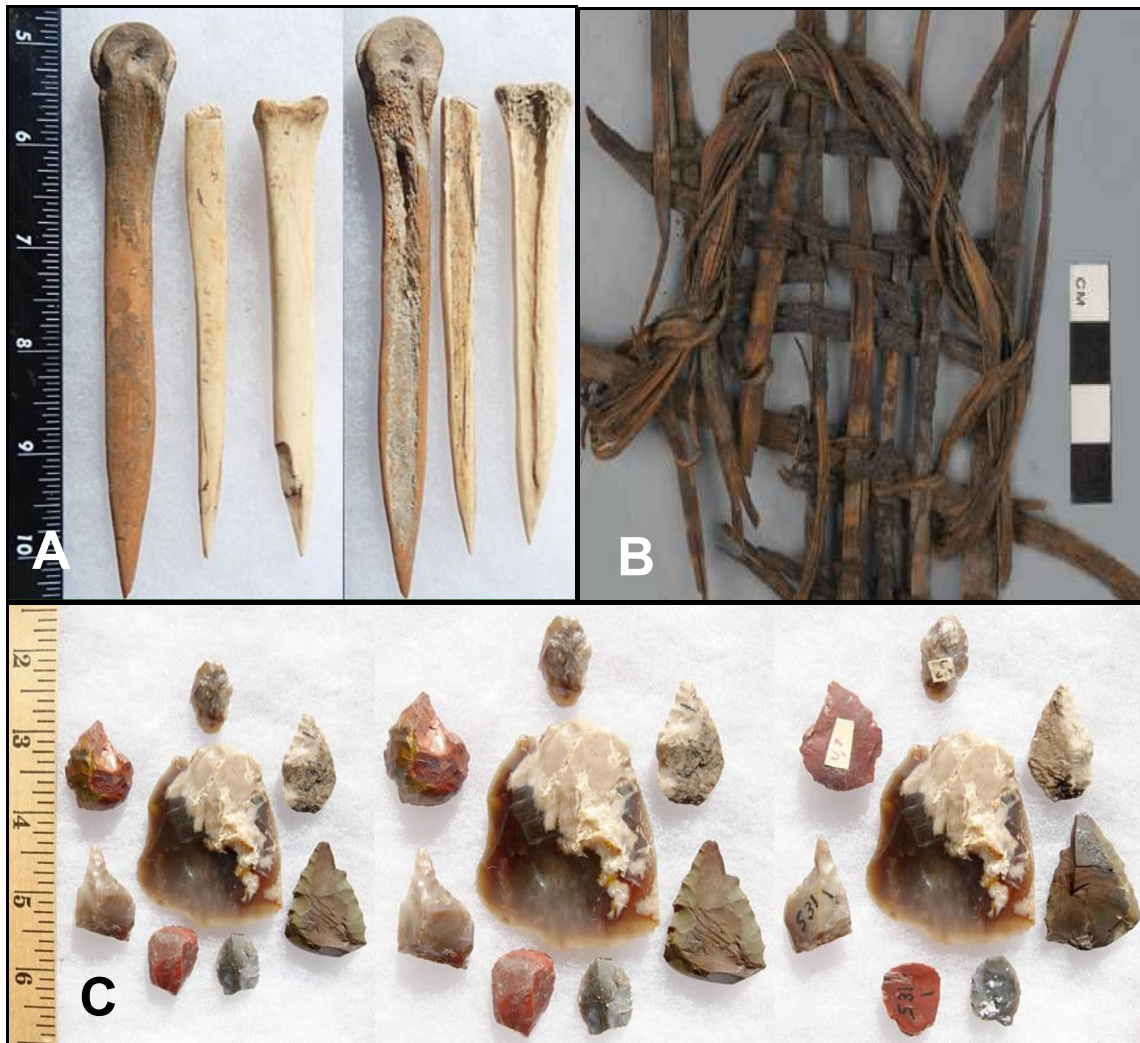


Figure 2. Other examples of precontact period cultural materials: a) bone tools; b) basket; c) flakes and stone tools (Photo of basket provided by the Thomas Burke Memorial Washington State Museum [CAT# 45SN100-7b]; other photos by Washington Department of Ecology).



Figure 3. Examples of potentially significant historical cultural materials that may be within the fill in the project area: a) riveted chimney pipe and riveted oven in trench wall; b) historic debris in ruin; and d) wood plank floor (Photos from Northwest Archaeological Associates excavations).



Figure 4. Other examples of historical period cultural materials: a) bottles, metal, and other residential items; b) historical dump; c) old railroad grade (historical dump photo from ICF International excavation; other photos by Washington Department of Ecology and King County Parks).