



## Cultural Resource Consultants

### **TECHNICAL MEMO 1801B-2**

DATE: February 13, 2018

TO: Berni Kenworthy  
Team 4 Engineering

FROM: Margaret Berger, Principal Investigator

RE: Cultural Resources Inadvertent Discovery Protocol, Rose Master Plan, Poulsbo,  
Kitsap County, WA

Please find attached the cultural resources inadvertent discovery protocol for the above referenced project. Please contact our office should you have any questions about our findings and/or recommendations.

## **Introduction**

Team 4 Engineering requested that a cultural resources inadvertent discovery plan be prepared for the Rose Master Plan. The development will consist of the construction of residential and commercial structures and will include public facilities, open space, and amenities. Cultural Resource Consultants (CRC) conducted background research and field investigations in 2011 and 2018 to identify any potential impacts to cultural resources. Investigations did not identify any archaeological or historic sites that would be impacted by the project. Results of the survey supported the recommendation for no additional investigation prior to the commencement of construction. In the event that resources are encountered during construction-related activities, this document serves as the plan for dealing with the inadvertent discoveries of human remains, artifacts, sites, or any other archaeological resources during the project. This plan will provide project proponents and their contractors with the appropriate protocols and procedures so they can:

- Utilize as guidance for treatment, Chapter 27.44 Indian Graves and Records, Chapter 27.53 Archaeological Sites and Resources, and Chapter 68.60 Section 68.60.050 Protection of Historic Graves of the Revised Code of Washington (RCW);
- Describe to regulatory and review agencies the procedures Rose will follow to prepare for and deal with inadvertent discoveries; and,
- Understand and follow the procedures and protocols established in this document should an inadvertent discovery occur.

If project personnel suspect the inadvertent discovery of an archaeological resource, all ground disturbing, construction or other activities around the immediate area of the discovery shall cease.

## **Inadvertent Discovery Protocol**

In accordance with RCW 27.44 Indian Graves and Records Act, RCW 27.53 Archaeological Sites and Resources, RCW 68.50 Human Remains, and RCW 68.60, Abandoned and historic cemeteries and historic graves, the following protocols will be followed in the event that archaeological materials and/or human remains are discovered:

1. If project personnel suspect the inadvertent discovery of a cultural resource, all ground disturbing, construction or other activities around the immediate area of the discovery shall cease. A cultural resource may include an archaeological or historical resource.

An **archaeological resource** is defined in RCW 27.53.040 as:

All sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material that are located in, on, or under the surface of any lands or waters owned by or under the possession, custody, or

control of the state of Washington or any county, city, or political subdivision of the state are hereby declared to be archaeological resources.

A **historical resource** is defined in RCW 27.53.030 (11):

... mean[ing] those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (Washington Heritage Register [WHR]) (RCW 27.34.220) or the National Register of Historic Places (NRHP) as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

Cultural resources may qualify for the WHR and/or the NRHP listing if they are intact, aged at least 50 years old, and at least one of the following:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

2. Upon discovery of a cultural resource, project personnel shall secure the area with a perimeter of not less than thirty (30) feet until all procedures are completed and the parties agree that activities can resume. If such a perimeter would materially impact agency functions mandated by law, related to health, safety or environmental concerns, then the secured area shall be of a size and extent practicable to provide maximum protection to the resource under the circumstances. Work in the immediate area will not resume until all procedures are completed and the parties agree that activities can resume.

3. A professional archaeologist, in coordination with the Department of Archaeology and Historic Preservation (DAHP), will evaluate all inadvertently discovered cultural resources that may be considered eligible for listing in the National Register of Historic Places (NRHP) and recommend whether the cultural resource is eligible for listing in the NRHP. If the discovery is considered eligible, the DAHP and the concerned Indian Tribe(s) will consult to determine appropriate treatment, including but not limited to, photography, mapping, sampling, etc.

4. Project proponents shall ensure that its appropriate personnel, contractors and permittees follow procedures stipulated in this protocol and treat all human remains, cultural items and potential historic properties with respect.

### **Human Remains and Associated Funerary Objects**

If human remains are found within the project by the project proponent, its contractors or permittees, the following actions will be taken, consistent with Washington State RCWs 68.50.645, 27.44.055, and 68.60.055:

5. If ground-disturbing activities encounter human skeletal remains during the course of construction then 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. The project proponent will prepare a plan for securing and protecting exposed human remains and retain consultants to perform these services.

6. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic.

7. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to DAHP, which will then take jurisdiction over the remains. DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

### **Confidentiality of Information**

8. All involved parties shall make its best efforts to ensure that its appropriate personnel, contractors, and permittees keep the discovery of all inadvertent discoveries confidential, including but not limited to, refraining from contacting the media or any third party or otherwise sharing information regarding the discovery with any member of the public. Prior to any release, project proponents, concerned Tribe(s), and the DAHP, shall concur on the amount of information, if any, to be released to the public, any third party, and the media and the procedures for such a release, to the extent permitted by law.

### **Primary Contacts**

#### **Team 4 Engineering**

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#### **Cultural Resource Consultants**

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Seattle, WA 98107

Primary Contact: Margaret Berger, Principal Investigator, 206-855-9020

#### **Suquamish Tribe**

PO Box 498, Suquamish, WA 98392

Primary Contact: Dennis Lewarch, THPO, office: 360-394-8529, cell: 360-509-1321

#### **Port Gamble S'Kallam Tribe**

31912 Little Boston Rd NE, Kingston, WA 98436

Primary Contact: Stormy Purser, Cultural Resources, 360-297-6292

**Washington Department of Archaeology and Historic Preservation**

PO Box 48343, Olympia, WA 98504-8343

Lead Representative: Allyson Brooks, State Historic Preservation Officer, office: 360-586-3066

Primary Contact: Gretchen Kaehler, Local Government Archaeologist, office: 360-586-3088,  
cell: 360-628-2755

Primary Contact for Human Remains: Guy Tasa, State Physical Anthropologist, office: 360-586-3534, cell: 360-790-1633

**Kitsap County Sheriff's Office**

614 Division Street, MS-37, Port Orchard, WA 98366

Primary Contact: Sheriff Gary Simpson, 360-337-7101

**Kitsap County Coroner's Office**

614 Division Street MS-17, Port Orchard, WA 98366

Primary Contact: Greg Sandstrom, 360-337-7077