

Washington State Board for Community and Technical Colleges

Plan and Procedures for Dealing with the Unanticipated Discovery of Human Remains and Archeological Resources During Project Construction

1. INTRODUCTION

The State Board for Community and Technical Colleges (SBCTC) must comply with applicable Federal and State laws and regulations, particularly 36 CFR 800 (as amended January 11, 2001) of the regulations that implements Section 106 of the National Historic Preservation Act of 1966, and Revised Codes of Washington, Title 27 Chapter 27.44 Indian Graves and Records, Chapter 27.53 Archaeological Sites and Resources, and Title 68 Chapter 60.050 Protection of historic graves, and Governor's Executive Order 05-05 Archeological and Cultural Resources.

In the event that human remains or archaeological materials are inadvertently encountered during construction activities, this document is intended to provide direction and guidance to project personnel. This document is to be transmitted and reviewed with contractors at the pre-construction meeting.

2. PROCEDURES FOR THE DISCOVERY OF HUMAN SKELETAL REMAINS

Any skeletal remains that are discovered during the project will at all times be treated with dignity and respect. The affected Indian Tribe(s) are to be determined by the Department of Archeology and Historic Preservation (DAHP) and Governor's Office of Indian Affairs (GOIA).

- A. If the Contractor, or subcontractors, believes that he or she has made a discovery of human skeletal remains, all work adjacent to the discovery shall cease and the Contractor will take appropriate steps to protect the discovery site. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the human skeletal remains, in accordance with Washington State Law. At a minimum, the immediate area will be secured to a distance of thirty (30) feet from the discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site.
- B. The Contractor will notify the SBCTC Project Manager and the SBCTC Capital Budget Director. The SBCTC Project Manager will call the appropriate County Sheriff's office. The Sheriff's office may arrange for a representative of the county coroner's office or a trained physical anthropologist to examine the discovery and will determine whether it should be treated as a crime scene or as a human burial. The SBCTC Project Manager will also contact representatives of the affected Tribe(s).
- C. It is acknowledged that any find of human skeletal remains may be in whole or in part a burial of ancestry. It is further acknowledged that the affected Native American Tribe(s) is

very concerned about burials, and that the remains must be treated with respect and the find must be treated confidentially. If determined to be a burial, further attempts to determine the remains are Native American will be made. If the remains are determined to be historic-era, non-Native American, they will be treated according to RCW Title 68, Chapter 60.050.

- D. Upon identification of the human remains as Native American, and elimination of the site as a crime scene, the remains and any associated funerary objects shall continue to be kept in place, unwashed, unexamined, and undisturbed until their final disposition to the Tribe. Due consideration and honor will be given, to the fullest extent possible, to requests of the Tribe to leave the remains and/or other cultural materials undisturbed and in place. All attempts to accommodate Tribal requests to conduct ceremonies or other traditional cultural activities with respect to the human remains at the place of discovery will be considered to the maximum practical extent.
- E. If disinterment of Native American human remains becomes necessary, the SBCTC will consult with the DAHP and GOIA to determine the final custodian of the human skeletal remains for re-interment. Should the human skeletal remains be repatriated to the tribe, the remains and any associated materials and grave goods shall be placed in plain paper bags in lots as large as possible. The State will make the remains and any funerary items available for repatriation to the designated Tribe within seven (7) days after the Tribe submits a request for repatriation. At the time of transfer, a brief description of the remains and any grave goods transferred shall be provided to the Tribe and the Tribe shall confirm receipt of the same.
- F. The SBCTC Project Manager will notify the Contractor, in writing, when the work can resume in the affected area of the unanticipated discovery

3. PROCEDURES FOR THE DISCOVERY OF ARCHAEOLOGICAL RESOURCES

- A. If the Contractor, or its subcontractors, believes that he or she has inadvertently uncovered any archeological resource, all work adjacent to the discovery shall cease and the Contractor will take appropriate steps to protect the discovery site. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archeological resources in accordance with applicable Federal and State Law. At a minimum, the immediate area will be secured to a distance of thirty (30) feet from the discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. An archeological or cultural resource discovery could be prehistoric or historic and may consist of:
 - 1. areas of charcoal or charcoal-stained soil and stones,
 - 2. stone tools or waste flakes (i.e. an arrowhead, or stone chips),
 - 3. bones, burned rocks, or other organic remains in association with stone tools or flakes,
 - 4. a cluster of tin cans or bottles, logging or agricultural equipment older than 50 years

- B. The Project Manager for the SBCTC and SBCTC Capital Budget Director will be notified. The Project Manager will then take appropriate steps to investigate the unanticipated discovery and resolve issues associated with it. The SBCTC Project Manager will notify the Contractor, in writing, when the work can resume in the affected area of the unanticipated discovery

4. PROCEDURES FOR ADDITIONAL COMPENSATION

Additional compensation and/or time extensions to the Contractor's contract resulting from delays and disruption of the work due to the unanticipated discovery of cultural resources are to be negotiated in accordance with Part 7 of the General Conditions for Washington State Facility Construction.

5. CONTACT INFORMATION

Tom Henderson, Capital Budget Director
State Board for Community and Technical Colleges
PO Box 42495
Olympia, WA 98504-4295
Phone: (360) 704-4382

Dr. Allyson Brooks, Washington State Historic Preservation Officer
Department of Archaeology and Historic Preservation (DAHP)
PO Box 48343
Olympia, WA 98504-8343
Phone: (360) 586-3066

Governor's Office of Indian Affairs (GOIA)
PO Box 40909
Olympia, WA 98504-0909
Phone: (360) 902-8827

Department of General Administration
Division of Engineering and Architectural Services
PO Box 41012
Olympia, WA 98504-1012
Phone: (360) 902-7272