

COWLITZ INDIAN TRIBE  
INADVERTENT DISCOVERY LANGUAGE

In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:

1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
2. Take reasonable steps to ensure the confidentiality of the discovery site; and,
3. Take reasonable steps to restrict access to the site of discovery.

The project proponent will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.

If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

*It is strongly encouraged copies of inadvertent discovery language/plan are retained on-site while project activity is underway.*

Contact information:

Nathan Reynolds  
Interim Cultural Resources Manager  
Cowlitz Indian Tribe  
PO Box 2547  
Longview, WA 98632  
360-575-6226 Office  
360-577-6207 Fax  
[nreynolds@cowlitz.org](mailto:nreynolds@cowlitz.org)

Revised 19 September 2017

# **CULTURAL RESOURCE PROTECTION LAWS**

**NOTE: This list is not all-inclusive, and does not take place of consultation.  
Not all laws will apply in all situations.**

## **Federal Laws**

National Historic Protection Act (NHPA)	36 CFR 60	<a href="http://www.achp.gov/docs/nhpa%202008-final.pdf">http://www.achp.gov/docs/nhpa%202008-final.pdf</a>
Native American Graves Protection and Repatriation Act (NAGPRA)	43 CFR 10	<a href="http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?type=simple;c=ecfr;cc=ecfr;sid=abefc428407c704d63fef71637939827;idno=43;region=DIV1;q1=NATIVE%20AMERICAN%20GRAVES%20PROTECTION%20AND%20REPATRIATION;rgn=div5;view=text;node=43%3A1.1.1.1.10">http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?type=simple;c=ecfr;cc=ecfr;sid=abefc428407c704d63fef71637939827;idno=43;region=DIV1;q1=NATIVE%20AMERICAN%20GRAVES%20PROTECTION%20AND%20REPATRIATION;rgn=div5;view=text;node=43%3A1.1.1.1.10</a> or <a href="http://tinyurl.com/yc4sx7o">http://tinyurl.com/yc4sx7o</a>
Executive Order 13175— Consultation and Coordination With Indian Tribal Governments		<a href="http://www.em.doe.gov/pdfs/MEMO%20Tribal%20Consultation%20and%20Executive%20Order%2013175.pdf">http://www.em.doe.gov/pdfs/MEMO%20Tribal%20Consultation%20and%20Executive%20Order%2013175.pdf</a> or <a href="http://tinyurl.com/4mgxrhq">http://tinyurl.com/4mgxrhq</a>

## **Washington State Laws**

Archaeological Sites and Resources	27.53 RCW	<a href="http://apps.leg.wa.gov/RCW/default.aspx?cite=27.53">http://apps.leg.wa.gov/RCW/default.aspx?cite=27.53</a>
Executive Order 05-05		<a href="http://www.governor.wa.gov/execorders/eo_05-05.pdf">http://www.governor.wa.gov/execorders/eo_05-05.pdf</a>
Notice of Forest Practices to Affected Indian Tribes	WAC 222-20-120	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=222-20-120">http://apps.leg.wa.gov/WAC/default.aspx?cite=222-20-120</a>

## **Oregon State Laws**

Indian Graves and Protection Objects	ORS 97.740-S 97.760	<a href="http://www.leg.state.or.us/ors/097.html">http://www.leg.state.or.us/ors/097.html</a>
Archaeological Objects and Sites	ORS 358.905 - 358.955	<a href="http://www.leg.state.or.us/ors/358.html">http://www.leg.state.or.us/ors/358.html</a>



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 30, 2018

Mayor Greg Thornton  
City of La Center  
305 Northwest Pacific Highway  
La Center, WA 98629

Dear Mr. Thornton:

Thank you for the opportunity to comment on the mitigated determination of nonsignificance for the Stephens Hillside Farms Subdivision Project (2018-016-SEPA) located at 34700 Northeast North Pork Road, 115 Northeast 348<sup>th</sup> Street, 208 Northeast 248<sup>th</sup> Street, and 614 Northeast 348<sup>th</sup> Street as proposed by Greer and Greer, Inc. Land Use Planning. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**HAZARDOUS WASTE & TOXICS REDUCTION: Tara Davis (360) 407-6275**

The applicant proposes to demolish an existing structure(s). In addition to any required asbestos abatement procedures, the applicant should ensure that any other potentially dangerous or hazardous materials present, such as PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, are removed prior to demolition. Also, be aware that PCBs are increasingly being found in caulking and paint. It is important that these materials and wastes are removed and appropriately managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials.

Please review the “Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes,” on Ecology’s website at: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Dangerous-waste-guidance/Common-dangerous-waste/Construction-and-demolition>. The applicant may also contact Robert Rieck with Ecology’s Hazardous Waste and Toxics Reduction program (HWTR) at (360) 407-6751 for more information about safely handling dangerous wastes and demolition debris

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:  
Rebecca Rothwell (360) 407-7273**

Please provide a site plan showing the proposed layout and stream buffers. I recommend that the city require fencing (e.g., split rail) and signs at the stream buffer boundary informing passersby that the area is protected and that dumping is not allowed.

**SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287**

All grading and filling of land must utilize only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste and permit approval may be required from your local jurisdictional health department prior to filling (WAC 173-350-990).

All removed debris and dredged material resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

**WATER RESOURCES: Vicki Cline (360) 407-0278**

The proponent is responsible for inspecting the site to determine the location of all existing wells. Any unused wells must be properly decommissioned and decommission reports submitted to Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project.

**WATER QUALITY: Chris Montague-Breakwell (360) 407-6364**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
  - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
  - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
  - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

You may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - [Application](#). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(MLD:201804460)

cc: Jacquelyn Metcalfe, HWTR  
Robert Rieck, HWTR  
Rebecca Rothwell, SEA  
Derek Rockett, SWM  
Vicki Cline, WR  
Chris Montague-Breakwell, WQ  
Naomi Hansen, Associate Planner with City of La Center  
Ed Greer, Greer and Greer, Inc. Land Use Planning (Proponent)