

## **APPENDIX D**

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CULTURAL RESOURCES

COORDINATION PLAN

# UPPER COLUMBIA RIVER

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## Cultural Resources Coordination Plan for the Remedial Investigation and Feasibility Study

*Prepared for*

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AINW Report No. 1861

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**Parametrix**

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## ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
AINW	Archaeological Investigations Northwest, Inc.
APE	area of potential effects
ARPA	Archaeological Resources Protection Act of 1979
CCT	Confederated Tribes of the Colville Reservation
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CRCP	cultural resources coordination plan
EPA	U.S. Environmental Protection Agency
FOIA	Freedom of Information Act
Lake Roosevelt	Franklin D. Roosevelt Lake
MOA	Memorandum of Agreement
NAGPRA	Native American Graves Protection and Repatriation Act
NHPA	National Historic Preservation Act
NPS	National Park Service
QAPP	quality assurance project plan
RCW	Revised Code of Washington
RI/FS	remedial investigation and feasibility study
SHPO	State Historic Preservation Officer
SOW	statement of work
STI	Spokane Tribe of Indians
Teck	Teck American Incorporated
THPO	Tribal Historic Preservation Officer
UCR	Upper Columbia River
USBR	U.S. Bureau of Reclamation

# 1 INTRODUCTION

This document presents the cultural resources coordination plan (CRCP) for the Upper Columbia River (UCR) site (Site) remedial investigation and feasibility study (RI/FS). This CRCP has been prepared according to the provisions of a June 2, 2006, Settlement Agreement (Agreement) (USEPA 2006b) entered into by the United States, on behalf of the U.S. Environmental Protection Agency (EPA), and by Teck American Incorporated (Teck). As provided in the Agreement and associated statement of work (SOW), Teck is responsible for preparing this CRCP, and all cultural resources coordination activities conducted by Teck for the RI/FS are subject to oversight and approval by EPA. All field personnel will be required to have read this CRCP and have a complete understanding of the archaeological monitoring provisions of this plan.

## 1.1 BACKGROUND

In December 2008, EPA disapproved the second draft RI/FS work plan submitted by Teck. In accordance with Paragraph 9 of the Settlement Agreement, EPA modified the draft work plan to be consistent with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Contingency Plan. The RI/FS work plan identifies a number of RI/FS activities that will be conducted, including, but not limited to, sampling of sediment. Teck must implement the RI/FS in accordance with the modified work plan. As specified in the SOW, "For all RI/FS activities at the Site involving sediment collection or ground penetration/disturbance, the Company [Teck] shall work with the potentially affected parties to assess the effects of the planned work and seek ways to avoid, minimize or mitigate any adverse effects on historic properties." The purpose of this CRCP is to describe known or likely physical impacts of the RI/FS, provide relevant background information, define measures for protecting resources, and define procedures for consulting with the appropriate state, federal, and Tribal parties with interests in the cultural resources of the Site. The SOW requires that no sediment sampling may be undertaken until the CRCP has been approved.

This CRCP will be reproduced in an appendix to each UCR quality assurance project plan (QAPP) for RI/FS activities at the Site involving sediment collection or ground penetration/disturbance. The QAPP appendix that reproduces this CRCP will also include other QAPP-specific information that is necessary for cultural resource review of the proposed RI/FS activity, including detailed descriptions of the QAPP-specific sampling methods to be employed and the QAPP-specific locations where sampling or field mobilization may result in ground penetration or disturbances. The Site is located

wholly within Washington State and includes approximately 150 river miles<sup>1</sup> of the Columbia River extending from the U.S.-Canadian border to the Grand Coulee Dam (Figure 1-1). The Site includes Franklin D. Roosevelt Lake (Lake Roosevelt) and the areal extent of related contamination within the United States adjacent to the UCR. The Colville Indian Reservation borders the UCR from approximately RM 690 to the Grand Coulee Dam. The Spokane Indian Reservation borders the UCR to the east from approximately RM 650 to RM 640. There are three management areas of Lake Roosevelt: the Reservation Zone, managed by the Spokane and/or Colville Tribes; the Recreation Zone, managed by the National Park Service (NPS); and the Reclamation Zone, managed by the U.S. Bureau of Reclamation (USBR).

EPA has responsibilities under the National Historic Preservation Act (NHPA) to consider how its undertakings would affect historic properties. As defined in the NHPA, “historic properties” include archaeological resources, historic-period buildings and structures, and traditional cultural places listed in or determined eligible for listing in the National Register of Historic Places. To meet the NHPA requirements, EPA must ensure that sampling and other activities would avoid, minimize, or mitigate any adverse effects to any historic properties.

The CRCP is organized into six sections, as follows: 1) this introductory section, which includes summary information on the archaeology, prehistory, Native peoples, and Euroamerican historical development of the project area; 2) an overview of the relevant federal, state, and tribal laws and regulations, and other appropriate procedures and requirements; 3) a description of the proposed sampling program and its potential physical effects; 4) a description of the proposed area of potential effects (APE) for cultural resources for the RI/FS; and 5) a plan for coordination and consultation with all affected parties to address known and likely impacts to cultural resources in implementing the RI/FS.

## 1.2 CULTURAL SETTING

The broader context of the cultural development of the upper Columbia region<sup>2</sup> provides the critical framework for understanding the importance of the cultural resources in the

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<sup>1</sup> There is a discrepancy in river mile designations by USGS and by USEPA (2006a). USGS river miles increase from RM 680 to RM 682 over a less than 1 river mile segment when transitioning between the Inchelium and Rice USGS quadrants, whereas USEPA (2006a) increases from RM 680 to RM 681 over the same segment. To remain consistent with international borders, the USGS river mile designations are used herein unless otherwise indicated.

<sup>2</sup> The phrase “upper Columbia region” in this plan refers to the drainage of the upper Columbia River from around Grand Coulee to the Arrow Lakes area in British Columbia. The upper Columbia region includes, but

area. Archaeological and historical resources reflect broad patterns of cultural use and development, just as ongoing traditional use of areas and natural resources represents cultural continuity that can be important to individual and social identities.

This section of the CRCP serves as a brief introduction to the cultural history of the upper Columbia region.

Archaeological research contributes significantly to our understanding of the prehistoric past. In the upper Columbia region, systematic archaeological research began in the late 1930s and has continued to the present. Archaeological resources have been recorded in and along Lake Roosevelt, representing prehistoric, protohistoric, ethnohistoric, and historic-period human use and occupation. Research at some of these resources has provided the outlines of prehistoric cultural development in the upper Columbia region. Human presence in the region extends back at least 11,000 years. These first humans lived in small groups and were mobile foragers, hunting and gathering plants. The presence of the Columbia River led to an early focus on the abundance of riverine resources. Beginning about 8,000 years ago, populations appear to have increased and led to a gradual trend to less mobility and more permanent settlements. The growing population also led to use of a greater diversity of resources and increasing reliance on fish.

Permanent settlements increased in size and became concentrated in the river valleys beginning about 6,000 years ago, probably in response to continued population growth. Use of resources in upland areas expanded to meet the needs of the burgeoning populations and settlements. These trends continued until about 1,000 years ago, when there is evidence for a decline in population size. There were fewer settlements, villages were smaller, and there was less use of upland areas.

The cultural patterns of the late prehistoric period were reflected in the lives of the Native peoples at the time of Euroamerican contact. At the time of contact, the UCR was the homeland of the Lakes, Colville, Spokane, and Sanpoil peoples. The Lakes people occupied the Columbia River valley from the vicinity of modern Northport, Washington, north into the Arrow Lakes area of modern British Columbia. The Colville lived along the river downstream of the Lakes as far as around the mouth of the Spokane River. Downriver of the Colville were the Spokane, in the Spokane River drainage, and the Sanpoil, who lived along the Columbia River from around the mouth of the Spokane River to the near the modern location of the Grand Coulee Dam.

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is not limited to the Site as defined in the Settlement Agreement. This distinction is important because general patterns of cultural development in the upper Columbia region as a whole provide the framework for addressing the significance of the cultural resources within the Site boundaries.

All of these groups spoke Interior Salish languages and shared many cultural features. Their cultural differences largely reflected differences in the local environments in which they lived. The social, political, and economic foundation of these groups was historically the winter village. The villages were concentrated in the river valleys, and each village was politically independent. The residents of the villages relied on provisions gathered, dried, and stored during the summer to survive through the winter. With the coming of spring, families began moving out of the winter village and shifting among the warm-season camps near resource locations. Gathering of plants and hunting game in upland areas were important subsistence activities during this season, but salmon constituted the most important food staple. Kettle Falls was a major aboriginal fishery, attracting people from throughout the region.

Native life began to change with the introduction of elements of Euroamerican culture. Horses reached the region in the 1700s and significantly changed Native travel and transportation. European diseases such as smallpox appeared in the late 1700s and had disastrous consequences for Native groups. Populations may have declined as much as 80 percent between the 1780s and 1840s. Direct contact with Euroamericans came in the early 1800s, when fur-trade posts were established on the Spokane River and at Kettle Falls.

When American settlement began in the 1840s, it bypassed the upper Columbia region. The discovery of gold in the region in the 1850s led to a major influx of Americans and growing conflict between the new settlers and Indian groups. A series of treaties with Indian groups were signed in 1855 but did not include the peoples of the upper Columbia region. As American settlement continued, the federal government responded by creating the Colville Reservation in 1872<sup>3</sup> for the Colville and Spokane people. The separate Spokane Reservation was established in 1881. Both reservations have subsequently lost lands to the allotment process in the late 1800s and early 1900s and inundation from the waters of Lake Roosevelt. The Colville Reservation is now the home of the Confederated Tribes of the Colville Reservation (CCT); the Spokane Reservation is the home of the Spokane Tribe of Indians (STI).

As already noted, the direct Euroamerican presence in the upper Columbia region began with the establishment of fur-trade posts on the Spokane River and at Kettle Falls. These posts were constructed between 1810 and 1825. The fur traders were followed by Christian missionaries in the 1830s and 1840s. A more substantial Euroamerican presence in the region developed in the 1850s, with the discovery of gold near Fort Colville.

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<sup>3</sup> For additional information on the history of the establishment of the Colville Reservation, the reader is directed to Executive Order of April 9, 1872, Executive Order of July 2, 1872, and Act of July 1, 1892, 27 Stat., 62.

Conflicts between miners and Indians led to a military campaign in the Spokane River valley in 1858 and the establishment of an army post (Fort Colville) near Kettle Falls in 1859.

American settlement in the upper Columbia River drainage accelerated in the 1860s, initially spurred by mining. Farmers eventually followed the miners, but agricultural activity was limited until the construction of the Spokane Falls and Northern Railway through the region in 1890. With improved access to markets, farming—especially orchard crops—developed as one of the economic mainstays of the area, although mining has continued to play an important role.

The growing demands for agriculture led to plans to construct a dam at Grand Coulee. The dam would provide water for irrigation and inexpensive hydroelectric power. Construction of the dam began in 1934 and was completed in 1942. More than 82,000 acres above the dam was flooded, resulting in the relocation of 11 towns and about 3,000 residents. Since its creation, Lake Roosevelt has provided a growing number of recreational and tourist activities, which have become increasingly important to local economies.

## 2 OVERVIEW OF LAWS AND REGULATIONS

Implementation of the RI/FS would occur primarily on federal and Tribal lands. Federal and Tribal laws and regulations addressing cultural resources will therefore provide the primary legal framework for this coordination plan. It is possible, however, that implementation of the RI/FS may require activities on private or non-federal, non-Tribal public lands. This overview therefore includes a brief description of relevant state laws and executive orders. Ferry, Lincoln, and Stevens counties, which border the UCR, do not appear to have any ordinances addressing cultural resources that would be relevant to the Site RI/FS.

Relevant federal, Tribal, and state laws and regulations directly addressing cultural resources are briefly outlined below, as well as pertinent executive orders issued by the President of the United States and the Governor of Washington.

### 2.1 FEDERAL LEGISLATION AND REGULATIONS

An overview of federal legislation and regulations is provided below. There are three key laws applicable to Site RI/FS activities regarding cultural resources. The NHPA guides all federal agency actions that could affect cultural resources. Implementation of the RI/FS and each associated sampling activity constitutes an “undertaking” as defined in the NHPA and therefore complying with the NHPA requirements is the responsibility of EPA. The Archaeological Resources Protection Act of 1979 (ARPA) and the Native American Graves Protection and Repatriation Act (NAGPRA) apply to activities that could affect archaeological resources and Indian burials on federal and Tribal lands. These laws and their implementing regulations would therefore apply to RI/FS activities conducted on federal and Tribal lands.

While EPA is responsible for complying with NHPA requirements for the undertaking, it is important to acknowledge that the NPS also has responsibilities as a permitting agency to follow regulations as a federal agency and as stipulated in the General Authorities Act of 1970, 16 USC 1a-1-1a-8. Also 36 CFR 2.1 and 2.5 should be included as Park Specific Policies. This is also consistent with Redwoods National Park Act.

## **2.1.1 National Historic Preservation Act of 1966, as Amended through 1992 (16 USC 470-470w)**

The NHPA is the centerpiece of federal legislation protecting cultural resources. In the Act, Congress states that the federal government will “provide leadership in the preservation of the prehistoric and historic resources of the United States,” including resources that are federally owned, administered, or controlled. For federal agencies, Sections 106 and 110 of the Act provide the foundation for how federal agencies are to manage cultural resources, but other sections provide further guidance. The implementing regulations for the NHPA are in 36 CFR Part 800. These regulations are summarized below.

### **2.1.1.1 Section 106**

Similar to the National Environmental Policy Act of 1969, Section 106 of the NHPA requires federal agencies to take into account the effects of their actions or programs specifically on historic and archaeological properties, prior to implementation. This is accomplished through consultation with the State Historic Preservation Officer (SHPO) and/or the Advisory Council on Historic Preservation (ACHP). On lands held by a Tribe with a Tribal Historic Preservation Officer (THPO), the THPO has the same duties and responsibilities as the SHPO. If an undertaking on federal lands may affect properties having historic value to a federally recognized Indian Tribe, such Tribe shall be afforded the opportunity to participate as interested persons during the consultation process defined in 36 CFR 800. Compliance can also be accomplished using agreed-upon streamlined methods and agreement documents such as Programmatic Agreements.

The Section 106 process is designed to identify possible conflicts between historic preservation objectives and the proposed activity, and to resolve those conflicts in the public’s interest for historic preservation through consultation. Neither the NHPA nor the Advisory Council’s regulations require that all historic properties be preserved. Rather, they only require the agency proposing the undertaking to consider the effects of the proposed undertaking prior to implementation.

Failure to take into account the effects of an undertaking on historic or cultural properties can result in formal notification from the ACHP to the head of the federal agency of foreclosure of the ACHP’s opportunity to comment on the undertaking pursuant to NHPA. A notice of foreclosure can be used by litigants against the federal agency in a manner that can halt or delay critical activities or programs.

The process for compliance with Section 106 consists of the following steps.

1. **Identification of Historic Properties**—Identification of historic properties located within the APE is accomplished through review of existing documentation and/or field surveys and consultation with the SHPO/THPO.
2. **Property Evaluation**—Evaluation of the identified historic properties using National Register criteria (36 CFR Part 63) in consultation with the SHPO/THPO and, if necessary, the Advisory Council on Historic Preservation. Properties that meet the criteria will be considered “Eligible” for listing in the National Register, and will be subject to further review under Section 106. Properties that do not meet the criteria will be considered “Not Eligible” for listing in the National Register, and will not be subject to further Section 106 review.
3. **Determination of Effect**—An assessment is made of the effects of the proposed project on properties that were determined to meet the National Register criteria, in consultation with the SHPO/THPO and if necessary, the ACHP. One of the following effect findings will be made:
  - No Historic Properties Affected—If no historic properties are found or no effects on historic properties are found, the agency official provides appropriate documentation to the SHPO/THPO and notifies consulting parties. However, the federal agency must proceed to the assessment of adverse effects when it finds that historic properties may be affected or the SHPO/THPO or Council objects to a “No Historic Properties Affected” finding. The agency must notify all consulting parties and invite their views.
  - No Historic Properties Adversely Affected—When the Criteria of Adverse Effect are applied (36 CFR 800.5(a)), and it is found that historic properties will not be adversely affected by the undertaking, the agency may make a finding of “No Historic Properties Adversely Affected.” This finding is submitted to the SHPO for concurrence. Typically, the Council will not review “No Adverse Effect” determinations. However, the Council will intervene and review “No Historic Properties Adversely Affected” determinations if it deems it appropriate, or if the SHPO/THPO or another consulting party and the federal agency disagree on the finding and the agency cannot resolve the disagreement. If Indian Tribes disagree with the finding, they can request the Council’s review directly, but this must be done within the 30-day review period. Agencies must retain records of their findings of “No Historic Properties Adversely Affected” and make

them available to the public. The public should be given access to the information when they so request, subject to Freedom of Information Act (FOIA) and other statutory limits on disclosure, including the confidentiality provisions in Section 304 of the NHPA. Failure of the agency to carry out the undertaking in accordance with the finding requires the agency official to reopen the Section 106 process and determine whether the altered course of action constitutes an adverse effect.

- Historic Properties Adversely Affected—Adverse effects occur when an undertaking may directly or indirectly alter characteristics of a historic property that qualify it for inclusion in the Register. Reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative also need to be considered. The finding of “Historic Properties Adversely Affected” is submitted to the SHPO for concurrence. The SHPO/THPO may suggest changes in a project or impose conditions so that adverse effects can be avoided and thus result in a “No Historic Properties Adversely Affected” determination

4. **Resolution of Adverse Effects/Mitigation**—When adverse effects are found, the consultation must continue among the federal agency, SHPO/THPO, and consulting parties to attempt to resolve them. The agency official must notify the Council when adverse effects are found and should invite the Council to participate in the consultation when circumstances as outlined within 36 CFR 800.6(a)(1)(i)(A)-(C) exist. A consulting party may also request the Council to join the consultation.

When resolving adverse effects without the Council, the agency official consults with the SHPO/THPO and other consulting parties to develop a Memorandum of Agreement (MOA). The MOA will outline the steps or actions to be taken prior to implementation of the project, in order to mitigate the adverse effects on the historic property. Stipulations included in an MOA may include (but are not limited to) documentation, modification of the project to lessen the adverse effects on the property, efforts to sell or relocate the resource, or step-by-step consultation with interested parties throughout the process to ensure it is carried out according to plan.

The MOA is executed between the agency official and the SHPO/THPO and filed with required documentation with the Council. This filing is the formal conclusion of the Section 106 process and must occur before the undertaking is approved.

In some cases, streamlining of the Section 106 process can be accomplished through the use of Programmatic Agreements. The Advisory Council and the agency official may negotiate a Programmatic Agreement to govern the implementation of a particular program or the resolution of effects from complex projects or multiple undertakings. Programmatic Agreements are particularly useful when programs or projects affecting historic properties are similar and repetitive, and have known effects, such as routine maintenance or a series of similar rehabilitation projects.

#### **2.1.1.2 Section 101(d)(2)**

This section of the NHPA provides for the assumption by federally recognized Indian Tribes of all or any part of the functions of an SHPO with respect to Tribal lands (e.g., all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities). Section 101(d)(2) requires federal agencies, in carrying out their Section 106 responsibilities, to consult with federally recognized Indian Tribes that attach religious or cultural significance to a historic property. The agency will consult with federally recognized Indian Tribes in the Section 106 process to identify, evaluate, and treat historic properties that have religious or cultural importance to those groups.

#### **2.1.1.3 Section 110**

Section 110 of the NHPA is intended to ensure that historic preservation is integrated into the ongoing programs of Federal agencies. This section of the Act requires agencies to identify, evaluate, and nominate for listing in the National Register, historic properties owned or controlled by the agency; use historic properties to the maximum extent feasible; ensure documentation of historic properties that are to be altered or damaged; carry out programs and projects that further the purpose of the Act; and undertake such planning and actions as may be necessary to minimize harm to any formally designated National Historic Landmark properties.

#### **2.1.1.4 Section 111**

Section 111 of the NHPA requires agency officials, to the extent practicable, to establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency uses or requirements. Further, Section 111 allows the proceeds from any lease to be retained by the agency to defray the cost of administration, maintenance, repair, and related expenses of historic properties.

### **2.1.1.5 Section 112**

Section 112 of the NHPA requires that agency officials who are responsible for protection of historic properties pursuant to the NHPA ensure that all actions taken by employees or contractors meet professional historic preservation standards established by the Secretary of the Interior (Professional Qualifications Standards of the *Secretary of the Interior's Standards and Guidelines in Archaeology and Historic Preservation*).

### **2.1.1.6 Section 304**

Section 304 of the NHPA requires that information about the location, character, or ownership of a historic property be withheld from public disclosure when the federal agency head or other public official determines that disclosure may cause a significant invasion of privacy, risk and/or harm to the historic property, or impede the use of a traditional religious site by practitioners.

### **2.1.1.7 CERCLA and the NHPA**

EPA's *CERCLA Compliance with Other Laws Manual: Part II. Clean Air Act and Other Environmental Statutes and State Requirements* (1989) outlines how "substantive compliance" with the NHPA is to be achieved in CERCLA actions.<sup>4</sup> The initial step is determining if cultural resources are known or are likely to be present "in or near the area under study in the RI." This step may require conducting a survey of both the location of the proposed remedial action and any associated actions that would occur off-site. The CERCLA manual referenced above defines three stages of a survey: Stage IA, literature search and sensitivity study; Stage IB, field investigation; and Stage II, site definition and evaluation. All studies should include Stage IA but implementation of Stage IB is contingent on the results of Stage IA, and the need for Stage II is contingent on the results of Stage IB. If results of the survey identify significant cultural resources (i.e., resources listed or considered eligible for listing on the National Register), effects of the proposed remedial action and associated actions to the significant resources must be evaluated. Adverse effects to significant resources must be either avoided or mitigated. Any proposed mitigation measures must be incorporated into the remedial design process.

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<sup>4</sup> As stated in the Agreement, "The Parties intend that this RI/FS, while not being carried out under an administrative order or judicial order issued pursuant to the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), will be consistent with the National Contingency Plan ('NCP'), 40 CFR Part 300."

### **2.1.2 Archaeological Resources Protection Act of 1979 (16 USC 470aa-470ll)**

ARPA is essentially an update to the 1906 Antiquities Act. It expands and strengthens the activities prohibited under the Antiquities Act, increases the criminal penalties for violation, establishes civil penalties, and provides further guidelines for the issuance of permits. This Act continues to apply only to federal and Indian lands (the definition of “Indian lands” in ARPA differs very slightly from the definition of “Tribal lands” in the NHPA). Most archaeological excavations and collection of artifacts on these lands are allowed only with an ARPA permit. Trafficking in illegally obtained archaeological resources from federal and Indian lands is also prohibited. Individuals convicted of violating the Act are liable for the value of the archaeological resource itself, and the cost of restoration or repair of the damage caused by illegal excavation or collection.

The implementing regulations are 43 CFR Part 7 (Department of the Interior), which applies to Federal lands that are not within military reservations or national forests. The regulations include detailed definitions of “archaeological resource” and “Indian lands” (lands held in trust by the United States on behalf of a federally recognized Tribe or individual members of a federally recognized Tribe).

### **2.1.3 Native American Graves Protection and Repatriation Act (25 USC 3001-3013)**

NAGPRA establishes that Native American human remains and associated funerary objects found on federal or Tribal lands belong to the lineal descendants of the Native American. When the lineal descendants cannot be determined, the remains belong to the Tribe on whose land the remains were found (when found on Tribal lands), or to the Indian Tribe with the “closest cultural affiliation.”<sup>5</sup> This latter rule also applies to unassociated funerary objects, sacred objects, and objects of cultural patrimony (all defined in the Act) NAGPRA applies to both human remains intentionally excavated (which would require an ARPA permit) and those accidentally discovered.

NAGPRA also requires all federal agencies and museums to inventory their holdings of Native American human remains and funerary objects. Once the inventories are completed, the agencies and museums are to notify the appropriate Tribes of the remains and other objects in their collections. The remains and associated funerary objects are to be returned (repatriated) at the request of the lineal descendant(s) or Tribe. The same

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<sup>5</sup> Cultural affiliation is defined in the implementing regulations [43 CFR 10.2(e)] and refers to a relationship of shared group identity, which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

requirement applies to unassociated funerary objects, sacred objects, and objects of cultural patrimony for which a cultural affiliation can be demonstrated. Exceptions to the repatriation requirement are objects that are “indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States.”

The implementing regulations are 43 CFR Part 10, which largely expand on the elements of the statute. The regulations detail 1) the process of consultation with Indian Tribes to address either intentional excavation of human remains or inadvertent discovery of human remains; 2) how agencies and museums are to inventory their collections; and 3) the repatriation process. When human remains, funerary objects, sacred objects, and objects of cultural patrimony are inadvertently discovered on federal lands the following steps are to be followed: 1) ongoing activity in the area of the find must cease and a reasonable effort made to protect the find; and 2) the federal land agency (i.e., the federal agency on whose lands the remains or objects have been found) must be immediately notified by telephone, with written confirmation. The federal land agency must then notify the appropriate Tribe(s) and further secure and protect the discovery. The activity may be halted for up to 30 days while an appropriate response to the find is negotiated by the federal agency and the appropriate Tribe(s).

#### **2.1.4 American Indian Religious Freedom Act (42 USC 1996)**

This Act states that it is the policy of the United States to protect and preserve the rights of American Indians to practice traditional religions. That policy includes rights of access to sacred sites and to the use and possession of sacred objects. There are no implementing regulations.

#### **2.1.5 General Authorities Act of 1970 as amended 1988 (16 USC 1a-1-1a-8) and the Redwood National Park Act as amended 1978 (16 USC 79a-79q)**

The purposes of these Acts are to include all Park areas into one National Park System, and to clarify the authorities applicable to the System. The General Authorities Act amends the 1916 Organic Act in order to specify that the NPS includes any “area of land and water now and hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.” The Redwood Act “reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System...shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916...The authorization of activities shall be construed and the protection, management, and

administration of these areas shall be conducted in light of the high public value and integrity of the National Park System...”

## **2.2 PRESIDENTIAL EXECUTIVE ORDERS**

Presidential Executive Orders define policies and procedures for federal agencies to facilitate their execution of laws passed by the U.S. Congress or clarify how specific laws are to be implemented. Presidential executive orders can be considered instructions or directives from the President to federal agencies on how to carry out specific laws. The executive orders listed below are either directly related to cultural resources or define relationships between federal agencies and Tribes.

### **2.2.1 Executive Order 11593. Protection and Enhancement of the Cultural Environment**

Issued in 1971, this executive order stated that the federal government would provide leadership in “preserving, restoring, and maintaining the historic and cultural environment of the Nation.” Federal agencies were directed to inventory cultural resources under their jurisdiction and nominate National Register-eligible properties to the National Register. Properties that have been determined eligible are not to be transferred, sold, demolished, or altered without providing the Advisory Council on Historic Preservation with an opportunity to comment. Properties to be demolished or substantially altered were to be documented prior to demolition or alteration. National Register properties or National Register-eligible properties under federal control were to be maintained following standards set by the Secretary of the Interior. Executive Order 11593 also assigns specific responsibilities to the Secretary of the Interior, including managing the National Register of Historic Places and assisting and advising other federal agencies in the management of cultural resources.

### **2.2.2 Executive Order 13007. Indian Sacred Sites**

Issued in 1996, Executive Order 13007 directs federal agencies to provide access and ceremonial use of Indian sacred sites, where practicable, legal, and not inconsistent with essential agency functions. Agencies are also directed to avoid adversely impacting sacred sites and maintain the confidentiality of such sites. A “sacred site” as defined by this executive order is a specific location that is sacred because of its religious significance to or ceremonial use in an Indian religion.

### **2.2.3 Executive Order 13175. Consultation and Coordination with Indian Tribal Governments**

Issued in 2000, this Executive Order directs federal agencies to consult with Tribal officials in the development of policies and regulations that have “tribal implications” or that preempt Tribal law. Executive Order 13175 also emphasizes the importance of government-to-government relationships between the U.S. government and Tribes. Agencies must designate an official responsible for implementing the Executive Order and must document Tribal consultation in the development of the relevant policies and regulations.

## **2.3 TRIBAL LEGISLATION AND REGULATIONS**

Tribal laws and regulations addressing cultural resources would apply to lands on the reservations and off-reservation trust lands. The CCT and the STI are the two Tribes whose laws and regulations would be potentially applicable to the Site. The legal code of the CCT addresses cultural resources, as summarized below. This code applies to both on-reservation actions and off-reservation actions by federal agencies that could affect cultural resources. STI does not currently have laws that specifically address cultural resources. Both Tribes have THPOs, who have the same authority and responsibilities as the SHPO on their respective reservations and on off-reservation trust lands.

### **2.3.1 CCT Colville Tribal Law and Order Code Chapter 4-4, Cultural Resources Protection**

This Colville Tribal Code establishes the Colville Cultural Resources Board, which has the responsibility of developing policies and procedures to protect cultural resources of interest and concern to the CCT, both on and off the Colville Reservation. The Board reviews proposed federal agency actions off the reservation and is responsible for reviewing all proposed on-reservation actions that could affect significant cultural resources. The code also establishes a Colville Register of Historic and Archaeological Properties for listing of historic properties on the Colville Reservation.

This code defines the roles and responsibilities of the Colville History and Archaeology Department, which include identifying significant cultural resources on the reservation, nominating properties to the National Register and the Colville Register, and promoting efforts to protect cultural resources on the reservation.

Chapter 4-4 of Colville Tribal Code prohibits the excavation, disturbance, or other adverse effects to archaeological resources and historic properties on the reservation without a permit issued by the History and Archaeology Department. The code defines the procedure for the issuance of permits and the duties of permittees.

## **2.4 STATE LEGISLATION AND REGULATIONS**

Washington State laws and regulations regarding archaeological and historical resources, as well as the law protecting Indian graves, are not applicable on federal lands or on Tribal trust lands. These laws would apply, however, to any RI/FS-related activities that would affect private lands or non-federal or non-Tribal public lands.

### **2.4.1 Revised Code of Washington (RCW) Chapter 27.44, Indian Graves and Records**

This legislation prohibits the removal or other disturbance of Indian burials, cairns, and “glyphic or painted records.” “Burials” and “graves” are not defined in the statute. Excavation or removal of burials is permitted only under provisions of a permit issued by the Washington Department of Archaeology and Historic Preservation. Procedures for obtaining permits are defined in WAC Chapter 25-48. Washington state law RCW 27.44 regarding Human Remains has changed effective July 1, 2008, and reporting is now required to law enforcement and the County Medical Examiner or Coroner.

### **2.4.2 RCW Chapter 27.53, Archaeological Sites and Resources**

This legislation prohibits the excavation or disturbance of archaeological sites on public and private lands in Washington except under provisions of a permit issued by the Washington Department of Archaeology and Historic Preservation. Procedures for obtaining permits are defined in WAC Chapter 25-48.

### **2.4.3 RCW Chapter 68.60, Abandoned and Historic Cemeteries and Historic Graves**

This legislation prohibits the destruction, alteration, or other disturbance of historical and abandoned cemeteries and historic graves (Indian graves and burials are protected in RCW Chapter 27.44). A historic cemetery is defined in the statute as one established

before November 1889. A historic grave is a grave or graves outside of a cemetery placed prior to June 1990.

#### **2.4.4 RCW Chapter 43.21C, State Environmental Policy Act**

This legislation directs state and local agencies in Washington to address environmental impacts of proposed projects. The implementing rules (WAC Chapter 197-11) require that impacts to historic and cultural resources are to be addressed in the State Environmental Policy Act process.

### 3 SAMPLING PROGRAMS

The December 2008 RI/FS work plan identifies initial studies and analyses that will need to be completed during the RI/FS for the Site. The studies identified are intended to build on information collected throughout the Site and are considered important for defining nature and extent of contamination, sediment and contaminant fate and transport, and risks to aquatic, plant, wildlife, and human receptors. Because the RI/FS will be conducted in an iterative manner, all of the specific studies that may be required to complete the RI/FS have not been fully identified at this time. Consequently, as described in Section 1.1, for each RI/FS-related study identified, this CRCP will be reproduced in an appendix to that study's QAPP and will be accompanied in that appendix by other QAPP-specific information that is necessary for cultural resource review of the proposed RI/FS-related study, including detailed descriptions of the QAPP-specific sampling methods to be employed and the QAPP-specific locations where sampling or field mobilization may result in ground penetration or disturbances.

From a cultural resources perspective, the collection of soil and sediment samples is the remedial investigation action that is most likely to affect such resources (primarily archaeological sites). Soil and sediment sampling could also have an effect on burials. Tissue sampling of plants and fish could have effects on cultural resources if such sampling were to involve loss of culturally sensitive species at specific locations (e.g., a plant species at a particular location has greater cultural value than the same species at a different location) or if few of a particular species are present. The timing of tissue sampling could also constitute an effect (e.g., if the collection of samples coincides with gathering or harvest of the species by Tribal members or other communities).

Table 3-1 provides a summary description of the methods under consideration for possible use in the RI/FS process. A review of the data in the table indicates that the planned surface water sampling is unlikely to affect any cultural resources as long as existing boat launches are used. It is possible, however, that anchoring the boat could involve minimal disturbance to archaeological resources if sampling were to occur in waters over an archaeological site and the depth to which the anchor sinks into the bottom sediments. Soil and sediment sampling could affect archaeological resources if archaeological deposits are present on the surface and/or are shallow (within 30 centimeters [cm] of the surface). This sampling also has the potential for affecting burials if human remains and/or associated funerary items are at the surface or are shallow.

Impacts to archaeological resources may also occur in accessing sampling locations, especially beach/depositional locations. Water access by boat should not have any effects on cultural resources as long as existing boat launches are used and contingent on the timing of the sampling (see discussion below). It may be appropriate to minimize boat speed when operating in nearshore areas at low water, when in close proximity to known archaeological sites or burial locations. The concern expressed above regarding anchoring of the boat in surface water sampling would also apply to anchoring of the boat when a boat is required in other types of sampling. Potentially greater impacts could occur if trucks or other vehicles are used to access sampling locations and existing roads are not used. Overland access to sampling locations by foot is unlikely to affect any cultural resources.

The timing of any sampling activity may be crucial in terms of possible effects on cultural resources other than archaeological resources if the sampling location coincides with or is in close geographical proximity to locations of traditional and ongoing activity by Tribal members or another living community. Sampling could have impacts if such activity would disrupt or interfere with traditional use of the location due to the timing of the sampling.

## **4 AREA OF POTENTIAL EFFECTS**

The APE is defined in 36 CFR 800.16(d) as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” Consistent with the RI/FS work plan, the APE is recommended to minimally correspond to the Site and will consider access requirements for proposed sampling activities. This APE has been defined primarily to address RI/FS activities that could affect burials, archaeological resources, and historic buildings and structures. The APE for RI/FS activities for traditional cultural properties may encompass a larger geographic area than defined above but can be delimited only through consultation with Tribes, agencies, and other consulting parties.

## 5 COORDINATION PLAN

The objective of the CRCP is to ensure that implementation of the RI/FS does not adversely affect any cultural resources. The plan therefore defines a general process and more specific procedures to meet this objective.

The two chief challenges in meeting this objective are 1) the iterative process of remedial investigations; and 2) the high density of cultural resources in the study area. The iterative process is a challenge because there are likely to be several rounds of sampling (and associated actions) that extend over several years. As described above in Section 3, the results of each individual round of sampling will determine the character and location of the subsequent round. Coordination and consultation must therefore also be an iterative process as methods and locations are defined for each round of sampling.

The high density of cultural resources is a challenge because it is highly likely that every round of sediment/soil sampling will occur at the identified location of one or more cultural resource(s). At the same time, the high density is potentially misleading by suggesting that all cultural resources in the UCR have been identified. Most—if not all—of the Lake Roosevelt lands have been surveyed for cultural resources in the past. Few of the surveys conducted prior to about 1975 are likely to have met current regulatory and professional standards. In addition, many of the previous surveys focused on archaeological resources to the exclusion of other types of cultural resources (and older archaeological surveys documented only evidence of prehistoric use or occupation). Finally, it is likely that there are some locations previously surveyed at which burials or buried archaeological resources are present but not evident and therefore not recorded at the time of the survey (many surveys both in the past and in the present rely entirely or primarily on surface evidence of archaeological resources or burials).

This plan must therefore define procedures that address sampling at both known locations of cultural resources and locations where no cultural resources are presently recorded. Finally, a process must be established to address the potential for effects to traditional cultural places and activities.

### 5.1 GENERAL CONSULTATION FRAMEWORK

Successful implementation of the RI/FS and of this CRCP, given the issues defined above, will require ongoing consultation and coordination with the NPS, the USBR, the CCT, the STI, and the SHPO/THPO (i.e., the consulting parties). Other consulting parties (as

defined in 36 CFR 800.2(c)) may be recognized in the future whose participation would be important for general consultation or coordination in the RI/FS process or for specific sampling locations. For the purposes of cultural resources coordination activities, the “consulting parties” referred to in this plan are distinguished from other “participating parties” to the RI/FS process.

The initial step in addressing possible project effects to cultural resources would be an initial screening of proposed sampling locations and methods by the consulting parties. This information would be presented as an appendix to the QAPP and provided to EPA for coordination with the consulting parties for review and comment, as well as recommendations for any modifications of existing protocols (defined below) that should be implemented during the sampling process. To allow for efficient coordination with the consulting parties, a cultural resources working group comprising the THPOs, SHPO, DOI archaeologists, Tribal representatives, and EPA representatives has been established. EPA will convene this working group for scheduled meetings and conference calls, as determined appropriate by EPA and the working group members. Teck representatives will be invited to participate in working group meetings and calls as determined appropriate by EPA and the working group. This will allow for rapid coordination, timely transfer of information tangential to actual cultural resource matters, and regular and focused opportunities to address cultural resources coordination. Proposed or necessary future revisions to the CRCP itself will be coordinated with the consulting parties through EPA.

## **5.2 CULTURAL RESOURCE PROCEDURES IN THE SAMPLING PROCESS**

This section defines general procedures to be followed in the sampling process to minimize the potential for inadvertent disturbance of cultural resources. More specific protocols to respond to discoveries are defined in the following sections.

A DOI representative and/or Tribal representative(s) will be present during sampling activities at the UCR site. The protocol for this monitoring is defined below.

### **5.2.1 Archaeological Monitoring in the Sampling Program**

To assure compliance with the NHPA and the applicable requirements, procedures, access agreements, and standards of the NPS, USBR, CCT, and STI, the following procedures have been developed to address potential discoveries, including inadvertent

discoveries, of cultural materials and deposits (including sacred objects, associated and unassociated funerary objects, and objects of cultural patrimony as defined in NAGPRA) and Indian burials and human remains (as defined in NAGPRA) during sediment and soil sampling and associated activity that could result in ground disturbance. Responses to any discoveries of burials must comply with provisions of NAGPRA and its implementing regulations (in addition to those referenced above), as well as the existing protocols of the NPS, USBR, CCT, and STI (copies of these protocols are provided in Attachment 1). Attachment 2 also provides a summary of these procedures, collectively referred to as the Archaeological Monitoring Protocol, which is to be followed by all Teck Technical Team field personnel, including subcontractors, should potential discoveries, including inadvertent discoveries, of cultural materials and deposits, and/or Indian burials and human remains occur during execution of field sampling programs and other activities associated with the Site RI/FS.

#### **5.2.1.1 Notification of Planned Sediment and Soil Sampling**

Notification to EPA may be provided by e-mail or by letter. As required by the SOW, for all RI/FS activities at the Site involving sediment collection or ground penetration/disturbance, Teck shall work with the potentially affected parties to assess the effects of the planned work and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. Further, sediment sampling cannot be performed at the Site without 1) clearance of proposed sediment sample locations by tribal and federal/state cultural resources coordinators, and; 2) approval of this CRCP by EPA.

All sampling events have various access and permit requirements depending on the type and location of sampling. For activities on Interior lands, the notification should take place as outlined in the July 2008 access agreement between DOI and Teck, and as stipulated in the terms of the Special Use Permit for each sampling activity. In addition, Teck is responsible for obtaining any Tribal permits and access agreements.

The names and contact information for potentially affected parties (i.e., representatives of the federal and state land-managing agencies and Tribes) are provided in Attachment 3 of this plan.

#### **5.2.1.2 Archaeological/Cultural Resources Monitoring and Reporting**

A DOI representative and/or Tribal representative(s) will be present during sampling activities at the UCR site.

The archaeological monitor and/or Tribal representative(s) will visually examine all samples to determine if evident or likely artifacts are present or if other deposits are present that are likely to be cultural in origin. The archaeological monitor and/or Tribal representative(s) will not make physical contact with the sample unless artifacts or other cultural deposits are present. If artifacts or likely archaeological deposits are present, the individual under the direction of the professional archaeologist will record the location of the materials and photograph the materials in place in such a manner to provide information on provenience. The artifacts and other archaeological materials will then be redeposited at their original location.

The archaeological monitor and/or Tribal representative(s) will document their observations on a daily basis, including field notes and photographs that record the location, character of the sampling or other ground-disturbing activity, any archaeological discoveries made, and any decisions made within the provisions of this Plan by the archaeological monitor and Tribal representative(s) in response to any archaeological discoveries. A standardized archaeological monitoring form may be substituted for the field notes referenced above. This documentation will be provided to the professional archaeologist within 24 hours of any archaeological discovery. Teck shall provide to EPA the name, contact information, and credentials of the professional archaeologist that it will be using on the project. This information must be provided to EPA and shared by EPA with the consulting parties before field sampling can begin. The professional archaeologist must meet the Professional Qualifications of the Secretary of the Interior's Standards and Guidelines in Archaeology and Historic Preservation.

The professional archaeologist will provide the documentation to EPA as soon as possible. EPA will disseminate the documentation to all of the other consulting parties in a timely manner. All alternative communications procedures may be developed by EPA in coordination with the consulting parties and Teck.

The professional archaeologist will prepare a professional monitoring report of the field sampling activities describing the actual activities that occurred, their outcome in terms of cultural resource discoveries, and the author's professional recommendations for any additional cultural resource efforts for this specific project. The cultural resources monitoring report will be provided to EPA at the end of the QAPP-specific field sampling event, or as determined appropriate by EPA. The professional monitoring report will be distributed by EPA to the consulting parties.

All archaeological monitors and Tribal representatives will be required to have read the applicable health and safety plan and to have complete understanding of the

archaeological monitoring provisions of this plan. The archaeological monitors will also be required to meet requirements for personal protective equipment.

#### **5.2.1.3 Discoveries: Archaeological Monitor or Tribal Representative Present**

At the discretion of the archaeological monitor or Tribal representative, ground-disturbing sampling or associated activity may be slowed or halted at any time that a suspected archaeological object or archaeological resource is encountered. The objective of this slowing or halting of ground-disturbing cleanup activity is to allow the archaeologist to confirm and/or make a preliminary assessment of the discovery. At the discretion of the archaeological monitor or Tribal representative, a specific sample may be relocated from the location of the discovery but at the sampling location. Such relocation will be coordinated with the on-site sampling manager or supervisor.

At the request of the archaeological monitor or Tribal representative, the sampling personnel will either:

- Assist in securing access to the location of the discovery and take appropriate measures to protect the location of the discovery from rain, stormwater, and other possible disturbances, or
- Assist in moving the artifacts to a protected and secure area of the site away from the immediate sampling area. Removal of artifacts from the discovery location will be undertaken only if leaving the artifacts in place would jeopardize their integrity due to erosion or collection by unauthorized individuals.

The archaeological monitor, Tribal representative, or a member of the Teck Technical Team will remain on-site to ensure the security of the find until more extensive efforts can be made to secure the site from further disturbance or a more extensive evaluation and documentation of the discovery can be made.

Notification of any cultural resources that have the potential to delay or halt sampling activities (i.e., human remains or those items covered under NAGPRA) must be provided as soon as possible to EPA for further coordination with the consulting parties. All telephone notification of discoveries must be promptly followed by notification in writing (via e-mail or conventional mail).

#### **5.2.1.4 Discovery of Human Remains**

Native peoples in the study area consider the graves of their ancestors to be important in both their cultural identity and in defining their relationship with the land. These graves

are therefore considered sacred and should be left undisturbed. Should inadvertent disturbance occur, the remains and associated materials (“funerary objects”) must be treated with respect and honor. All appropriate federal, Tribal, and state laws, regulations, and procedures regarding burials should be rigorously enforced.

In the event that likely or confirmed human remains are encountered, all further sampling or other ground-disturbing activity will cease immediately. The protocol and notification procedures to be followed for any potential discoveries of human remains are provided in Attachment 1. Any discoveries within the boundaries of the Colville or the Spokane reservations must also be reported immediately to the respective Tribe.

The Teck Technical Team will assist the archaeological monitor and Tribal representative(s) in securing the location of the discovery.

Other conditions for responses to discoveries of archaeological materials may be defined in the ARPA permit(s) issued for the sampling program. Responses to any discoveries of burials must comply with provisions of NAGPRA and its implementing regulations (in addition to those referenced above), as well as the existing protocols of the NPS, USBR, CCT, and STI (copies of these protocols are provided in Attachment 1).

#### **5.2.1.5 Discoveries: Archaeological Monitor or Tribal Representative Not Present**

As previously stated, an archaeological monitor and/or Tribal representative(s) will be present during all sampling activities. In the event, however, that suspected or evident artifacts or other archaeological deposits are encountered when an archaeological monitor or Tribal representative is not present, the immediate vicinity of the discovery will be secured. The discovery will be mapped and photographed in place but will be otherwise left as found (other than appropriate measures to secure the find and maintain this security). In consultation with the land-managing agency or appropriate Tribe, as well as other interested parties, Teck will arrange for the location of the discovery to be examined by a professional archaeologist who meets the Professional Qualifications of the *Secretary of the Interior’s Standards and Guidelines in Archaeology and Historic Preservation* and Tribal representative in a timely manner. If the archaeologist confirms the presence of artifacts or other archaeological deposits, the procedures defined above for discoveries made during ground-disturbing activity monitored by an archaeologist or Tribal representative(s) will be implemented. The archaeologist will prepare appropriate State of Washington archaeological forms to document the find.

To ensure proper recognition of artifacts and other cultural items or deposits, a minimum of one Teck field-staff member per sampling boat or shoreline sampling group will be

provided with training in recognizing these materials by a professional archaeologist prior to the initiation of any sediment and soil sampling.

### **5.2.2 Curation**

Artifacts and other cultural materials that may be recovered during the sampling program (with the exception of human remains and associated items subject to NAGPRA) will be curated at a facility that meets the standards of 36 CFR 79. The appropriate facility or facilities will be designated by the NPS and USBR in consultation with the Tribes for items recovered from federal lands. The appropriate Tribe will designate the curation facility for cultural materials recovered from Tribal lands.

## **5.3 CONFIDENTIALITY**

Teck shall make its best efforts, in accordance with state and federal law, to ensure that its employees and contractors keep the discovery of any found or suspected human remains, other cultural items, and potential historic properties confidential. Pertinent Teck employees and contractors will be required to read and sign a confidentiality statement that specifies procedures to be followed in response to media and public contacts regarding archaeological and other cultural resources. To the extent permitted by law, prior to any release of information, EPA, Teck, and the other consulting parties 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.

## **6 REFERENCES**

USEPA. 2006a. Screening-level risk assessment for recreational use of beaches, Upper Columbia River, remedial investigation and feasibility study. Prepared by CH2M HILL and Ecology and Environment, Inc. Draft. U.S. Environmental Protection Agency, Region 10, Seattle, WA.

USEPA. 2006b. Settlement agreement for implementation of remedial investigation and feasibility study at the Upper Columbia River Site. June 2, 2006. U.S. Environmental Protection Agency, Region 10, Seattle, WA.

## 7 GLOSSARY OF TERMS

**Burial**—A burial is defined in NAGPRA as “[a]ny natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as part of the death rite or ceremony of a culture, individual human remains are deposited.”

**Curation**—Long-term storage and preservation of archaeological collections. Archaeological collections from federal lands must be curated at facilities that meet the standards of 36 CFR 79.

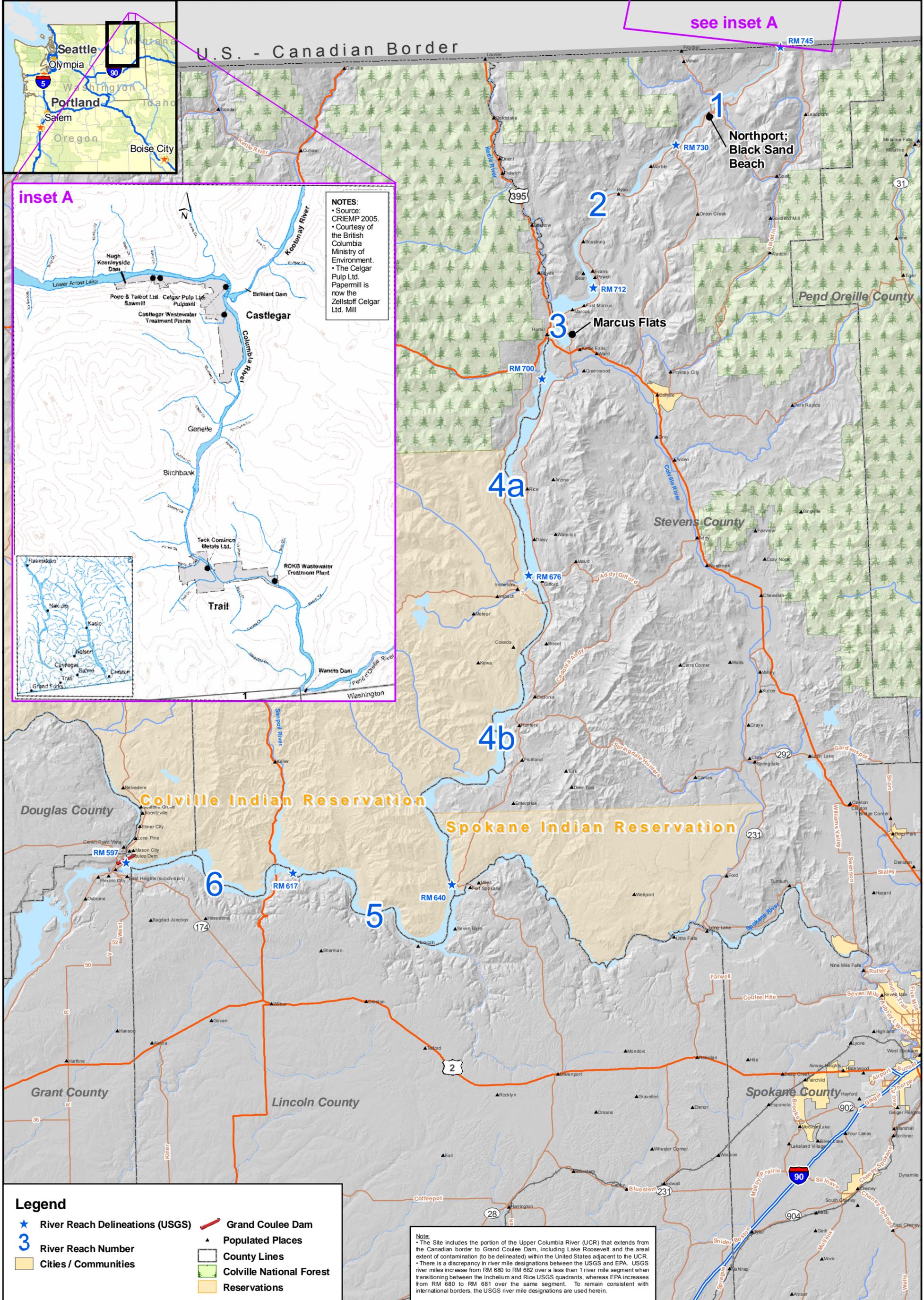
**Ethnohistoric**—Information on Native peoples gathered from historical accounts.

**Historic, historic-period, historical**—The NHPA uses the term “historic” to refer to properties that are listed or have been determined eligible for listing on the National Register of Historic Places. To avoid confusion with this definition of “historic,” “historic-period” or “historical” are used to reference resources, places, events, and people associated with the period since the appearance of Euroamericans and the beginning of written accounts (ca. 1780–1810 in the Pacific Northwest).

**Protohistoric**—The period of time transitional from prehistory to history. In the Pacific Northwest, the protohistoric can be generally defined as from the late 1600s until late 1700s.

## **FIGURES**

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Integral Parametrix

0 5 10 Km

0 5 10 Miles



Figure 1-1.

Site Location and River Reach Delineations

Upper Columbia River, WA

## **TABLES**

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Table 3-1. Proposed Sampling Methods for the UCR RI/FS.

Media Type	Sampling Area	Depth	Sampling Site Access	Sampling Equipment	Disturbed Surface Area	Link to Photos of Sampling Device, if Applicable
<b>Tissue</b>						
Terrestrial Plant	Upland	NA	Truck, then hike to sampling site	Spade, trowel, scissors	Foot traffic to access site, digging if removing entire plant	
Fish	UCR	NA	Boat	Seine, purse seine from boat, or hook and line	No direct contact while sampling	
Zooplankton	UCR	NA	Boat	Plankton net	No direct contact while sampling	
<b>Soil</b>						
Surface Soil	Upland	No more than 30 cm	Truck, then hike to sampling site	Spade, trowel, or scoop	Foot traffic to access site, digging to retrieve sample	
<b>Undisturbed Surface Water</b>						
Surface Water	UCR	Surface water	Boat	Go-Flo™ (or similar) sample collection bottles or peristaltic pump with sampling tube lowered to the desired depth	May need to launch boat, anchor or use existing boat launches	
<b>Disturbed Surface Water</b>						
Surface Water	UCR	No more than 30 cm of river bottom in 1.5 m of water	Boat, then walk to sampling site on the shore	Peristaltic pump with sampling tube lowered to the desired depth	Will need to put personnel onshore prior to sample collection; sampling personnel will walk on river bottom in approx. 1.5 m of water while collecting disturbed surface water sample	
<b>In-Water Sediment</b>						
Surface	UCR	0–30 cm	Boat	Sediment grab sampler	Approx. 0.5 m <sup>2</sup> of sediment bottom disturbed. May need to launch boat, anchor or use existing boat launches	<a href="http://www.rickly.com/as/bottomgrab.htm">http://www.rickly.com/as/bottomgrab.htm</a>

Table 3-1. Proposed Sampling Methods for the UCR RI/FS.

Media Type	Sampling Area	Depth	Sampling Site Access	Sampling Equipment	Disturbed Surface Area	Link to Photos of Sampling Device, if Applicable
Benthic sampling	UCR	No more than 30 cm	Boat	Sediment grab sampler	Approx. 0.5 m <sup>2</sup> of sediment bottom disturbed. May need to launch boat, anchor or use existing boat launches	
<b>Beach Sediment</b>						
Subsurface	UCR	More than 30 cm	Boat	Gravity corer, Vibracorers	Approx. 0.1 m <sup>2</sup> of sediment bottom disturbed. May need to launch boat, anchor or use existing boat launches	<a href="http://www.gresource.com.au/Vibracore-specs.htm">http://www.gresource.com.au/Vibracore-specs.htm</a>
Surface	UCR	15 cm	Overwater, or truck, then hike to sampling site	Spade, trowel, or scoop	Overwater, existing boat launches or truck to access beach area and then hike to sampling site	
Subsurface	UCR	75 cm	Overwater, existing boat launches or truck, then hike to sampling site	Auger or coring device	Overwater, existing boat launches or truck to access beach area and then hike to sampling site	

# **ATTACHMENT 1**

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## **PROTOCOLS AND PROCEDURES FOR INADVERTENT DISCOVERIES AND/OR INTENTIONAL EXCAVATIONS**

Attachment – Inadvertent Discoveries on Interior lands

**Draft Lake Roosevelt Protocols for Native American Graves Protection and Repatriation Act (NAGPRA) Inadvertent Discoveries or Intentional Excavations: National Park Service and the Bureau of Reclamation**

This protocol is intended to cover NAGPRA items exposed by inadvertent discoveries or intentional excavations within the boundaries of lands managed by the National Park Service/Lake Roosevelt National Recreation Area and the Bureau of Reclamation/Grand Coulee Dam Project. The term “NAGPRA items” in this document refers to human remains associated funerary objects, and objects of cultural patrimony as they are defined in 25 USC 3001 and its implementing regulations (43 CFR Part 10). Funding of actions is not covered under this protocol.

1. If potentially human remains are encountered, any activity in the vicinity of the discovery shall cease and all appropriate effort shall be made to determine if the remains are human. Secure the area and take protective measures to assure that the remains are not in danger of further depredation or disturbance.
2. A National Park Service law enforcement officer will be immediately notified. Law Enforcement, in consultation with the Park Archaeologist (if needed), will determine if the find is human, whether it is of recent origin, and if it is part of a crime scene.

If Law Enforcement has determined that the find is human and not of Law Enforcement concern, they will notify the Park Archaeologist and the Chief of Cultural Resources, who will contact the appropriate Tribal representatives and the Bureau of Reclamation archaeologist about the Inadvertent Discovery. Live phone contact is required; backup staff are identified if the primary contacts are unavailable. Phone contact will be followed up by written confirmation. Contact Phone Numbers are provided at the end of the Protocols.

3. As soon as the items have been determined to be human, then all effort shall be made in the field to determine whether the remains are Native American.
4. If the items are determined not to be Native American, then Washington State burial laws apply and shall be followed (Title 68, Chapter 68.50 RCW HUMAN NAGPRA ITEMS.
5. If the ethnicity of the human remains cannot be determined in the field, further analysis of the bones and/or associated funerary objects or other archeological materials may be required. The, NPS and Reclamation shall consult with the Tribal representatives regarding the types of analysis to be conducted.

6. If it is determined that the human remains are Native American, a Written Plan of Action will be prepared that will outline the procedures that will be taken to address the NAGPRA regulations on Inadvertent Discoveries.
7. The manner of treatment will be decided in consultation between the NPS, BOR and the Tribal representatives.
8. If it is possible to rebury or cap the NAGPRA items in place, then that decision shall be documented in the Written Plan of Action (see below).
9. Should excavation or removal be the preferred option, NPS will review the excavation proposal and issue an ARPA permit following the NPS guidelines on ARPA permit requirements. The Reclamation contract language for burials recovered in the shoreline of the NRA will also apply and should agree with the Written Plan of Action and these protocols.
10. Provenience information will be collected as specified by the Written Plan of Action. The Reclamation contract language for burials recovered from the shoreline of the National Recreation Area will also apply and should agree with the Written Plan of Action and these protocols.
11. Recording of provenience may include any or all of the following: documenting the location of the burial or scattered NAGPRA items and general site conditions on a site form or on an addendum to an existing form; describing the surface visible NAGPRA items to the degree that can be accomplished without causing additional disturbance to the grave; and documenting the location of the burial on a USGS 7.5' topographic sheet and with a GPS unit.
12. NAGPRA items will be removed using standard professional archaeological practices. Such practices may include collection of horizontal provenience data referenced to a site datum point. If excavation is required, vertical provenience data shall be tracked through the use of stratigraphic or controlled 10-cm levels within a standard grid unit, screening of all excavated fill through 1/8-inch screen mesh, and photographic and to-scale plan map documentation of excavated features. All recovered items shall be listed in the field during collection to minimize handling after recovery.
13. Inadvertent discoveries that result from activities requiring easements or other non- ARPA permits (such as access, construction, etc.) shall be dealt with by the permitting agencies, which may be Reclamation or the NPS. This protocol document will be included with documents issued to permittees.
14. The Written Plan of Action for individual discoveries will detail exact procedures for further implementation of NAGPRA. A sample Written Plan of Action is included below.

## 15. Contact Names and Numbers.

- Camille Pleasants, CCT THPO (509) 634-2654, FAX 634-2694, John Pouley, Project Director Archaeologist, 509-634-2699. After work hours Mr. Pouley can be reached at 633-0498. In the event that neither Ms. Pleasants or Mr. Pouley can be contacted, then Guy Moura, TCP Coordinator, will be contacted at (509) 634-2695 (office), 633-8361 (home), 631-1705 (cell), who shall participate in the NAGPRA consultation process on Ms. Pleasants' behalf until her return.

Ray DePuydt, Park Archeologist or Frank Andrews Jr. are the primary contacts for the Lake Roosevelt National Recreation Area. Mr. DePuydt's phone number is (509) 738-6266, ext 101, and internet address is [ray\\_depuydt@nps.gov](mailto:ray_depuydt@nps.gov). Frank Andrews Jr. phone number is (509) 633-9441 ext. 132 and his internet address is [frank\\_andrews@nps.gov](mailto:frank_andrews@nps.gov).

- Sean Hess, Power Office Archaeologist, is Reclamation's primary contact for NAGPRA on Lake Roosevelt. His phone number is (509) 633-9233, cell 631-0213, FAX (509) 633-9138, and internet address is "shess@pn.usbr.gov." he may also be reached in cases of emergency at 633-7158. If Mr. Hess is not available, then Lynne MacDonald, Regional Archaeologist, is Reclamation's alternate contact. Her phone number is (208) 378-5316, FAX 378-5305, and internet address is "lmacdonald@pn.usbr.gov." In the event neither Mr. Hess nor Ms. MacDonald is available, Reclamation's Contracting Officer will be contacted directly at (208) 378-5364.
- Randy Abrahamson, THPO, and John Matt, Cultural Program Director, are the primary contacts for the Spokane Tribe of Indians. Mr. Abrahamson's number is (509) 258-4315 [randva@spokanetribe.com](mailto:randva@spokanetribe.com) and John Matt's is (509) 258-4060 [johnm@spokanetribe.com](mailto:johnm@spokanetribe.com).

## Template NAGPRA Plan of Action for Lake Roosevelt

**This plan of action shall comply with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.), its implementing regulations (43 CFR Part 10) and the Archaeological Resources Protection Act (ARPA) (16 USC 470 et seq.) with its implementing regulations (43 CFR Part 7).**

1. The kinds of objects to be considered as cultural items as defined in Sec. 10.2 (b):
  - ✓ Human remains
  - ✓ Associated funerary objects
  - ✓ Unassociated funerary objects
  - ✓ Objects of cultural patrimony
  - ✓ Sacred objects

These objects are cultural objects as defined under NAGPRA 43CFR Part 10.2 (d).

2. The specific information used to determine custody pursuant to Sec. 10.6:
  - ✓ Traditional association (this is where tribe's area of interest is cited with reference to Lake Roosevelt)
  - ✓ Cultural affiliation
  - ✓ Evidence: Geographical, archaeological, linguistic, folklore, oral tradition, historical
3. The planned treatment, care, and handling of human remains and other objects as defined in NAGPRA
4. The planned archaeological recording of the human remains and other objects as defined in NAGPRA
5. The kinds of analysis planned for each kind of object
6. Any steps to be followed to contact Indian tribe officials at the time of intentional excavation or inadvertent discovery of specific human remains and other objects as defined in NAGPRA
7. The kind of traditional treatment, if any, to be afforded the human remains and other objects as defined in NAGPRA by members of the Indian tribe
8. The nature of reports to be prepared
9. The planned disposition of human remains, and other objects as defined in NAGPRA.

**Spokane Tribe of Indians  
P.O. Box 100-Wellpinit, WA 99040  
Tel 509-458-6500, Fax 509-458-6575**

**Century of Survival  
1881-1981:  
Procedure for the Inadvertent Disturbance or  
Discovery of Spokane Human Remains and  
Cultural Resources**

## Introduction

Because many ground-disturbing processes, both natural and cultural, have the effect of prompting the destruction of evidence of Spokane Tribal heritage, it is the policy of the Spokane Tribe of Indians (hereafter "Spokane Tribe") to leave Spokane human remains and cultural resources in place and undisturbed. Purposeful disturbance of these resources without proper permit and consultation and/or approval of the Spokane Tribe is a violation of federal, Tribal, State, and/or local law. The National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA) require that federal agencies take responsibility for damage to or loss of human burials caused by the project actions or that occur on off-reservation lands under the management jurisdiction. The Spokane Tribe has been delegated the federal authority as a Tribal Historic Preservation Office for Reservation lands pursuant to Section 101 (d)(2) of the National Historic Preservation Act.

## Geographic Area of Applicability

This procedure for the inadvertent disturbance or discovery of Spokane human remains and cultural resources applies to all lands within the boundaries of the Spokane Indian Reservation and is advisory for all lands within the Spokane Tribe's aboriginal territory, as determined in proceedings before the Indian Claims Commission. For the purposes of cultural resource management, the ceded territory is bounded by and includes the Columbia River on the west, the Canadian border to the north, the Idaho border to the east, Rosalia to the southeast, Rosalia to the southeast, and Ritzville to the southwest.

## Procedure

In cases of inadvertent disturbance or discovery of Spokane human burials or cultural resources, the following procedure is to be followed:

1. Upon inadvertent disturbance or discovery of human burials or cultural resources, any action(s) affecting the burials or resources shall immediately be halted.
2. The person(s) making the discovery shall immediately notify the appropriate office of the coroner or police. Upon a determination of the appropriate death investigation authority that the location of the remains is not the result of a crime, the following procedures shall apply:
  - a) The entity making such disturbance or discovery shall notify the landowner, occupant, or manager. If the land occupant or manager is notified in lieu of the landowner, the occupant or manager will immediately notify the landowner. The entity making the disturbance or discovery will immediately notify the Spokane Tribal Historic Preservation Office, Wellpinit, Washington, in person or by telephone (at 509-258-4315), or by fax (at 509-248-6965), of the disturbance or discovery. The entity is advised to keep written documentation of such contact.
  - b) The entity making the disturbance, or discovery will exert its best effort to protect such remains and/or objects until the landowner and/or land occupant or manager arrives to protect these remains and/or objects. Within 24 hours of notification, the

landowner shall supply protection for such remains and/or objects, until disposition or control of such remains and objects has been implemented.

3. The Spokane Tribal Historic Preservation Officer or designated representative(s) shall inspect in person the affected sited, human remains, or cultural resources, and shall determine, if possible evidence at the site, oral history, and/or existing records, the cultural affiliation of such site, human remains, and/or objects, until disposition or control of such remains and objects has been implemented.
  - a. If the exposed human remains or cultural resources are clearly Native American and have known lineal descendants or owners, the Spokane Tribal Historic Preservation Officer shall then have the opportunity to make disposition or to take control of such human remains and/or associated funerary objects.
  - b. If the exposed human remains and /or associated funerary objects are clearly prehistoric or non-modern Native American in origin and have no known lineal descendants, or if the lineal descendants decline the disposition or control, the Spokane Tribe, as the Indian Tribe which has the closest cultural affiliation and aboriginally occupying the are, claims ownership of such human remains and associated funerary objects, as they choose.<sup>1</sup> The Tribe's ownership and right to disposition and control of the human remains and/or associated funerary objects refers to the entire burial, to the extent it can be recovered, and does not allow in any case for separation of part of an individual's remains from other parts or from their associated funerary objects.
  - c. If the exposed human remains and/or associated funerary objects are historic and non-Native American in origin, the Spokane Tribal Historic Preservation Officer will notify the Washington State Historic Preservation Officer (SHPO), Disposition and control over such burials will be determined the SHPO.
  - d. If the exposed human remains and/or associated funerary objects are of uncertain or unidentifiable cultural identity, but clearly non-modern in origin, the Spokane Tribal Historic Preservation Officer will use reasonable means, such as professional consultation, to obtain a determination of the responsibility of the entity disturbing such remains. After cultural identity has been satisfactorily determined, the disposition or control of such remains and /or objects shall follow as otherwise provided in this procedure.
  - e. If the exposed human remains and/or associated funerary objects are modern or possibly modern in origin, regardless of cultural affiliation, the Spokane Tribal Historic Preservation Officer will notify the local law enforcement authorities. Disposition and control over such burials will be determined by the law enforcement authorities.

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<sup>1</sup> For the purposes of this procedure, modern is here defined as less than 50 years old; non-modern is defined as 50 years of age or older. For human remains, the age of such remains is defined as beginning at the death of the individual, to the present.

4. Within 48 hours of notification, the entity with right of disposition and control shall notify the landowner concerning plans for disposition and control over such objects. Actual disposition and control shall be implemented as soon as possible, although may be delayed if so agreed by the landowner and the entity with right of disposition and control, or if the extent of the damage or other circumstances require delay in disposition and control.

The entity performing any action which inadvertently disturbs or damages Spokane human remains or cultural resources shall be responsible for costs of inspection of the damage or disruption by Tribal staff; removal, reburial, and/or restoration of the site; identification of resources. Costs may include but are not limited to staff, equipment, supplies, laboratory costs, and travel. If the entity performing the action which inadvertently disturbs or damages such resource is not also the land owner, such entity is responsible for reimbursing the land owner for costs incurred by the land owner as a direct result of this procedure. In no case shall the required associated with the action or resources involved.

The Spokane Tribal Historic Preservation Office shall make best effort to minimize the costs associated with Inadvertent Disturbance or Discovery, especially when the entity involved fully cooperates with preservation and protection efforts; however, appropriate project undertaking funding shall ensure that sufficient measures are taken to complete the activities described in these procedures.

An entity solely reporting human remains or cultural resources to the Spokane Tribe, provided they have not damaged or disturbed such resources, or caused or been responsible for damage or disturbance of such resources, shall not be responsible for any additional costs under this section.

### **Relationship to Other Applicable Laws**

Full compliance with all aspects of this procedure shall be considered by the Spokane Tribe as full and complete consultation and cooperation with the Spokane Tribe, as required by law, for the purposes of Inadvertent Disturbance and Discovery of human remains and cultural resources.

### **Limitations**

Compliance with this procedure for a particular disturbance or discovery does not constitute consultation and cooperation with the Spokane Tribe on other disturbances or discoveries.

Notification of the Spokane Tribe under this procedure does not release the entity from responsibility for violations of federal, Tribal, state or local law.

### **Violations**

Any entity discovering or disturbing any Spokane human remains or cultural resources who does not follow the procedure described here, shall be considered in violation of this procedure. Such action shall be considered deliberate and causing unauthorized damage to the affected resource; this action is subject to prosecution under applicable federal, Tribal, state and/or local laws.

## Recovery of Eroding Human Remains

When approval from the appropriate authorities is given for the collection of scattered human remains or recovery of exposed and immediately endangered remains, standard professional practices will be used to ensure that all associated remains and grave goods are recovered, and that the location is documented to assist future monitoring or management practices. However, those making the recovery shall not open up areas around the burial or discovery with the intention of discovering additional burials and materials or to learn more about the site context. Excavations of this sort are strictly for the salvage of eroding or disturbed burials.

The methods for documentation are to be consistent with practices employed by the Spokane Tribe, including collection of locational data, controlled excavation of the burial pit, and screening of the pit fill.

A professional archaeologist shall be in the field with the burial recovery crew at all times, and shall participate in the documentation of burials in all aspects where their involvement does not violate traditional custom or practices. If permitted by the Spokane, to scale map documentation of excavated features (i.e., distribution of remains and grave goods in the burial pit) is recommended.

The project entity is responsible for the preparation of a site plan map that shows the locations of surface-visible cultural features, significant topographic features, and other information needed to relocate the site in subsequent years for management purposes.

Photographs shall be taken that show the location of excavated burials in relation to identifiable landmarks. Human remains will not be visible in the photograph if not approved by the Spokane Tribe; this authorization will be decided on a case by case basis. The location of un-recovered remains or each excavated grave will be documented on a 7.5' USGS quadrangle topographic map. GPS measurement of location is required.

Associated artifacts and grave goods may be subjected to examination and documentation if that is approved by the Spokane Tribe. Permission from the Spokane Tribal Business Council for examination and documentation of Native American burials and grave good, beyond that required to determine if the remains are Native American in origin, shall be gained in writing and a copy of the written approval shall be provided to the contracting professional investigation of the burial(s).

If the remains are Euro-American in ancestry, standard non-destructive analysis shall be completed of remains and any associated grave goods or mortuary materials.

All grave goods shall be stored with the appropriate skeletal remains.

Any recovered remains will be boxed according to Tribal standards (appropriate size and material to be decided by Tribal Elder in consultation); the contracted investigator will retain and protect the burials in their custody until repatriation occurs or, if such would prove necessary after completion of NAGPRA consultations, the Tribe notifies them to deliver the burial(s) to another location. We anticipate that, after completion of notification processes defined in NAGPRA, Native American remains would be repatriated to Spokane Tribe in Wellpinit, Washington.

## Coordination

The Tribal Historic Preservation Officer, is the primary contact for the Spokane Tribe for notification purposes as well as consultation on matters of cultural patrimony. The phone number is (509) 258-4315, or FAX (509) 258-6965. The THPO shall be immediately notified whenever a human burial or scattered human remains are found on any Reservation or ceded land location.

## Definitions

### Cultural Resources

Cultural resources include (but not by way of limitation): archeological, historic, traditional, and ethnographic resources older than 50 years or originating more than 50 years ago. These include artifacts, features, and sites; pictographs and petroglyphs; traditional cultural properties; sacred sites and continuing practices; traditional gathering areas and resources; the Spokane and Columbia rivers; oral histories, myths, and stories; traditional ceremonies (separate from those practiced at historic sites), gatherings, and activities; and recordings of these in various formats. Those cultural resources specifically excluded from this definition are burial sites, human remains, and associated funerary objects, which possess certain qualities for the Spokane People that are not to be disclosed or discussed in this context.

To further expand this operational definition of cultural resources, three categories of property types should be noted; ancestral lifeways, property is usually an archaeological resource that contains material remains or physical evidence of past human life or activities, including the record of the effects of human activities on the environment. They are capable of revealing scientific and/or humanistic information through archaeological research. For the purposes of the Spokane Tribe, these sites are those that can be dated as originating prior to contact, that is, A.D. 1730.

An historic property may also be archeological in nature, but is better delimited by the time period of contact between the Spokane(e) Peoples and Euro-Americans, that is, between 1730 and 1950. This transitional period and the material culture generated may provide useful insights on assimilation and cultural resistance. In the long run, these contrasts will offer broader cultural and chronological reconstructions, documenting significant events, occupations or activities, and/or structures or landscapes whether extant or vanished, apart from the value of any existing structure or landscape.

Additional cultural properties are those associated with cultural practices or beliefs of a living community that are rooted in that community's history or are important in maintaining its cultural identity. These may also include traditional resource areas, those which traditionally support subsistence or other consumptive or ceremonial use of natural resources. Use can be on-site and visible, inferred from effects, or off-site and referenced in traditional narratives. Traditional ceremonial use may also involve sites, structures, each with their own special local names; as such they are eligible for listing in the National Register Historic Places.

**Damage to Cultural Resources**

Any intentional or unintentional disturbance to any cultural resource which has not been authorized by the Spokane Tribal Council as appropriate for that resource is considered damage. Damage to cultural resources includes (but not by way of limitation) looting, vandalism, disturbance, or displacement of any artifact, human remains or associated cultural objects, cultural features or sites, sacred sites, or burial sites; collection of non-modern artifacts (older than 50 years) from the surface of the ground; painting, drawing, carving, or other defacement of pictographs or petroglyphs; digging or disturbance in cultural sites; disturbance, clearing, or spraying pesticides in traditional gathering areas; handling of Spokane burial remains or associated objects by non-Tribal members; and desecration of burial grounds.

**Entity or Person**

For the purposes of the procedure "entity or person" shall mean an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Native American Tribe, and/or of any State or political subdivision thereof.

**Objects of Cultural Patrimony**

For the Spokane Tribe these objects include (not by way of limitation) Spokane Elders' oral histories, myths, stories; burial remains and associated objects of individuals without known descendants; objects associated with cemeteries and sacred sites; and the recordings in any and all media of these classes of objects.

## **ATTACHMENT 2**

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# ARCHAEOLOGICAL MONITORING PROTOCOL

# **ATTACHMENT 2**

## **Archaeological Monitoring Protocol**

### **INTRODUCTION**

This protocol provides a summary of procedures to be followed by all Teck American Incorporated (Teck) Technical Team field personnel, including subcontractors, should potential discoveries, including inadvertent discoveries, of cultural materials and deposits, and/or Indian burials and human remains occur during execution of field sampling programs and other activities associated with the Upper Columbia River (UCR) site remedial investigation and feasibility study (RI/FS). Cultural materials and deposits (including sacred objects, funerary objects, and objects of cultural patrimony) as well as Indian burials and human remains are defined in the Native American Graves Protection and Repatriation Act (NAGPRA).

The procedures detailed below were developed to assure compliance with the National Historic Preservation Act and the applicable requirements, procedures, and standards of the National Park Service (NPS), Bureau of Reclamation (USBR), Confederated Tribes of the Colville Reservation (CCT), and the Spokane Tribe of Indians (STI). Detailed information regarding existing discovery protocols for these entities, as well as implementing regulations, notification requirements, archaeological monitoring requirements, and other cultural resource coordination activities for the RI/FS are provided in the cultural resources coordination plan (CRCP).

### **DISCOVERIES WHEN AN ARCHAEOLOGICAL MONITOR IS PRESENT**

At the discretion of the archaeological monitor or Tribal representative, ground-disturbing sampling or associated activity may be slowed or halted at any time that a suspected archaeological object or archaeological resource is encountered. The objective of this slowing or halting of ground-disturbing cleanup activity is to allow the archaeological monitor/Tribal representative to confirm and/or make a preliminary assessment of the discovery. At the discretion of the archaeological monitor or Tribal representative, a specific sample may be relocated from the location of the discovery but at the sampling location. Such relocation will be coordinated with the field supervisor.

At the request of the archaeological monitor or Tribal representative, the sampling personnel will either:

- Assist in securing access to the location of the discovery and take appropriate measures to protect the location of the discovery from rain, stormwater, and other possible disturbances, or

- Assist in moving the artifacts to a protected and secure area of the site away from the immediate sampling area. Removal of artifacts from the discovery location will be undertaken only if leaving the artifacts in place would jeopardize their integrity due to erosion or collection by unauthorized individuals.

The archaeological monitor, Tribal representative, or a member of the Teck Technical Team will remain on-site to ensure the security of the find until more extensive efforts can be made to secure the site from further disturbance or a more extensive evaluation and documentation of the discovery can be made.

Notification of any cultural resources that have the potential to delay or halt sampling activities (i.e., human remains or those items covered under NAGPRA) must be provided as soon as possible to the U.S. Environmental Protection Agency (EPA) for further coordination with the consulting parties.

## **DISCOVERY OF HUMAN REMAINS**

Native peoples in the study area consider the graves of their ancestors to be important in both their cultural identity and in defining their relationship with the land. These graves are therefore considered sacred and should be left undisturbed. Should inadvertent disturbance occur, the remains and associated materials (“funerary objects”) must be treated with respect and honor. All appropriate federal, Tribal, and state laws, regulations, and procedures regarding burials should be rigorously enforced.

In the event that likely or confirmed human remains are encountered, all further sampling or other ground-disturbing activity will cease immediately. The protocol and notification procedures to be followed for any potential discoveries of human remains are provided in protocols of the NPS, USBR, CCT, and STI (Attachment 1 to the CRCP). Any discoveries within the boundaries of the Colville or the Spokane reservations must also be reported immediately to the respective Tribe.

The Teck Technical Team will assist the archaeological monitor and Tribal representative in securing the location of the discovery.

Other conditions for responses to discoveries of archaeological materials may be defined in the Archeological Resources Protection Act permit(s) issued for the sampling program. As detailed in the CRCP, responses to any discoveries of burials must also comply with provisions of NAGPRA and its implementing regulations, as well as the existing protocols of the NPS, USBR, CCT, and STI (Attachment 1 to the CRCP).

## **DISCOVERIES WHEN AN ARCHAEOLOGICAL MONITOR IS NOT PRESENT**

As previously stated, an archaeological monitor and/or Tribal representative(s) will be present during all sampling activities. In the event, however, that suspected or evident

artifacts or other archaeological deposits are encountered when an archaeological monitor or Tribal representative is not present, the immediate vicinity of the discovery will be secured. The discovery will be mapped and photographed in place but will be otherwise left as found (other than appropriate measures to secure the find and maintain this security). In consultation with the land-managing agency or appropriate Tribe, as well as other interested parties, Teck will arrange for the location of the discovery to be examined by a professional archaeologist and Tribal representative in a timely manner. If the archaeologist confirms the presence of artifacts or other archaeological deposits, the procedures defined above for discoveries made during ground-disturbing activity monitored by an archaeologist will be implemented. The archaeologist will prepare appropriate State of Washington archaeological forms to document the find.

To ensure proper recognition of artifacts and other cultural items or deposits, all Teck field personnel will be provided with training in recognizing these materials by a professional archaeologist prior to the initiation of any sediment and soil sampling.

## **CONFIDENTIALITY**

In accordance with state and federal law, all field personnel are required to keep the discovery of any found or suspected human remains, other cultural items, and potential historic properties confidential. Personnel are instructed that they are prohibited from contacting the media or any third party or otherwise sharing information regarding the discovery with any member of the public, and that they should immediately notify the field supervisor of any inquiry from the media or public. The field supervisor will then notify Teck of any such inquiries. To the extent permitted by law, prior to any release of information, Teck in coordination with EPA and other consulting parties 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.

## **ATTACHMENT 3**

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### **CONTACT LIST**

## UCR Cultural Resources Coordination Plan Contact List

### **Colville Confederated Tribes**

THPO

Camille Pleasants

509 634-2654 (phone)

509 634-2694 (fax)

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### **Spokane Tribe of Indians**

THPO

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### **National Park Service**

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### **Bureau of Reclamation**

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### **Washington Department of Archaeology and Historic Preservation (SHPO)**

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