

West Plains Transit Center Project
INADVERTENT DISCOVERY PLAN
**A Plan and Procedure for Dealing with the Inadvertent Discovery
of Cultural Resources**

1.0 INTRODUCTION

Spokane Transit Authority proposes to construct a transit center that improves connectivity between the cities in the West Plains area within Spokane County, Washington. The Spokane Transit Authority (STA) plans to construct a new transit center to be located near Exit 272 along Interstate 90 (I-90) in the West Plains area of Spokane County.

Under the current conceptual design, the West Plains Transit Center will feature three passenger loading platforms and park-and-ride lot with at least 100 stalls. The main loading platform will feature at least three bus bays to accommodate current and future service growth.

Other features will include transit-only lanes as needed, landscaping, lighting, bicycle parking, passenger shelters, and intelligent transportation systems (ITS). Architectural treatments and design features will also be incorporated into the project. This project is considered a Federal undertaking and, therefore, is subject to Section 106 of the National Historic Preservation Act of 1966, and its associated regulations at 36 CFR Part 800. This project is currently funded by the Federal Transit Administration (FTA), which requires the planning effort to follow the Section 106 process.

Federal law stipulates that in the case of an undertaking that utilizes federal money, a project will adhere to provisions of the National Historic Preservation Act of 1966 (as amended). As the lead agency, FTA is responsible for all aspects of 36 CFR 800 in dealing with the treatment of cultural resources and the consultation of concerned parties. FTA has delegated authority to Spokane Transit Authority for examining cultural resources and communicating with the parties concerning such examinations. Potentially concerned parties include: the Coeur d'Alene Tribe of the Coeur d'Alene Reservation, the Confederated Tribes of the Colville Reservation, the Kalispel Tribe of Indians, the Spokane Tribe, the Confederated Tribes and Bands of the Yakama Nation, the Department of Archaeology and Historic Preservation (DAHP), and the FTA.

Any staff members of Spokane Transit Authority, their contractors, or subcontractors are required to halt construction if they observe or identify any cultural materials and will provide a professional archaeologist adequate time to assess, record, and potentially analyze any resources that might be uncovered. The DAHP and the FTA will be notified of any discoveries that occur during construction.

This document serves as the plan for dealing with any discoveries of human skeletal remains, artifacts, sites, or any other cultural resources eligible for listing in the National Register of Historic Places (NRHP). This plan is intended to provide guidance to Spokane Transit Authority personnel so they can:

- Comply with applicable Federal and State laws and regulations, particularly 36CFR 800 (as amended January 11, 2001) of the regulations that implements Section 106 of the National Historic Preservation Act of 1966, and Title 27 Revised Codes of Washington Chapter 27.44 Indian Graves and Records, Chapter 27.53 Archaeological Sites and Resources, and Title 68 Chapter 60.050 Protection of historic graves, and
- Describe to regulatory and review agencies the procedures that Spokane Transit Authority will follow to prepare for and deal with inadvertent discoveries, and
- Provide direction and guidance to project personnel on the proper procedures to be followed should an inadvertent discovery occur.

2.0 INADVERTENT DISCOVERY OF HUMAN SKELETAL REMAINS ON NON-FEDERAL AND NON-TRIBAL LAND IN THE STATE OF WASHINGTON

If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity must cease that may cause further disturbance to those remains and the area of the find must be secured and protected from further disturbance. In addition, the finding of human skeletal remains must be reported to the county

coroner and local law enforcement in the most expeditious manner possible. The remains should not be touched, moved, or further disturbed.

The county coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county coroner determines the remains are non-forensic, then they will report that finding to the DAHP who will then take jurisdiction over the remains and report them to the appropriate cemeteries and affected tribes. The State Physical Anthropologist will make a determination of whether the remains are Indian or non-Indian and report that finding to any appropriate cemeteries and affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

ADDITIONAL RESPONSIBILITIES AND INFORMATION

- A. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the skeletal remains, in accordance with Washington State law. The project's Resident Engineer will be responsible for taking appropriate steps to protect the discovery. At a minimum, the immediate area will be secured to a distance of thirty (30) feet from the discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site.
- B. Spokane Transit Authority acknowledges that any find of human skeletal remains may be a burial of Native American ancestry. It is further acknowledged that the concerned Indian Tribes are extremely sensitive about ancestral burials, and that the find must be treated confidentially.
- C. Nothing in this agreement is intended or shall be construed to diminish or affect in any way the right of the Tribes to take any lawful action to protect Native American graves from disturbance or desecration, or to protect the Tribes' rights under cemetery and Native American graves protection laws, or other applicable laws.
- D. This information is covered by the Public Records Act (RCW 42.17.250) and specific components of the records are exempt from disclosure (RCW 42.17.310(1)(k)) to avoid the looting or depredation of such sites.

3.0 PROCEDURES FOR THE DISCOVERY OF ARCHAEOLOGICAL RESOURCES

- A. If any staff members of Spokane Transit Authority, their contractors, or subcontractors, including archaeological monitors, believe that he or she has encountered cultural or archaeological remains of any kind, all work at and adjacent to the discovery shall immediately cease. He or she will inform the project's Resident Engineer and Spokane Transit Authority Planners. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological discovery. A cultural resource discovery could be prehistoric-period or historic-period in age and consist of (but not limited to):
- areas of charcoal or charcoal-stained soil and stones;
 - stone, tools, or waste flakes (i.e., an arrowhead or stone chips);
 - bone, burned rock, or mollusk shell, whether or not seen in association with stone tools or chips;
 - clusters of tin cans, ceramics, flat glass, or bottles, concentrations of brick, or logging, mining, or agricultural equipment.
- B. The Spokane Transit Authority Capital Projects Manager will consult with the Project Archaeologist to determine if the remains are archaeological and greater than 50 years old. If the Archaeologist believes that the discovery is a cultural resource, he or she and Spokane Transit Authority Capital Projects Manager will discuss with the Resident Engineer and steps will be taken to protect the discovery site. At a minimum, subsurface disturbances will stop and the area adjacent to the discovery will be secured. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Any newly discovered archaeological resource will be considered eligible to the NRHP until determined otherwise by the DAHP. Work in the immediate area will not resume until treatment of the discovery has been completed following the provisions for treating archaeological/cultural material as set forth in Appendix 1.
- C. The Spokane Transit Authority Capital Projects Manager will contact the DAHP Transportation Archaeologist (Matthew Sterner) and the FTA to assist in the significance evaluation of all inadvertent discoveries of cultural resources. Any discovery deemed eligible for listing in the NRHP will be assessed and treated according to the provisions set forth in Appendix 1 of this document.
- D. Spokane Transit Authority will immediately contact the FTA and the DAHP (Attachment A) for consultation regarding National Register eligibility of any new discovery. If the federal and state agency representatives determine that the discovery is an eligible cultural resource, they and concerned Indian Tribe(s), as appropriate, will consult to determine appropriate treatment to be presented and agreed upon in a Memorandum of Agreement (MOA) or other appropriate documentation. Mitigation measures will be developed in consultation with the FTA and the DAHP, and the affected tribes (where appropriate), which could include avoidance through redesign, conducting data recovery and/or relocating materials or remains. Agreed upon treatment measures performed by Spokane Transit Authority include protecting the resources in place, or data recovery such as mapping, photography, limited probing, and sample collection, or other measures.
- E. This information is covered by the Public Records Act (RCW 42.17.250) and specific components of the records are exempt from disclosure (RCW 42.17.310(1)(k)) to avoid the looting or depredation of such sites.

ATTACHMENT A

CONTACT INFORMATION

1. Primary Field Contacts

Spokane Transit Authority Capital Projects Manager: Don Skillingstad
509.344.1869

2. Cultural Resource Contacts

DAHP State Physical Anthropologist: Dr. Guy Tasa
360.586.3534

DAHP Transportation Archaeologist: Matthew Sterner
360.586.3082

State Historic Preservation Officer: Allyson Brooks
360.586.3066

3. Other Agency Contacts

Spokane County Sheriff's Office Sheriff: Ozzie Knezovich.
509.477.2240

Spokane County Medical Examiner's Office: Medical Examiner
509.477.2296

City/County Police Department Homicide Unit: 509.477.5980

Federal Transit Administration: Ken Feldman
206.220.7521
fta.tro10mail@dot.gov
(Notified by Spokane Transit Authority)

4. Tribal Contacts

Coeur d'Alene Tribe THPO Jill Wagner
208.686.1572
jwagner@cdatribe-nsn.gov

Colville Confederated Tribes Acting THPO Guy Moura
509.634.2695
Guy.moura@colvilletribes.com

Kalispel Tribe Cultural Resources Kevin Lyons
509.445.1147
kjlyons@knrd.org

Spokane Tribe THPO Randy Abrahamson
509.258.4315
randya@spokanetribe.com

Confederated Tribes and Bands of the Yakama Nation
THPO Kate Valedez
509.985.7596
kate@yakama.com

APPENDIX 1 - Treatment of Archaeological Resources

Construction and/or field activities related to the West Plains Transit Center Project may cause disturbance to underground archaeological resources. The following provisions are intended to assure the professional archaeological treatment of cultural materials inadvertently discovered during construction activities. Implementation of the plan is the responsibility of Spokane Transit Authority.

Provisions of the Archaeological / Cultural Resource Treatment Plan are as follows:

1. The archaeological site monitor will contact the Spokane Transit Authority Capital Projects Manager who will then contact the DAHP Transportation Archaeologist (Matthew Sterner) to immediately report all discoveries of cultural resources that are potentially eligible for listing in the NRHP. Construction will be immediately halted within the immediate area of the discovery and the scene will be protected until Spokane Transit Authority has arranged for the discovery to be identified by the Professional Archaeologist and the DAHP. If the discovery is determined to be a significant historic or archaeological site, or consists of Native American human remains, the DAHP, the FTA, and the Tribe(s) will be consulted as appropriate to determine the course of action.
2. As part of the construction team, a professional archaeologist will ensure proper documentation and assessment of any discovered cultural resources. Non-intrusive field documentation of all human remains will be undertaken immediately. All prehistoric and historic cultural material discovered during project construction will be recorded by the Professional Archaeologist on State of Washington cultural resource site forms, or on isolate forms using standard techniques. Site overviews, features, and artifacts will be photographed; stratigraphic profiles and soil/sediment descriptions will be prepared for subsurface exposure. Discovery locations will be documented on scaled site plans and site location maps.
3. Sites discovered during construction will be assumed eligible under Criterion D for inclusion in the National Register of Historic Places (NRHP) for the purposes of Section 106 compliance, in accordance with 36 CFR 800.13(c).
4. Where complex or extensive cultural remains are encountered, the FTA, the DAHP, and Spokane Transit Authority will jointly determine the appropriate level of documentation and treatment of the resources after consultation with the concerned tribal representatives.
5. The FTA, the DAHP, and Spokane Transit Authority will decide when construction may continue at the discovery location. Where cultural resources are encountered during construction, but additional project effects to the resources are not anticipated, project construction may continue while documentation and assessment of the cultural resources proceed. If continued construction is likely to cause additional impacts to such resources, project activities within a radius of 30 feet of the discovery will cease until the Professional Archaeologist has documented the site, evaluated its significance, and assessed potential effects to the site.
6. Cultural features, horizons, and artifacts detected in buried sediments may require further evaluation using hand-dug test units to clarify aspects of integrity, stratigraphic context, or feature function. Units may be dug in controlled fashion to expose features, collect radiocarbon or animal/plant macrofossil samples from undisturbed contexts, or interpret complex stratigraphy. A test excavation unit or small trench might also be used to cross-section a feature to determine if an intact occupation surface is present. Test units will be used only when necessary to gather information on the nature, extent, and integrity of subsurface cultural deposits to evaluate the site's potential to address significant research domains. Excavations will be conducted using state-of-the-art techniques for controlling provenience of recovered remains.
7. Sediments excavated for purposes of cultural resources investigations will be screened through 1/8-inch mesh. Spatial information, depth of excavation levels, natural and cultural stratigraphy, presence or absence of cultural material and depth of sterile soil, regolith, or bedrock will be recorded for each probe

on a standard form. Test excavation units will be recorded on unit-level forms, which include plan maps for each excavated level, and material type, number and vertical provenience (depth below surface and stratum association where applicable) for all artifacts recovered from the level. Radiocarbon and macrofossil samples will be taken from intact subsurface features exposed by shovel/auger probes or test units. A stratigraphic profile will be drawn for at least one wall of each test excavation unit.

8. All prehistoric and historic artifacts collected from the surface and from probes and excavation units will be analyzed, catalogued, and temporarily curated. Ultimate disposition of cultural materials will be determined in consultation with the FTA, the DAHP, and concerned tribes.
9. Within 90 days of conclusion of fieldwork, a management summary describing any and all monitoring activities and resultant archaeological excavations will be provided to Spokane Transit Authority. The Spokane Transit Authority Capital Projects Manager, will forward the report to the FTA for review and delivery to the DAHP and concerned tribes.
10. If construction activity exposes human remains (burials, or isolated teeth or bones), construction in the immediate vicinity of the find will be halted. Spokane Transit Authority will follow procedures outlined under section 2.0 of the Inadvertent Discovery Plan.
11. Treatment of Native American Remains: If the human skeletal remains are determined to be Native American, the affected agencies and tribes will consult to determine what treatment is appropriate for the human skeletal remains. At this point, if requested, the FTA may assume all authority over the government-to-government consultation process.
12. Treatment of Non-Indian Historic Remains: If the human skeletal remains are determined to be historic non-Indian remains, treatment will be determined by the DAHP and the FTA.
13. Curation: Spokane Transit Authority will ensure that eligible artifacts are curated appropriately. Collected artifacts and samples that are determined historically significant would be curated for future use for research, interpretation, preservation, and cultural resource management activities using Department of the Interior federal guidelines for curation (36 CFR 79). Artifacts and associated documents resulting from data recovery, including maps, photographs, field notes, bone, shell, soil samples, wood and other botanical samples, and fire-modified rock, would be curated following analysis. Artifacts, samples, and records would be prepared for curation. A sample of selected artifact categories and sediments would be retained for curation. For cultural resources that are determined “significant” Spokane Transit Authority will, in consultation with the DAHP and affected tribes, identify appropriate facilities, provide and pay for long-term curation of prehistoric, ethnohistoric, and historic artifacts, data samples, and records resulting from the project investigations. Spokane Transit Authority will consult with affected federally and non-federally recognized Tribes to reach agreement about permanent storage of some of the materials.
14. Spokane Transit Authority will comply with any applicable Federal and State laws and regulations, including but not limited to:
 - Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations,
 - Native American Graves Protection and Repatriation Act (NAGRPA) of 1990, as amended,
 - The Archaeological Resource Protection Act (ARPA) of 1979, as amended,
 - Title 27 Revised Codes of Washington: Chapter 27.44 Indian Graves and Records; Chapter 27.53 Archaeological Sites and Resources; Chapter 42.56.300 Archaeological Site Public Disclosure Exemption; Washington Administrative Code 25-48: Archaeological Excavation and Removal Permit.
15. Contracts for construction and field-disturbing work: Spokane Transit Authority will include provisions in any contracts for construction or field-disturbing work that provide for the ability of Spokane Transit Authority and federal, state and local government agencies to implement the requirements of this Plan.