Dept. of Archaeology and Historic Preservation

Tribal Consultation
What makes tribal consultation successful?

• Early engagement.
• Engagement with the correct tribal partners and staff.
• *Existing relationships between state and tribal staff.*
• Professional state staff with tribal consultation experience.
• Recognition and acceptance of tribal identification of culturally important places.
• Crafting and sharing draft documents.
• In person meetings.
• No surprises!
• **FUNDING FOR MITIGATION!!!!!!**
How to do tribal consultation.

1. Be a kind, courteous respectful human being.
2. Always ask the affected/consulting tribes for their opinion.
3. Remember that all tribes are sovereign and have different governmental processes and structures.
4. Don’t sign/agree to anything without checking with our tribal partners first.
5. Refer back to #1. Be a kind, courteous respectful human being.
Tennessee Valley Authority: 1933 and Smithsonian River Basin Surveys: 1940s
Applicable Laws related to Cultural Resources on State or Private Property

- National Historic Preservation Act of 1966
- National Environmental Policy Act
- State Environmental Policy Act
- RCW 27.53, RCW 27.44, RCW 68.60
Under state statute...DAHP regulates:

• Archaeological sites & excavations (RCW 27.53 & WAC 25-48-060)
• Indian Graves & excavation (RCW 27.44)
• Preservation and maintenance of Abandoned Cemeteries (RCW 68.60)
• Inadvertent discoveries of human remains that are non-forensic (68.60 & 27.44)

Shell midden, 45WH55, Whatcom County
Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of Federally funded projects on historic properties prior to the expenditure of any Federal funds.

Section 106 covers a broad range of federal or federally assisted projects, including construction, renovation, repair, or rehabilitation; ground disturbances; and changes to an area’s visual characteristics.

All Section 106 Projects go through tribal consultation. Tribal consultation is the responsibility of the federal agency but tribes regularly ask DAHP for assistance. DAHP requires agencies to provide all copies of tribal correspondence.
• Archaeological Sites: 37,459
• Draft Archaeological Sites: 3,753
• Traditional Cultural Properties: 69
• Cemeteries: 3,050
• Historic properties: 642,060
In this division, the term “historic property” means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

Site Types

Sites
Structures
Districts
Objects
Buildings
1992 National Historic Preservation Act amendments

Properties of traditional religious and cultural significance to Indian tribes and Native Hawaiians.
(a) **In General.**— *Property* of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(b) **Consultation.**—In carrying out its responsibilities under section 306108 of this title, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) **Hawaii.**—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—(1) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register; (2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and
A traditional cultural property can be significant because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community.
Sweetgrass Hills in Montana
Challenging projects with tribal consultation

- Rattlesnake Mountain Wildflower Tours
- Solar and wind farms
- Bridge Replacements
- Port of Port Angeles wastewater treatment upgrades
- Hanford Clean-up
- Transportation projects
Successful tribal resolution

• Oak Harbor sewage treatment facility
• State Route 520 bridge replacement
• Birch Bay Drive road enhancement
• Pomona to Vantage Transmission Line
• Mt. St. Helens TCP nomination.
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Questions?

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