

DPD		Director's Rule 2-98
Applicant: CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	Publication: 3/12/98 Effective: 6/23/98	Supersedes: None
Subject: Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for potential archaeologically significant sites and requirements for archeological assessments.	Code and Section Reference Chapter 25.05.675 H, SMC	
Approved Date	Type of Rule: Code Interpretation	
Index:	Ordinance Authority: SMC	

PURPOSE

The purpose of this rule is to further elaborate on the SEPA Historic Preservation Policy 25.05.675 H 2.e for evaluation and mitigation on sites of potential archeological significance. The intent of this rule is to clarify how the Historic Preservation Policy would apply to such sites and describes when and how an assessment of archaeological resources should be conducted.

BACKGROUND

The Seattle Ordinance which implements the State Environmental Policy Act (SEPA), Chapter 25.05, Seattle Municipal Code (SMC) authorizes the Department of Construction and Land Use (DPD) to grant, condition or deny construction and use permit applications for public or private

proposals which are subject to environmental review. This authority must be exercised based on adopted City policies, plans, rules or regulations set forth in Chapter 25.05, SMC.

Many of Seattle's existing and former shoreline areas may be sites of potential archaeological significance due to settlement patterns of Native Americans and early European settlements along Puget Sound. Archeological sites and their resources may be directly or indirectly threatened by development or redevelopment projects and the SEPA policy provides the opportunity for analysis of these sites. Areas where sites or resources of potential archaeological significance could be found include freshwater and saltwater confluences, areas with low bank saltwater access, terraces of rivers and creeks, river confluence areas, and historical sources of certain kinds of geological formations. Additionally, there is a the possibility that new resources may be discovered during construction in areas not noted above.

Archeologically significant resources present a unique problem because protection of their integrity may, in some cases, eliminate or impact economic opportunities on the site. Additionally, it would be unreasonable to require archaeological assessments on all projects located in areas with the characteristics described above. However, it is possible to provide some guidance by using historical information, literature and maps. Such records indicate known and potential settlements, and historical maps indicate the pre-urban shorelines. The US Government Meander line provides an indication of where the saltwater shoreline existed prior to recent fill or alteration. It is likely that one would find most potential archeologically significant resources located within 200 feet of this meander line.

RULE:

The Seattle Land Use Code does not define a potential archaeologically significant resource nor a professional archaeologist, so the definitions for those terms in the Washington Administrative Code (WAC 25-48-020 (10), and WAC 25-48-020(4), respectively) will be used. These definitions are found at the end of this rule.

The SEPA language addressing archeologically significant resources reads:

a. It is the City's policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites. (SMC 25.05.675 H.2a.)

e. On sites with potential archeological significance, the decisionmaker may require an assessment of the archaeological potential of the site. Subject to the criteria of the Overview Policy set forth in SMC Section 23.05. 665, mitigating measures which may be required to mitigate adverse impact to an archeological site include, but are not limited to:

- i. Relocation of the project on the site;*
- ii. Providing markers, plaques, or recognition of discovery;*

- iii. *Imposing a delay of as much as ninety (90) days (or more than ninety (90) days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed; and*
- iv. *excavation and recovery of artifacts (SMC 25.05.675 H.2e).*

In order to implement the intent of the above SEPA language, an assessment of the site's probable archaeological significance will be required for any proposal which includes excavation located within 200 feet of the US Government Meander line or in other areas where information suggests the potential for archeologically significant resources. The US Government Meander line is mapped on the City's Geographic Information System (GIS). When a project subject to environmental review is proposed in these locations, the following steps shall be taken pursuant to SMC 25.05.675 H.

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During Review of the Master Use Permit:

For any projects located within 200 feet of the US Government Meander line or in other areas where information, for example on previous development permits, suggests potential for archeologically significant resources, DPD shall determine the adequacy of the information provided in the SEPA checklist (Section B 13). This determination shall be based on sufficient references to support the conclusions and DPD may ask for additional information when appropriate. The following information, at a minimum, shall be provided in the SEPA checklist:

- *Proposed level of excavation and its relationship to the historical substrata.*
- *Results of research of relevant literature on the site and environs. Appropriate literature citations shall be provided using the attached bibliography and/or other appropriate resources as reference.*
- *Results of conversations or copies of written correspondence with the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP) (address and phone at end of Director's Rule) to determine whether the site is a known archaeologically significant site.*

*If the required research does not identify the probable presence on the site of archaeologically significant sites or resources, **SECTION A** of this Rule shall be followed. If the research suggests probable presence of archeologically significant resources, **SECTION B** of this Rule shall be followed.*

SECTION A *If the research does not identify the probable presence of archeologically significant resources:*

The Director's decision shall summarize the results of the research. In this category of applications, the Department is likely to find that impacts to such resources are non-significant. Even though research has not indicated the potential for archaeologically significant resources on the site, there still may be some potential for unknown resources to be discovered if the proposal site is located in an area characteristically similar to those where known resources do exist. Thus, in order to ensure that no adverse impact occur to an inadvertently discovered

archaeologically significant resource, the following conditions of permit approval shall be applied to the project to provide mitigation.

Prior to Issuance of Master Use Permits:

- 1. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.*

During Construction:

- 1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:*
 - Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.*
 - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.*

SECTION B *If the research suggests the probable presence of archaeologically significant resources on the site:*

During Master Use Permit review, the planner shall review the results of the research to determine further action. If further assessment is needed, one or more of the following actions may be taken during review of the application or required as a condition of the permit approval. Additionally, the permit conditions in Section A shall be added to the Director's decision.

- A site reconnaissance by a professional archaeologist may be required.*
- On-site testing, if recommended by a professional archaeologist may be required.*
- A mitigation plan prepared by a professional archaeologist may be required.*
- A condition may be added to the permit approval which would require that an archaeologist be on site to monitor the excavation.*
- A Determination of Significance may be made and an Environmental Impact Statement prepared.*

REASON

SEPA states that the protection of State's heritage resources are important to the retention of a living sense and appreciation of the past. Seattle's SEPA ordinance is a basis for local authority for evaluation and possible mitigation of the impacts of development proposals within the City limits. The reason for clarifying this section of the SEPA ordinance is to ensure that correct measures are taken to identify and analyze potential or known resources, and to make provisions to protect these resources pursuant to State and Federal laws referenced in this rule. Additionally, clear procedures will alert developers to the possibility that discovery of potential archeologically significant resources may impact their project schedules and costs. Requiring research on projects sites within 200 feet of the US Government Meander line and locations where information suggests the probability of potential archaeologically significant resources should ensure analysis of these significant resources.

REFERENCES:

City of Seattle and Washington State Officials:

For information on Archeological Resources:

Rob Whitlam, State Archaeologist

Department of Community, Trade and Economic Development

Office of Archaeology and Historic Preservation

111 21st Avenue S.W.

P.O. Box 48343

Olympia, Washington 98504-8343

360 / 407-0771

For information on Historic Structures:

Karen Gordon, City Historic Preservation Officer

City of Seattle Department of Neighborhoods,

Urban Conservation Division

700 Third Avenue, 4th Floor

Seattle, WA 98104, 206 / 684-0228.

WAC Definitions:

"Archaeological resource" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and location of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, include rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material."
WAC 25-48-020 (10),

"Professional archaeologist" means a person has designed and executed an archaeological study as evidenced by a thesis or dissertation, and has been awarded an advanced degree such as an M.A., M.S., or Ph.D., from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archeologist including no less than twelve weeks of survey or reconnaissance work, and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work. WAC 25-48-020(4),

BIBLIOGRAPHY and REFERENCES:

The Washington State Historical Society (253/ 272- 9747) maintains a web site (<http://www.wshs.org>) with links to other resources. The magazine Archaeology is available at most libraries and newsstands. Current topics and recent discoveries in archaeology can be found in the National Geographic (<http://www.nationalgeographic.com>), Natural History (<http://www.amnh.org>) , Smithsonian (<http://www.smithsonianmag.com>) , or Scientific American (<http://www.sciam.com>), The New York Times (<http://www.nytimes.com>), Science section each Tuesday frequently has articles of archaeological interest and the latest discoveries.

Seattle Area historical resources can be found at the following locations:

- *City of Seattle Municipal Archives: The most heavily used records are housed in the City Clerk's office, including the records of City Council, the Mayor, the Pike Place Market Urban Renewal, and the photography of the Engineering Department, Parks Department, Water Department, and Seattle City Light. Additionally, under the terms of an interlocal agreement, a large body of City records are housed at the Puget Sound Branch of the*

Washington State Archives. Prior to creation of the Municipal Archives, some City records were collected and are still maintained by the University of Washington Archives and Manuscripts Division.

- *University of Washington, Pacific Northwest collection, Allen Library; and at the Suzzallo Library*
- *The Seattle Public Library, general collection and reference*
- *Historic Seattle Preservation and Development Authority, Seattle*
- *Local Historical Societies*

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APPENDIX A

Procedures to follow for assessment and/or protection of potentially significant archaeological resources discovered during construction or excavation:

1. *If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible party shall stop work immediately and notify DPD and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). Responsible parties shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.*
2. *Once DPD and the State Office have been notified:*
 - *The owner and/or responsible party shall hold a meeting on site with DPD and a professional archaeologist. Representatives of Federally recognized Tribes and the Native American community that may consider the site to be of historical or cultural significance shall be invited to attend. After this consultation, the archaeologist shall determine the scope of, and prepare, a mitigation plan. The plan shall be submitted for approval to the State Office of Archaeology and Historic Preservation (OAHP), and to DPD to ensure that it provide reasonable mitigation for the anticipated impacts to the resources discovered on the construction site.*
 - *The plan shall, at a minimum, address methods of site investigation, provide for recovery, documentation and disposition of possible resources, and provide excavation monitoring by a professional archaeologist. The plan should also provide for conformance with State and Federal regulations for excavation of archaeologically significant resources.*
 - *Work only shall resume on the affected areas of the site once an approved permit for Archeological Excavation and Removal is obtained from the OAHP. Work may then proceed in compliance with the approved plan.*