



March 28, 2016

Ms. Lisa Wood  
SEPA/NEPA Coordinator  
WA State Dept. of Fish and Wildlife  
600 Capitol Way North  
Olympia, WA98501-1091

In future correspondence please refer to:  
Project Tracking Code: 2016-03-02123  
Property: DNS 16-012: Snow Creek Pier Removal  
**Re: Archaeology - Survey Requested**

Dear Ms. Wood:

Thank you for submitting your correspondence and supporting documentation to the Department of Archaeology and Historic Preservation (DAHP) regarding the above referenced project. There is a precontact archaeological site 45CA473 that is present in the vicinity and may be present in the project area as well. Historical map show Snow Creek running into Strait of Juan de Fuca within or near the project area. Areas where freshwater and saltwater sources intersect have a high probability for containing archaeological resources. Please be aware that archaeological sites are protected from knowing disturbance on both public and private lands in Washington States. Both RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from our Department before excavating, removing, or altering Native American human remains or archaeological resources in Washington. Failure to obtain a permit is punishable by civil fines and other penalties under RCW 27.53.095, and by criminal prosecution under RCW 27.53.090.

Chapter 27.53.095 RCW allows the Department of Archaeology and Historic Preservation to issue civil penalties for the violation of this statute in an amount up to five thousand dollars, in addition to site restoration costs and investigative costs. Also, these remedies do not prevent concerned tribes from undertaking civil action in state or federal court, or law enforcement agencies from undertaking criminal investigation or prosecution. Chapter 27.44.050 RCW allows the affected Indian Tribe to undertake civil action apart from any criminal prosecution if burials are disturbed.

**We request a professional archaeological survey of the project area be conducted prior to ground disturbing activities. The completed survey should be submitted to DAHP and the interested Tribes for review prior to project implementation. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.**

If any federal funds or permits are involved with this proposal, Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36CFR800, must be followed. This is a separate process from both the NEPA and SEPA environmental review processes and requires formal government-to-government consultation with the affected Tribes and the State Historic Preservation Officer (SHPO). Also, we appreciate receiving any correspondence or comments from concerned tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to review this project and we look forward to receiving the survey report. Should you have any questions, please feel free to contact me.

Sincerely,



Gretchen Kaehler  
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cc. Kat Kelly, Archaeologist, WDFW  
David Brownell, Cultural Resources Specialist, Jamestown S'klallam Tribe  
Bill White, Lower Elwha Clallam Tribe  
Laura Princes, THPO, Port Gamble Klallam Tribe  
Janine Ledford, THPO, Makah Tribe

