



Confederated Tribes and Bands
of the Yakama Indian Nation

Established by the
Treaty of June 9, 1855

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KITTITAS COUNTY
CDS

February 4, 2008

Dan Valoff
Kittitas County Community Development Services
411 N. Ruby St, Suite 2
Ellensburg, WA 98926

Subject: Tumbling Ridge PUD Rezone (Z-07-16) & Tumbling Ridge 14-Lot Preliminary Plat (P-07-61) Applications

Dear Mr. Valoff,

Thank you for contacting the Yakama Nation Cultural Resource Program regarding the applications listed above. These projects fall within the ceded lands of the Yakama Nation, defined as the usual and accustomed areas and places utilized by the ancestors of the Yakama People for the gathering of foods, medicines, and ceremonial purposes. These legal rights are outlined in the Treaty of 1855 between the Yakama Nation and the United States government. Just as in the past, these lands and their resources continue to fulfill a central role in the culture of members of the Yakama Nation in the present, and will continue to do so in the future.

The application describes a Planned Unit Development (PUD) rezone of 17.74 acres and an associated 14-lot plat on the subject property. The project is located west of Cle Elum off of Bullfrog Road and Jenkins Drive within the northern ½ of Section 31, T20N, R15E.

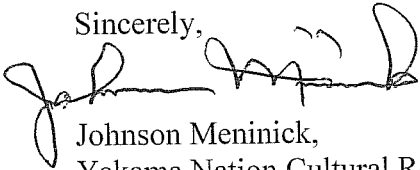
A review of the Washington State Department of Archaeology and Historic Preservation (DAHP) cultural site files indicates the presence of site 45KT1367 within the northern portion of the subject property. This site is associated with Native American utilization of the area. According to Revised Code of Washington (RCW) 27.53.060:

On the private and public lands of this state it shall be unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly remove, alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, or remove any archaeological object from such site, except for Indian graves or cairns, or any glyptic or painted record of any tribe or peoples, or historic graves as defined in chapter 68.05 RCW, disturbances of which shall be a class C felony punishable under chapter 9A.20 RCW, without having obtained a written permit from the director for such activities.

We refer you to the Washington State Legislature website for other aspects of this RCW (<http://apps.leg.wa.gov/RCW/default.aspx?cite=27.53.060>). Given the potential violation and subsequent penalties which may be incurred should the proposed plat be constructed and 45KT1367 damaged, we recommend the application be suspended and further consultation undertaken between the Yakama Nation and DAHP.

Please contact me at 1-509-865-5121 ext. 4737 or tribal archaeologist Dave Woody at ext. 4760 if you have any questions regarding that which is written above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Johnson Meninick', written over a horizontal line.

Johnson Meninick,
Yakama Nation Cultural Resources Program Manager

CC: Scott Williams, Assistant State Archaeologist, Washington State Department of
Archaeology and Historic Preservation (DAHP)

Kate Valdez, Yakama Nation Tribal Historic Preservation Officer (THPO)