



Allyson Brooks Ph.D., Director  
State Historic Preservation Officer

November 28, 2017

Ms. Dusty Pilkington  
Planner I  
Kittitas County  
411 N Ruby St # 4  
Ellensburg, wa98926

In future correspondence please refer to:

Project Tracking Code: 2017-11-08416

Property: NOTICE OF APPLICATION LP-17-00007 Swauk Valley Ranch

**Re: Archaeology - Survey Requested, Permit from DAHP may be Required under RCW 27.53**

Dear Ms. Pilkington:

Thank you for your correspondence and supporting documentation to the Department of Archaeology and Historic Preservation (DAHP) regarding the above referenced project. The project parcel is in an area that contains multiple precontact and historic archaeological sites. 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.

**Although subdivision does not cause ground disturbance, the construction of single family homes does not trigger SEPA and notification of the project to DAHP therefore we are commenting at this time. We request a professional archaeological survey of the project area be conducted prior to ground disturbing activities. The completed survey should be provided to DAHP and the interested Tribes for review prior to ground disturbance. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.**



We also request review of any development plans prior to development so that we may determine if a permit from DAHP will be required under RCW 27.53. Thank you for the opportunity to review this project. Should you have any questions, please feel free to contact me.

Sincerely,



Gretchen Kaehler  
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cc. Johnson Meninick, Cultural Resources, Yakama Nation  
Kate Valdez, THPO, Yakama Nation  
Jessica Lally, Archaeologist, Yakama Nation

