



## The Governor's Executive Order 05-05

Guidance for Capital Programs Applicants

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## Purpose of the GEO 05-05

- Lead by Example
- Washington is rich in Cultural Resources
- Preservation and protection is necessary to understand our history and prehistory
- The citizens of Washington want their cultural resources protected
- Many places have not only cultural and historical significance but have religious significance to Tribes.



## What is required?

- Consultation with DAHP and tribes.
- Reasonable steps to avoid, minimize, or mitigate effects.
- Agencies that do not know how to consult with tribes should contact GOIA.
- Invitations to DAHP and Tribes to participate in project planning.



## Who is responsible for review?

- The State agency with a capital construction project or land acquisition not reviewed under Federal law. (this responsibility can be handed down to the applicant)
- All projects require a review if they have the potential to affect cultural resources.
- Both DAHP and the affected tribes must be consulted to determine effects.



## What DAHP Does under 05-05

- Provides consultation to state agencies on capital projects and real estate acquisitions.
- Reviews agreements between agencies and tribes for cultural resource issues.
- Provides training to State staff managing capital construction projects.



## Starting the Process

- **Informal consultation:** a cursory review for cultural resources including areas affected by the scope of work. Eliminate those projects that trigger a Federal review.
- **Formal consultation:** determinations of eligibility and determinations of effect. Negotiations with DAHP for appropriate mitigation strategy.
- Interagency agreement if necessary.



## Getting Results

- **Informal consultation:** A list of projects that require no further review from DAHP. A list of projects that require some level of research. A list of projects that can be reviewed for eligibility. A list of project that **MUST** be reviewed for effects.





## Getting Results

- **Formal consultation:** *Determination of Eligibility for the National Register of Historic Places.*
  - When eligible resources are known, a determination of effects must be made.
  - When effects are adverse, a dialogue concerning avoidance, minimization or mitigation must take place.
  - Mitigation = MOA





## What We NEED to Have

- Map of the location of the project
- Description of the extent and limits of ground disturbance
- List of structures over 50 years of age
- Current photographs of the subject properties
- Copies of correspondence with concerned tribes
- Other concerns as needed to complete a review.



## Consultation & Recordation

- The initiation of consultation can be letters or forms from our office.

**DAHP Forms**

- EZ-Forms
- Cultural Resource Surveys
- Archaeological Site Forms
- Historic Property Inventories





## EZ Forms

- EZ-1 Project Worksheet--includes a scope of work and a map.
- EZ-3 Determination of Effect—only when requested by SHPO.



## When the EZ Form Not Enough?

- When the level of effort for the review is not commensurate with the scope of work
- When the cultural resource is considered significant in the opinion of the SHPO



**Frequently Asked Questions**

**Your Key Success Factors:**

- Involve DAHP and Tribes early and often.
- Build a good rapport
- Be process transparent especially when it comes to changes in the scope of work.



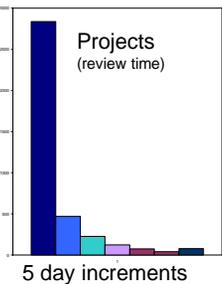
**Do All Capital Projects Need Review?**

- Yes. Either through formal or informal consultation
- Projects with ground-disturbing activities
- Structures over 50



**How Long Will A Review Take?**

Federal Projects reviewed within 30 days  
Over 4000 projects per year!  
98% under 30 days.  
68% under 5 days.



**What Can Be Exempted?**

- Projects which have no ground disturbing activities
- Buildings less than 50
- General Maintenance and repair (per PA or informal consultation)
- Projects reviewable through a Federal action
- Special exemptions prescribed and agreed upon in a Programmatic Agreement.

**Can SHPO Contact Tribes?**

- No, the SHPO cannot contract Tribes on your behalf.

**Ways to contact Tribes**

- Appoint a Tribal Liaison
- Contact GOIA if you do not know what tribes require consultation on your project.



**What about projects underway?**

- Projects underway should be halted at the discovery of archaeological resources or human remains and the appropriate authorities notified immediately.
- Focus is upon planning for capital projects

