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From: Emily Boutain <eboutain@cowlitz.org>
Sent: Thursday, October 30, 2025 1:35 PM
To: Community Development Email
Cc: Stone, Jessica (DAHP); Shana Lombard; James Gordon; Sean Hess
Subject: Comments for SUB25-1004 The Reserve at Green Mountain
Attachments: Cultural Resource Protection Laws - Revised 29 January 2024.pdf; Cowlitz Indian Tribe Inadvertent Discovery Plan - Revised 20 February 2024.pdf

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To whom it may concern,

Given that the above-referenced project is within the Cowlitz Indian Tribe's area of concern, the Cultural Resources Department of the Cowlitz Indian Tribe would like to state its interest.

The Cultural Resources Department of the Cowlitz Indian Tribe recommends an Inadvertent Discovery Plan be attached to the permit; we have included language for your consideration.

This determination is based on all currently available knowledge and is subject to revision should new information arise. Please contact us with any questions or concerns you may have. We look forward to working with you on this undertaking.

Thank you for your time and attention.

Emily Boutain
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Cultural Resource Protection Laws

Note: This list is not all-inclusive and does not take the place of consultation. Not all laws will apply in all situations. (Revised 29 January 2024)

Federal Laws

National Historic Protection Act (NHPA)	36 CFR 60	https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf
Native American Graves Protection and Repatriation Act (NAGPRA)	43 CFR 10	https://www.nps.gov/subjects/nagpra/compliance.htm
Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments		https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments

Washington State Laws

Archaeological Sites and Resources	27.53 RCW	https://apps.leg.wa.gov/RCW/default.aspx?cite=27.53
Executive Order 21-02		https://governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf
Notice of Forest Practices to Affected Indian Tribes	WAC 222-20-120	https://apps.leg.wa.gov/WAC/default.aspx?cite=222-20-120

Oregon State Laws

Indian Graves and Protection Act	ORS 97.740-S 97.760	https://oregon.public.law/statutes/ors_chapter_97
Archaeological Objects and Sites	ORS 358.905 - 358.995	https://oregon.public.law/statutes/ors_chapter_358

COWLITZ INDIAN TRIBE

INADVERTENT DISCOVERY LANGUAGE

In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:

1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
2. Take reasonable steps to ensure the confidentiality of the discovery site; and,
3. Take reasonable steps to restrict access to the site of discovery.

The project proponent will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.

If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes. See also Washington State Executive Order 21-02, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

It is strongly encouraged copies of inadvertent discovery language/plan are retained on-site while project activity is underway.

Contact information:

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