



STATE OF WASHINGTON
OFFICE OF GOVERNOR JAY INSLEE

EXECUTIVE ORDER 21-02

ARCHAEOLOGICAL AND CULTURAL RESOURCES

WHEREAS, Washington has a rich and diverse cultural heritage, as represented by the numerous archaeological and historic sites that have been identified and located throughout our state; and

WHEREAS, Native American sacred places and landscapes are foundational to the identity and spiritual practices of Washington's tribal nations; and

WHEREAS, preservation and protection of these sites provides educational and cultural values for all citizens and leads to better understanding between cultures of our shared history; and

WHEREAS, many people contribute their time and efforts to preserve and protect Washington's unique archaeological and historic archaeological sites, historic buildings, and traditional cultural places; and

WHEREAS, these sites, buildings and places hold special cultural, historical, and spiritual significance for both tribal members and non-tribal members; and

WHEREAS, the Department of Archaeology and Historic Preservation (DAHP) and the Governor's Office of Indian Affairs (GOIA) share statewide responsibility for enhancing the public's awareness of the need and value of protecting Washington's heritage and establishing effective consultation with Native American tribal governments.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the power vested in me by the Constitution and statutes of the state of Washington, do hereby order the following for all Executive Branch and Small Cabinet agencies within my administration:

1. Agencies shall consult with DAHP and affected tribes on the potential effects of projects on cultural resources proposed in state-funded construction or acquisition projects that will not undergo Section 106 review under the National Historic Preservation Act of 1966 (Section 106), including grant or pass-through funding that culminates in construction or land acquisitions, to determine potential effects to cultural resources.
2. Agency should initiate consultation with DAHP and affected tribes early in the project planning process and must complete it prior to the expenditure of any state funds for construction, demolition or acquisition.

3. State agencies shall take all reasonable action to avoid, minimize or mitigate adverse effects to archeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites or other cultural resources.
4. Consultation under this Executive Order may be delegated to non-state recipients of state funds but the state agency shall retain the responsibility to ensure an adequate consultation process and will be responsible for holding all records related to the tribal consultation process. The agency will provide the records to DAHP to demonstrate completion of the tribal consultation process.
5. Should DAHP or the affected tribes notify an agency that an archaeological or historic archaeological site, historic building/structure or traditional/sacred place study is needed before a project may proceed, the agency must consult with DAHP and the affected tribes for the purpose of seeking agreement on studies that must be completed prior to expenditure of any state funds for construction or purchase.
6. Should DAHP or the affected tribes identify a known archaeological or historic archaeological site, historic building/structure, cultural or sacred place that may be impacted by either direct or indirect effects of the proposed undertaking or activity, the agency must consult with DAHP and the affected tribes on avoidance strategies or methods to minimize harm.
7. In the case of historic buildings/structures, the agency shall develop mitigation strategies in consultation with DAHP and if requested, affected tribes. For all other cultural resources including archaeological and historic archaeological sites or traditional and sacred places the agency may only develop mitigation strategies upon notifying DAHP and the affected tribes that avoidance cannot be attained.
8. Mitigation strategies for archaeological, cultural and sacred sites shall be identified through consultation with DAHP and the affected tribes.
9. In the event of a disagreement regarding the required consultations, or regarding the need or scope for archeological, ethnographic or cultural studies, the funding state agency, DAHP and/or GOIA shall meet with the Office of Financial Management policy and budget staff to identify an appropriate resolution.

The Office of Financial Management is directed to include in its budget and allotment instructions a requirement that agencies consult with DAHP and affected tribes, as appropriate, as part of the budget request and allotment process.

To the extent that they have not already received training, all appropriate state agency employees managing state-funded construction or acquisition projects, including grant or pass-through funding that culminates in construction or land acquisitions, will attend government-to-government training and cultural resource training provided by GOIA and DAHP.

