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**Appendix A:  
Monitoring and Inadvertent Discovery Plan**



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Prepared for:  
Xing Hua Group  
Vancouver, British Columbia, Canada

## **Archaeological Monitoring and Inadvertent Discovery Plan (MIDP)**

**Xing Hua Group  
Mercer Island Mixed Use Development**

**July 2020**

Prepared by:  
Willamette Cultural Resources Associates, Ltd.



**WILLAMETTE**  
CULTURAL RESOURCES ASSOCIATES, LTD.



## 1. Background

Xing Hua Group (Client) proposes to develop a mixed-use multi-family property on Mercer Island, Washington. The project requires State Environmental Policy Act (SEPA) review. The Washington State Department of Archaeology and Historic Preservation (DAHP) has requested desktop review and preparation of a Monitoring and Inadvertent Discovery Plan (MIDP) for the project. Therefore, Willamette Cultural Resources Associates, Ltd. (WillametteCRA) prepared a Technical Memorandum for the project (Valentino 2020). Based on the DAHP archaeological predictive model, the history of the property, the results of geotechnical drilling, and proposed construction plans, WillametteCRA recommended archaeological monitoring of ground-disturbing excavations. This MIDP outlines the procedures and protocols to use during project construction.

This MIDP defines procedures to ensure compliance with Washington state laws, including the Archaeological Sites and Resources (RCW 27.53), Indian Graves and Records (RCW 27.44), Human Remains (RCW 68.50), and Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60). It is important that any “discovered” human remains and associated cultural materials and deposits be treated with care and respect and be protected from further disturbance and exposure to weather. Compliance with all applicable laws pertaining to archaeological resources and with human remains is required. Failure to comply with these requirements could result in possible misdemeanor or civil penalties and/or constitute a Class C felony.

The Project Area is 2885 78th Avenue SE and 2750 77<sup>th</sup> Avenue SE, Mercer Island, WA (King County parcels #5315101326 and 5315101316; Figure 1 and Figure 2). The proposed project (Project) will consist of a five-story, mixed-use building with one to two levels of below-ground parking. The parcel is currently occupied by an asphalt-paved parking lot and retail buildings. **Excavations will extend between 22 and 32 feet below current ground surface.**

### ***Tribes with an Interest in Project Area***

Four Tribal governments have been identified as having an interest in the cultural resource work at the proposed development location. These are the Muckleshoot Indian Tribe, Snoqualmie Indian Tribe, Suquamish Tribe, and Tulalip Tribes.

WillametteCRA notified each Tribe of the Project by letter on June 1, 2020. Dennis Lewarch, Suquamish Tribe’s Tribal Historic Preservation Officer responded that the Suquamish did not have any concerns regarding cultural resources. Richard Young, Tulalip Tribes Cultural Resources Manager indicated the Tulalip Tribes were interested in this project and requested an MIDP.

## 2. On-Site Procedures

Geotechnical data demonstrates extensive filling of the project area, with fill ranging between 2 and 20 feet thick (Moore 2018). Native American use of the landscape may remain beneath this fill. Further, remnants of a potential 1949 residence may exist. For these reasons, archaeological monitoring must

occur for all earth-moving activities in the Project Area. Archaeological monitoring may cease in an area once excavations reach 2 feet into intact sediments underlying the fill (such as the silts and clay detailed in the geotechnical report, Moore 2018), or upon reaching the depth of Project disturbance.

To ensure compliance with Washington statutes, the following procedures have been developed to address potential inadvertent discoveries of archaeological resources (as defined in RCW 27.53) during ground-disturbing activities at the project location.

## **2.1. Professional Archaeologist On-Site**

The Client will retain the services of a professional archaeologist as defined in RCW 27.53.030(11) to provide on-site monitoring as defined above. The monitoring archaeologist will keep daily monitoring logs and take photographs to document the excavations.

## **2.2. Discovery—When a Monitor is Present**

If the monitoring archaeologist observes evidence of a burial, archaeological object, or archaeological site, the monitoring archaeologist—at their discretion—may temporarily slow or halt the excavation or other ground-disturbing activities. The objective of this slowing or halting excavation or other ground-disturbing activity is to allow the archaeologist to confirm and/or make a preliminary assessment of the discovery.

If the monitoring archaeologist determines that archaeological artifacts are present and that the artifact(s) are in fill or disturbed deposits and intact archaeological deposits are absent, they will document the discovery through maps and photographs. Upon completion of the documentation, the monitoring archaeologist will end the temporary halt and construction activity will resume.

If the monitoring archaeologist determines that a significant cultural resource has been encountered, they will immediately notify the Client's designated representative. The Client's representative will then promptly notify the DAHP and the appropriate Tribes of the find and the initial findings of the monitoring archaeologist. The monitoring archaeologist will work with the Client's representative and Client's contractor to determine when and where work can continue.

At the request of the monitor and in coordination with the Client's designated representative, the Client's contractor will either:

- Assist in securing access to the location of the discovery and take appropriate measures to protect the location of the discovery from rain, stormwater, and other possible disturbances, or
- If relocation of the artifacts is appropriate or necessary, assist the archaeologist in moving the artifacts to a protected and secure area of the site away from the immediate construction area.

If it is necessary for the monitoring archaeologist to enter any excavations to better examine a find or possible find, and those excavations are deeper than four feet below the surface (with the exception of those areas protected by a layback or lag wall), the Client's contractor will provide appropriate shoring or implement other measures to ensure compliance with all applicable state and federal safety requirements. The monitoring archaeologist will not enter any excavations until these requirements are met.

If the monitoring archaeologist determines that a potential human burial has been encountered, the provisions in **Section 2.4** will be followed.

### Materials NOT Requiring a Halt in Work

The following types of materials are presumed to not be protected under state law, and would not require a halt in work or investigation:

- Isolated cans or bottles;
- Clusters of 10 or fewer similar objects (such as beer bottles);
- Items less than 50 years old;
- Remains of infrastructure including abandoned utilities;
- Loose bricks, mortar, or other architectural debris; and
- Historic-era artifacts within unstratified fill that are not associated with a feature or stable surface.

The archaeologist will note the presence of these items in daily monitoring logs.

### Changing Level of Effort

Based on monitoring results, the Project Archaeologist may reevaluate the need for constant, on-site monitoring. If monitoring indicates that the potential for encountering intact, cultural resources is low (for example, lack of a buried A-horizon and/or obvious previous disturbance into the native sediment), the archaeologist will recommend to the Client a decrease in monitoring effort. This may result in check-in or on-call monitoring. The basis for this recommendation will be documented with photographs, maps, and notes. Decreases in monitoring will require approval by DAHP.

## 2.3. Discovery—When No Monitor is Present

**In the event that evidence of human remains or intact archaeological deposits or features are encountered when no monitor is present, all ground-disturbing activity will be halted immediately within 50 feet of finds of humans remains or suspected human remains and 30 feet of the find of archaeological materials.** A professional archaeologist will be immediately notified of the discovery and

will conduct an inspection of the discovery location as soon as possible to confirm and/or make a preliminary assessment of the discovery.

If the monitoring archaeologist determines that a potential burial has been encountered, the provisions in **Section 2.4** will be followed.

If the inspecting archaeologist determines that archaeological artifacts are present and that the artifact(s) are in fill or disturbed deposits and intact archaeological deposits are absent, they will document the discovery through a brief on-site analysis, maps, and photographs. Upon completion of the documentation, the examining archaeologist will authorize construction activity to resume. The artifacts will remain on-site and will not be collected.

If the examining archaeologist determines that a possible significant archaeological resource has been encountered, they will immediately notify the DAHP. In coordination with DAHP, the inspecting archaeologist will work with the Client to determine when and where work can continue. The archaeologist may authorize the Client to proceed with excavations in a different area while further examination and assessment is made of the discovery.

Should it be necessary to undertake systematic excavations to address the discovery, the Client's archaeological consultant will apply as soon as possible for an emergency Archaeological Excavation Permit issued by DAHP. Construction and other ground-disturbing activity in the discovery vicinity may not resume until authorized by the appropriate agencies and Tribes.

## **2.4. Human Remains or Burials**

In the unlikely event that human remains are encountered at any time, state law (RCW 27.44.055) requires all activity to cease that may cause further disturbance to those remains, and the area of the find secured and protected from further disturbance. The finding of human skeletal remains will be reported to the King County Medical Examiner and the Mercer Island Police Department in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The Medical Examiner will assume jurisdiction over the human skeletal remains and determine whether those remains are forensic or non-forensic. If the Medical Examiner determines the remains are non-forensic, they will then report that finding to the DAHP, who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will determine whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

## **2.5. Reporting**

The archaeological monitor will complete daily monitoring logs and photographic records of monitoring observations. A final report on the results of the monitoring will be prepared for Client and submitted to DAHP and Tribes.

## **2.6. Confidentiality**

The Client shall make their best efforts, in accordance with state law, to ensure that its appropriate personnel and contractors keep the discovery of any found or suspected human remains, cultural items, and potential historic properties confidential. The Client may not contact the media or otherwise share information regarding the discovery with any member of the public. The Client is to be immediately notified of any inquiry from the media or public. Prior to any release, the Client, the DAHP, and the Tribes shall concur on the amount of information, if any, to be released to the public, any third party, and the media and the procedures for such a release, to the extent permitted by law.

## **3. Bibliography**

Moore, Jennifer L.

2018 *Phase 1 Environmental Site Assessment Report, 2885 78<sup>th</sup> Avenue Southeast, Mercer Island, Washington*. Prepared for Xing Hua Group Ltd, Bellevue, WA. Submitted by Farallon Consulting, LLC, Issaquah, WA.

Valentino, Alicia

2020 *Technical Memorandum: Xing Hua Group, Mercer Island Mixed Use Development, King County, Washington*. Prepared for Xing Hua Group, Ltd, Vancouver, British Columbia. Prepared by Willamette Cultural Resources Associates, Seattle, WA.





Figure 1. USGS Topographic Map of the Project Area.



Figure 2. Aerial photograph of the Project Area.

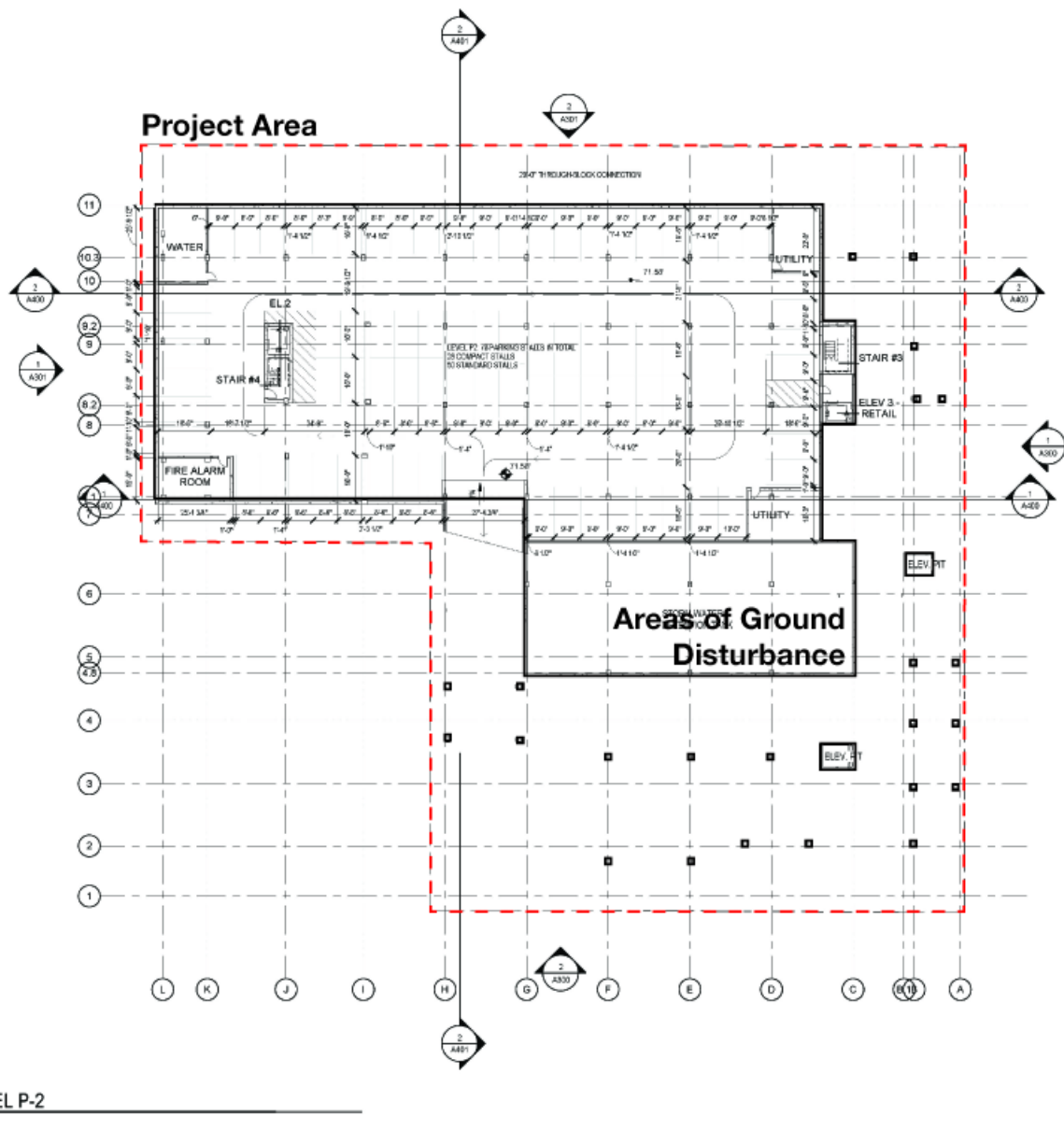
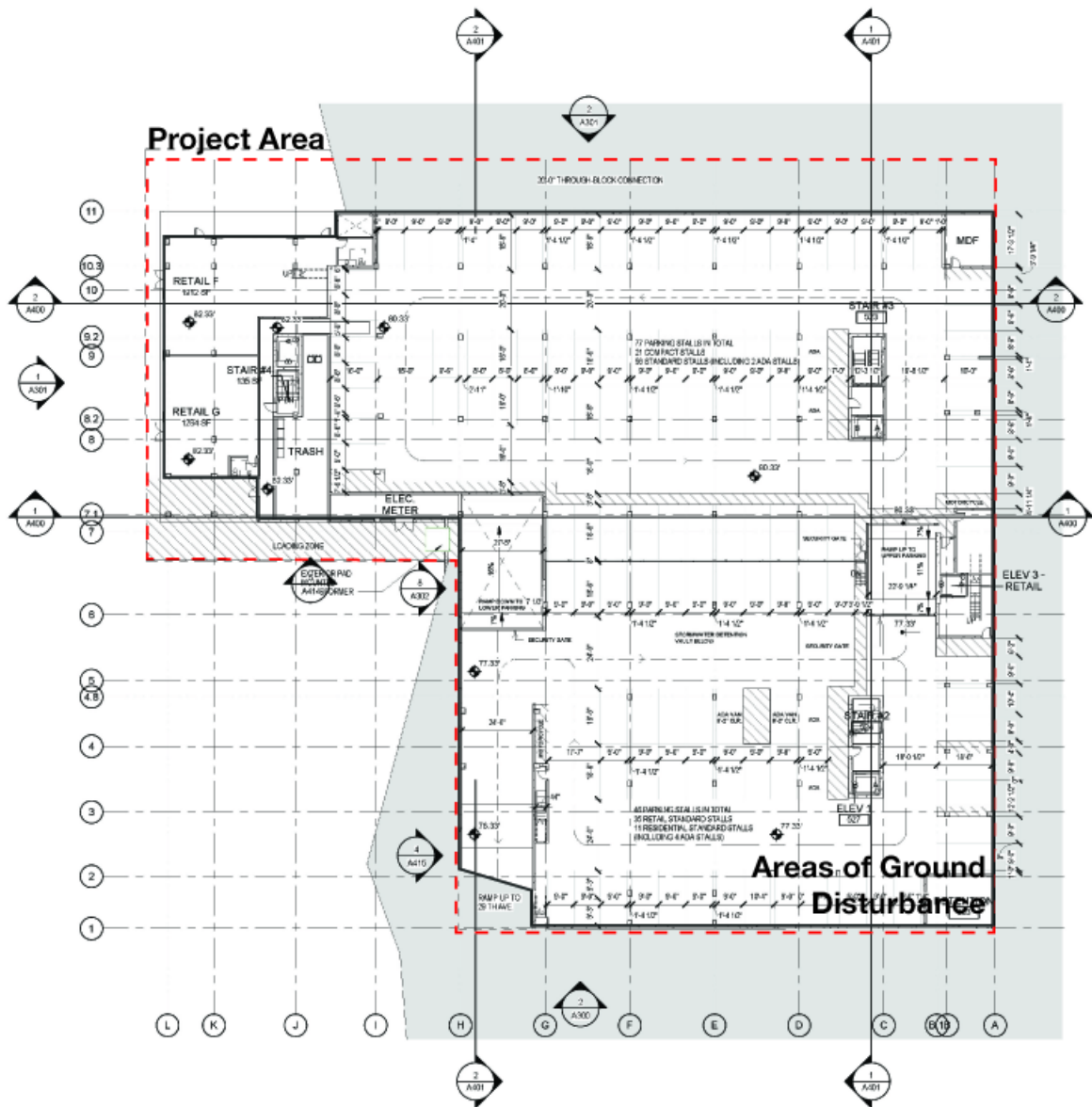


Figure 3. Areas of Proposed Ground Disturbance (black) and Project Area (red); building level P-2 (Source: Johnston Architects, LLC.)



1 LEVEL P-1  
 P = 20'-0"

Figure 4. Areas of Proposed Ground Disturbance (black) and Project Area (red); building level P-1 (Source: Johnston Architects, LLC.)

**Contact Information for Monitoring and Inadvertent Discovery Plan**

**(to be finalized before start of construction)**

<b>Tribe/Agency/Organization</b>	<b>Contact Name</b>	<b>Email Address</b>	<b>Phone Number</b>
Xing Hua Group, Ltd. (Client)	Kyle Lu	kleohappy@outlook.com	(xxx) xxx-xxxx
<b>Contractor</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>
Willamette Cultural Resources Associates, Ltd. (Professional Archaeologist)	Paula Johnson	paula@willamettecra.com	(206) 706-1659 (cell)
DAHP Local Governments Archaeologist	Stephanie Jolivette	Stephanie.Jolivette@dahp.wa.gov	(360) 586-3088
State Physical Anthropologist	Dr. Guy Tasa	Guy.Tasa@dahp.wa.gov	(360) 586-3534
Mercer Island Police	Non-emergency contact	-	(425) 577-5656
King County Medical Examiner	Richard Harruff, MD, Ph.D.	-	(206) 731-3232, ext. 5
Muckleshoot Indian Tribe	Laura Murphy	Laura.murphy@muckleshoot.nsn.us	(253) 876-3272
Snoqualmie Indian Tribe	Steve Mullen-Moses	steve@snoqualmietribe.us	(425) 292-0249, ext. 2010 (425) 495-6097 (cell)
Suquamish Tribe	Dennis Lewarch	dlewarch@Suquamish.nsn.us	(360) 394-8529
Tulalip Tribes	Richard Young	ryoung@tulaliptribes-nsn.gov	(360) 716-2652 (425) 239-0182 (cell)