

Memorandum

July 28, 2022

To: Paul West, City of Mercer Island

From: Barbara Bundy

cc: Anna Spooner

Re: Cultural Resources Assessment, Luther Burbank Park Waterfront Improvements Project

Introduction

The City of Mercer Island Public Works Department (Public Works) is proposing the Luther Burbank Park Waterfront Improvements Project (Project) to repair, maintain, and enhance the waterfront program at Luther Burbank Park on the north end of Mercer Island, Washington (the Project). The Project requires a permit from the U.S. Army Corps of Engineers (USACE) and must comply with Section 106 of the National Historic Preservation Act, implementing regulations at 36 Code of Federal Regulations (CFR) 800, and USACE regulations at 33 CFR 325.

Section 106 requires federal agencies to consider the effects of their undertakings on historic properties, which are prehistoric or historic sites, districts, structures, or objects that are listed in (or eligible for listing in) the National Register of Historic Places (NRHP). This memorandum describes recorded and potential historic properties and recommends that USACE determine that no historic properties will be affected by the Project.

Project Description

The Project is located in Luther Burbank Park on Mercer Island (Section 6 of Township 24 North, Range 5 East; Figures 1 and 2). The Project includes repairing and replacing portions of the existing dock structures, including repairs to the north dock structure, and replacing and reconfiguring the central and south dock structures to accommodate waterfront programming and current and projected watercraft uses. Other waterside improvements include installing grated overwater public access stairs in the nearshore to improve access to the water along the existing plaza area. The major Project elements are as follows:

1. **North Dock Repairs:** repairing existing overwater north dock infrastructure (in-water ground disturbance up to 2 feet below the mudline)
2. **Central Dock and South Dock Reconfiguration and Public Access Stair:** installing new overwater infrastructure (in-water ground disturbance of up to 20 feet below the mudline)
3. **Building Improvements and Renovations:** installing a new roof and seismic retrofits, renovating the existing restrooms, constructing a new rooftop viewing deck/outdoor

classroom, and new lighting on the existing building, installing improvements and a new electrical panel within the concession area (no ground disturbance)

4. **Shoreline and Beach Enhancements:** expanding the north beach by excavating into the adjacent uplands and constructing a shoreline rockery (up to 6 feet of excavation), placing fish habitat gravel landward from the new shoreline rockery edge to the existing beach, relocating boulders and large woody debris along the shoreline, and enhancing riparian vegetation (minimal surface ground disturbance)
5. **Waterfront Drainage:** installing pervious paver drainage design at the plaza, installing a Silva Cell design, and associated storm drainage work (ground disturbance up to 3 feet below the existing ground surface)
6. **Irrigation Intake System Installation:** replacing and installing a new irrigation intake, pump system, and supply lines (ground disturbance up to 3 feet below the existing ground surface)
7. **Waterfront Plaza Renovations and Access Upgrades:** installing planting and irrigation (ground disturbance up to 2 feet below the existing ground surface), improving plaza paving and installing benches and a picnic table, constructing new access routes north and south of the plaza with pathways, ramps, steps, rockeries, and split-rail fencing (ground disturbance up to 6 feet below the existing ground surface)

Regulatory Context

Under Section 106 and its implementing regulations at 36 CFR 800, USACE is required to consider the effects of the permitted activity on historic properties. An historic property is "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places" (36 CFR 800.16(l)(1)). Traditional Cultural Properties may also be historic properties. Under the Section 106 process, USACE must consult with interested and affected Indian Tribes and the State Historic Preservation Officer (SHPO) on potential impacts to cultural and historic resources.

To be eligible for inclusion in the NRHP, an historic property must have significance and retain integrity. Significant properties meet one or more of the following criteria:

- A. They have an association with events that have made a significant contribution to the broad patterns of our history
- B. They have an association with the lives of significant persons in our past
- C. They embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
- D. They have yielded or may be likely to yield information important in history or prehistory

"Integrity" is defined as an historic property's ability to convey its historic significance, in other words, its historic appearance and setting.

This report assists USACE with fulfilling the requirements of Section 106 by recommending the following:

- The Area of Potential Effects (APE)
- Whether there are NRHP-eligible historic properties in the APE
- Whether the undertaking will adversely affect any NRHP-eligible historic properties

Area of Potential Effects

The APE for a project is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties” (36 CFR 800.16(d)). The APE typically includes areas where ground disturbance could affect archaeological sites or modifications could affect historic structures. USACE will determine the APE for the project. Because there are no proposed modifications to historic structures (the boiler building was determined not NRHP eligible in 2018 and the restroom addition is less than 50 years old) and no effects to the viewshed of any historic structure, the recommended APE is limited to areas of upland and in-water ground disturbance (Figure 3).

Environmental and Cultural Context

Environmental Context

Mercer Island is a large island in the southern part of Lake Washington, a freshwater lake that occupies approximately 34 square miles between the metropolitan cities of Seattle and Bellevue. The lake is in the Puget Trough physiographic province, a valley system that extends from Puget Sound south through the Willamette Valley and that separates the Olympic Mountains from the Western Cascades (Franklin and Dryness 1973). During the last glacial advance, the Vashon Stade of the Late Wisconsin glaciation, glaciers extended as far as 85 miles south of Seattle. Glaciers began to recede about 16,000 years ago, leaving behind a rapidly changing landscape of proglacial lakes, meltwater streams, and other alluvial features. As the glaciers retreated, land formerly depressed by the weight of the ice began to rebound, a process of uplift that lasted until approximately 9,000 years ago (Dragovich et al. 1994; Troost 2011).

As glaciers retreated, meltwater lakes—blocked from draining to the ocean by ice—formed over the Puget Sound area, submerging much of the area between the Olympic and Cascade mountains (Troost 2011). The Project area at this time would have been under fresh water. About 14,900 years ago, the last glacial lake broke through its ice dam and drained; marine waters intruded, and Lake Washington was briefly part of Puget Sound because land was depressed below sea level by ice cover and had not yet rebounded. Water levels were much lower than modern lake levels because sea levels were relatively low (Troost 2011; Hodges 2010). The Project area would have been upland at this time. Shortly thereafter, what is now Lake Washington began to fill with fresh water as uplift continued and the connection with Puget Sound was cut off. Lake levels began to rise and continued

to do so through the Late Holocene, when they reached historic levels recorded in the mid-1800s, fluctuating with seasonal weather patterns (Hodges 2010). The Project area would have been under an average of 2 to 9 feet of water in the Late Holocene, with a fairly steep paleoshoreline approximately 300 feet west of the modern shoreline (Troost 2011). An 1884 General Land Office map shows the APE under water (Figure 5).

The Lake Washington watershed has been altered since the time of Euroamerican contact. In 1883, Euroamerican settlers trenched a log chute between Union Bay and nearby Portage Bay of Lake Union to the west (Dorpat 1982); the chute was eventually widened into the Montlake Cut in 1916. When the cut was opened, Lake Washington abandoned its southern outlet and began draining into Lake Union. The lake level lowered about 8.9 feet (Hodges 2010). Lake levels since the Montlake Cut have been controlled by the U.S. Army Corps of Engineers at the Ballard Locks in Seattle, dampening seasonal fluctuations.

Native vegetation in the Puget Sound area consists of forests of the *Tsuga heterophylla* zone, which is characterized by western hemlock (*Tsuga heterophylla*), western red cedar (*Thuja plicata*), and Douglas fir (*Pseudotsuga menziesii*), with a dense shrub and herbaceous understory including sword fern (*Polystichum munitum*), salal (*Gaultheria shallon*), Oregon grape (*Mahonia aquifolium*), ocean spray (*Holodiscus discolor*), Pacific blackberry (*Rubus ursinus*), red huckleberry (*Vaccinium parvifolium*), and red elderberry (*Sambucus racemose*) (Franklin and Dyrness 1973). A variety of fauna would have been present in the vicinity prior to modern land modifications, including fish, invertebrates, waterfowl, and large and small mammals. The Project location is currently landscaped with a variety of native and non-native plants, primarily maintained lawn.

Cultural Context

The earliest evidence of prehistoric human occupation in Western Washington may be the Manis mastodon site on the Olympic Peninsula near Sequim, which has been radiocarbon dated to about 12,000 before present (BP) (Gustafson and Manis 1984). There are few other sites that date before about 5,000 BP. Numerous sites have been identified across the region dating to the period after 5,000 BP, when larger populations began to organize in more complex ways to exploit a wide range of resources, including salmon and shellfish, land mammals, and plant resources such as berries, roots, and bulbs (Matson and Coupland 1995). Over time, populations accumulated in large, semi-sedentary cedar plank house villages located at river mouths and confluences and on protected shorelines. The artifact tool kits became increasingly complex and specialized, allowing for large takes of resources, which were processed and stored for year-long consumption (Ames and Maschner 1999).

The Project area is in the traditional territory of the Duwamish, a Southern Coast Salish group speaking the Southern Lushootseed language, who lived in villages from Lake Washington to the Black River (Suttles and Lane 1990). In fact, early Euroamerican maps record the name "Duwamish

Lake” for Lake Washington. More than 12,000 Lushootseed speakers occupied the Puget Sound region prior to European contact; however, epidemics introduced by the newcomers reduced this population to only 5,000 by the 1850s (Suttles and Lane 1990).

Southern Coast Salish villages were occupied part of the year, largely in winter, and residents made seasonal journeys to camps near resource gathering areas. Coastal villages relied on fish, which they caught with various weirs and traps, as well as shellfish and sea mammals (Suttles and Lane 1990; Ruby and Brown 1986). These food sources were supplemented by various berries, roots, and bulbs (Suttles and Lane 1990; Ruby and Brown 1986).

Waterman (1922) recorded the following three ethnographic place names on Mercer Island:

1. #118: *TsEktsEk!a'bats*, 'where gooseberry bushes grow' for a location on the northwest side of the island near what is now Proctor Landing
2. #119: *La'gwitsatEb*, for the southernmost point of the island, a location with spiritual significance
3. #120: *Q!oq!o'btsi*, for a location on the central western shore of the island

Waterman does not report any village or campsites around Calkins Point. Padgett (2013) wrote that Duwamish people “did not build permanent settlements [on Mercer Island] because they were not comfortable staying overnight on the island,” which was said to sink into the lake each night. However, there is not a reference or informant noted for this assertion.

Captain George Vancouver’s 1792 exploration of Puget Sound marked the first Euroamerican intrusion in the region (Kirk and Alexander 1990). However, Euroamerican settlement in the region was not established until 1832; the earliest instance was at Fort Nisqually at the southern end of Puget Sound. The Wilkes Expedition of 1841 used the fort as a base for explorations in southern Puget Sound (Kirk and Alexander 1990).

Lumber was Puget Sound’s major export for much of its early history. Washington was the number one lumber-producing state in 1910, with 63 percent of the state’s wageworkers dependent upon the forest products industry for jobs (Schwantes 1996). The timber industry declined in the early twentieth century, but the region’s fortunes were revived by military industry during World War II.

Euroamerican settlement on Mercer Island began in the 1870s; 20 years later the island was home to just a few families (Padgett 2013). One settler, a lawyer from Wisconsin named Charles C. Calkins, platted the town of East Seattle and built the Calkins Hotel in 1891. Calkins owned land across northern Mercer Island, and he lent his name to Calkins Point (in Luther Burbank Park north of the Project area) as well as the hotel and a steamship (Stein 2002a). However, his stay on Mercer Island was short and tragic: by the late 1890s he had left in financial and personal ruin (Stein 2002a; Padgett 2013).

The Park was part of Calkins' homestead; it was sold at the time of his departure. The owner leased the property to Major Cicero Newell, who had a history of operating schools for indigent children. Newell developed a school for troubled children at the abandoned Calkins Hotel, later moving the school operation to tents on the Project area property. Working with Newell, the Seattle school district purchased the property in 1903 and developed a "Parental School" for troubled youth on the property (Stein 2002b; Bullis 1978). The property expanded to the north and west when the Montlake Cut lowered lake levels in 1916.

At its maximum extent, the campus contained two schoolhouses, a hospital, barn, laundry, dormitory, steam plant, and farm. The school became an all-boys school in 1928, and in 1931 it was renamed after noted botanist Luther Burbank. The boiler building was constructed in 1928, and presumably the retaining wall that created the raised area on which it sits. A 1933 aerial photograph shows the school campus (Photograph 1). The school closed in 1967, and the property became a county park a year later. In 1976, decrepit wooden structures were burned and the 1928 dormitory refurbished (Stein 2002b; Bullis 1978). The public dock was built in 1974, and an annex to the boiler building constructed as a public restroom serving the dock. In 1998, an arson fire occurred in the boiler room building, damaging the interior (Boyle Wagoner Architects 1998). In 2002, ownership of the Park was transferred to the City of Mercer Island.

Previous Research

There are no recorded archaeological sites within a mile of the Project area. The nearest recorded sites are a historic debris scatter in Bellevue (45KI1008), approximately 1.4 miles east of the Project area, and submerged World War II aircraft in Lake Washington approximately 2 miles northwest of the Project area. No cultural resources surveys have been conducted in the Project area, though it appears that SHPO evaluated the potentially historic structures in the Park in 2018 and determined them to be not NRHP-eligible. The nearest cultural resources survey occurred at Calkins Point in the Park, approximately 1,500 feet north of the Project area (Bundy 2015). Two other surveys were conducted along the shoreline west of Calkins Point, approximately 1,800 to 2,100 feet northwest of the Project area (Kassa-Kleinschmidt 2017; Kleinschmidt and Gardner 2018). All three surveys included subsurface testing and identified topsoil and fill over glaciolacustrine deposits. These results are consistent with the landform history.

Photograph 1
Luther Burbank School in 1933



Source: Museum of History and Industry

Geotechnical testing conducted for the Project offers an indication of subsurface conditions within the APE (Geoengineers 2022a, 2022b). Three upland borings revealed the following (Figure 4):

- B-1 and B-2: 6 inches of sod above glacial till
- B-3: 10 inches of concrete and base course over 7 feet of fill, over glacial till

Three in-water borings revealed “lake sediments underlain by weathered glacially consolidated soil” (Geoengineers 2022b: 2). These results indicate that intact Holocene soils are unlikely to be present in the APE.

Potential to Affect Historic Properties

There are no historic structures in the APE, and therefore there will be no effects to built-environment historic properties. Possible disturbance of unrecorded archaeological resources during construction is the only potential effect.

Most of the Project elements entail little to no ground disturbance (dock repair and reconfiguration, building improvements and renovations, and shoreline and beach enhancements).

Utilities work (drainage and irrigation infrastructure) includes ground disturbance up to 3 feet below the existing ground surface. This will occur along the shoreline within 9 feet of the ordinary high water mark (OHWM). Borings B-1 and B-2 were located in this area, and both revealed sod over glacial till. This is consistent with the results of other subsurface testing in Luther Burbank Park. These improvements are also below the expected water level of Lake Washington prior to the Montlake Cut, and are unlikely to contain intact archaeological materials.

Plaza renovations mostly entail minimal ground disturbance, but also include new pathways, ramps, steps and rockeries, each of which could require up to 6 feet of ground disturbance. The pathway south of the plaza and adjacent steps are cut into a steep slope behind the boiler building, and are therefore unlikely to encounter archaeological materials. The expanded north beach, access pathway, and associated shoreline rockeries are about 3 feet above OHWM, and would have been inundated at least seasonally prior to the Montlake Cut. Construction is unlikely to encounter intact archaeological materials.

In summary, previous cultural resources surveys in Luther Burbank Park and geotechnical information for the current Project indicate that the vicinity contains topsoil over glacial deposits. Most of the Project area would also have been inundated periodically.

Recommendations

Because there are no historic structures in the Project area, and ground disturbance has minimal potential to encounter archaeological materials, it is recommended that USACE determine that **no historic properties will be affected** by the Project. An Inadvertent Discovery Plan is recommended during construction, and is provided as Attachment A.

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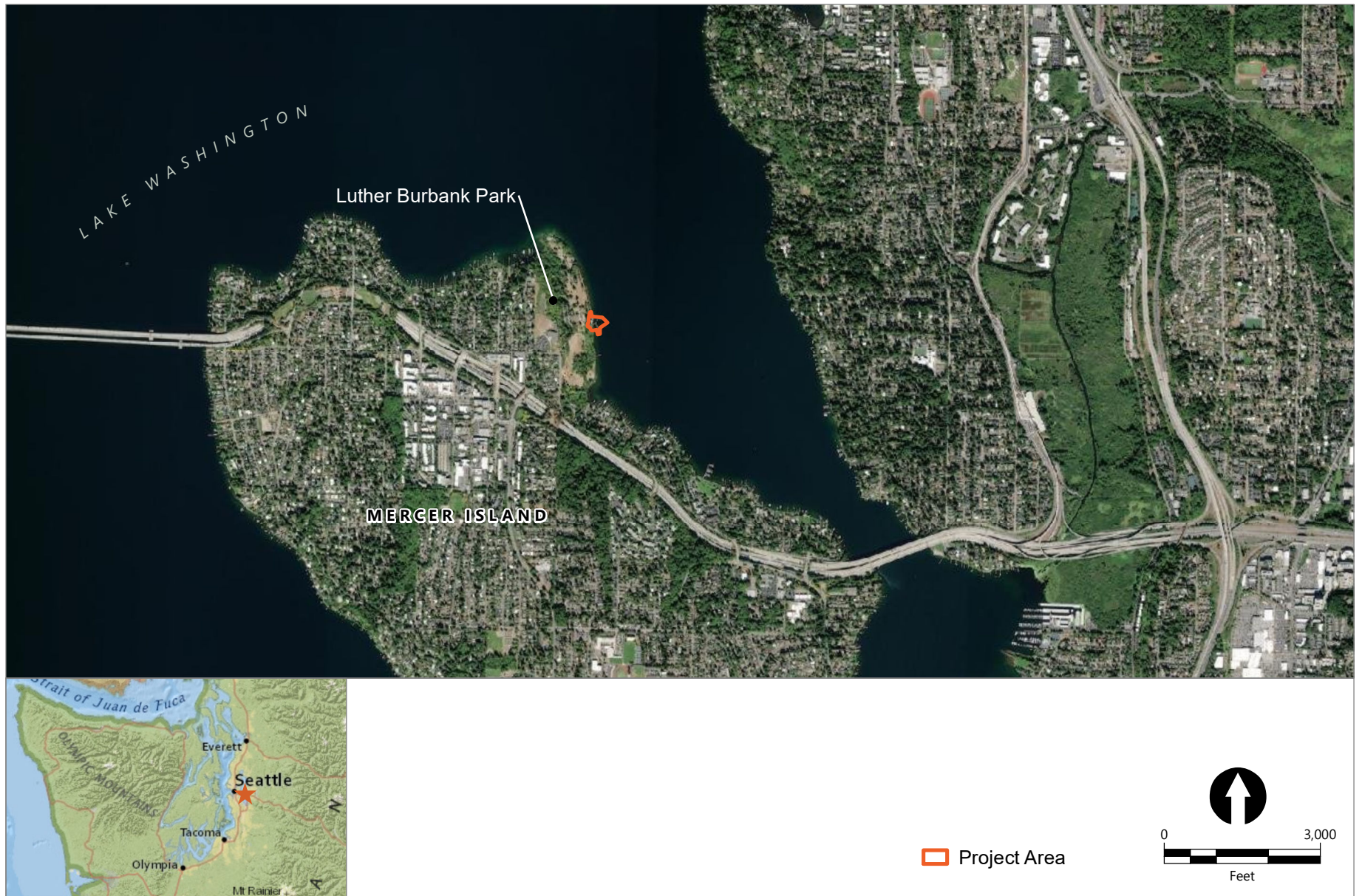
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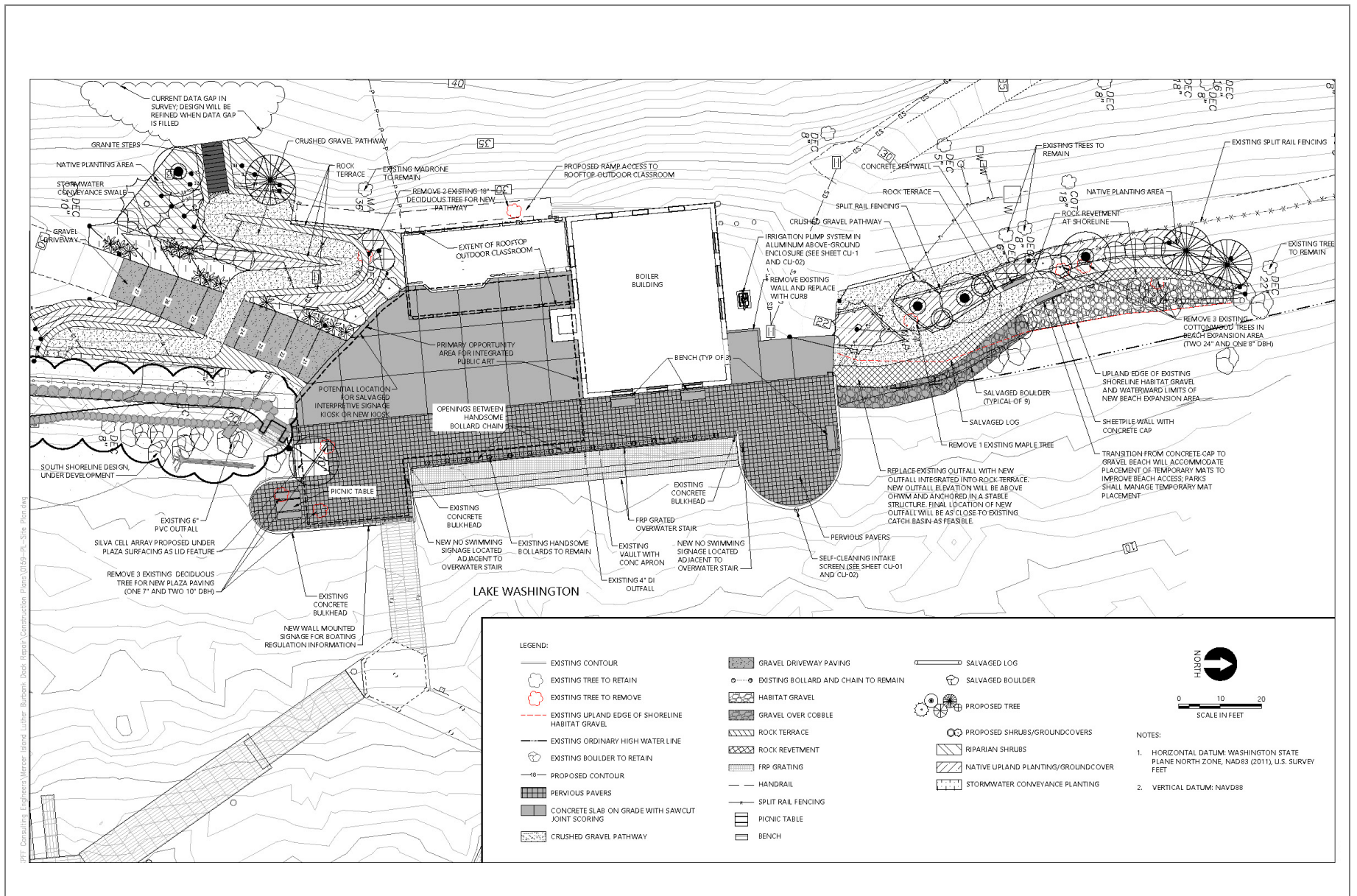
Figures



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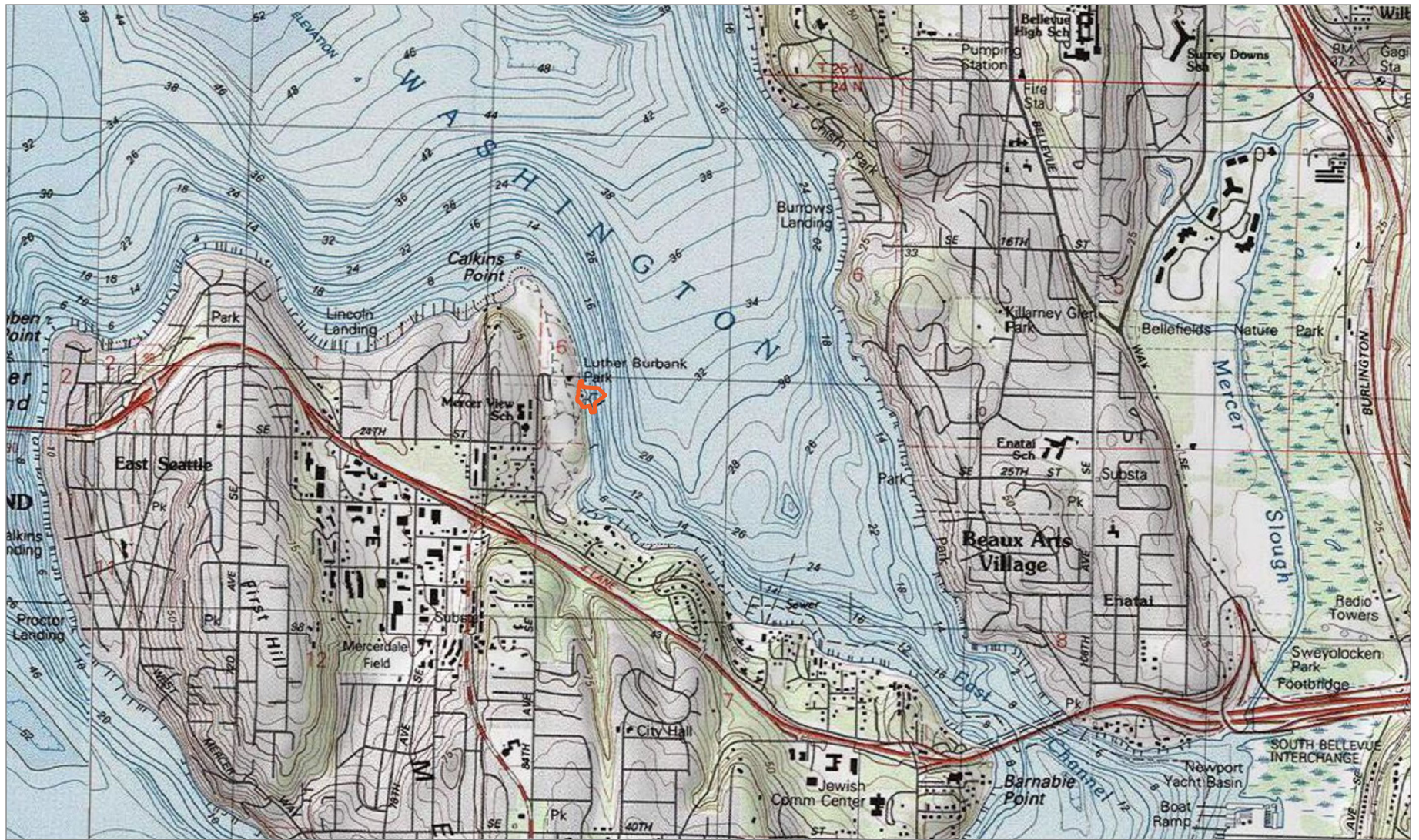
Figure 1
Project Vicinity
 Cultural Resources Assessment
 Luther Burbank Park Waterfront Improvements



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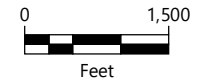


Figure 2
Project Plan View
 Cultural Resources Assessment
 Luther Burbank Park Waterfront Improvements



USGS 7.5' Quad, Mercer Island, WA

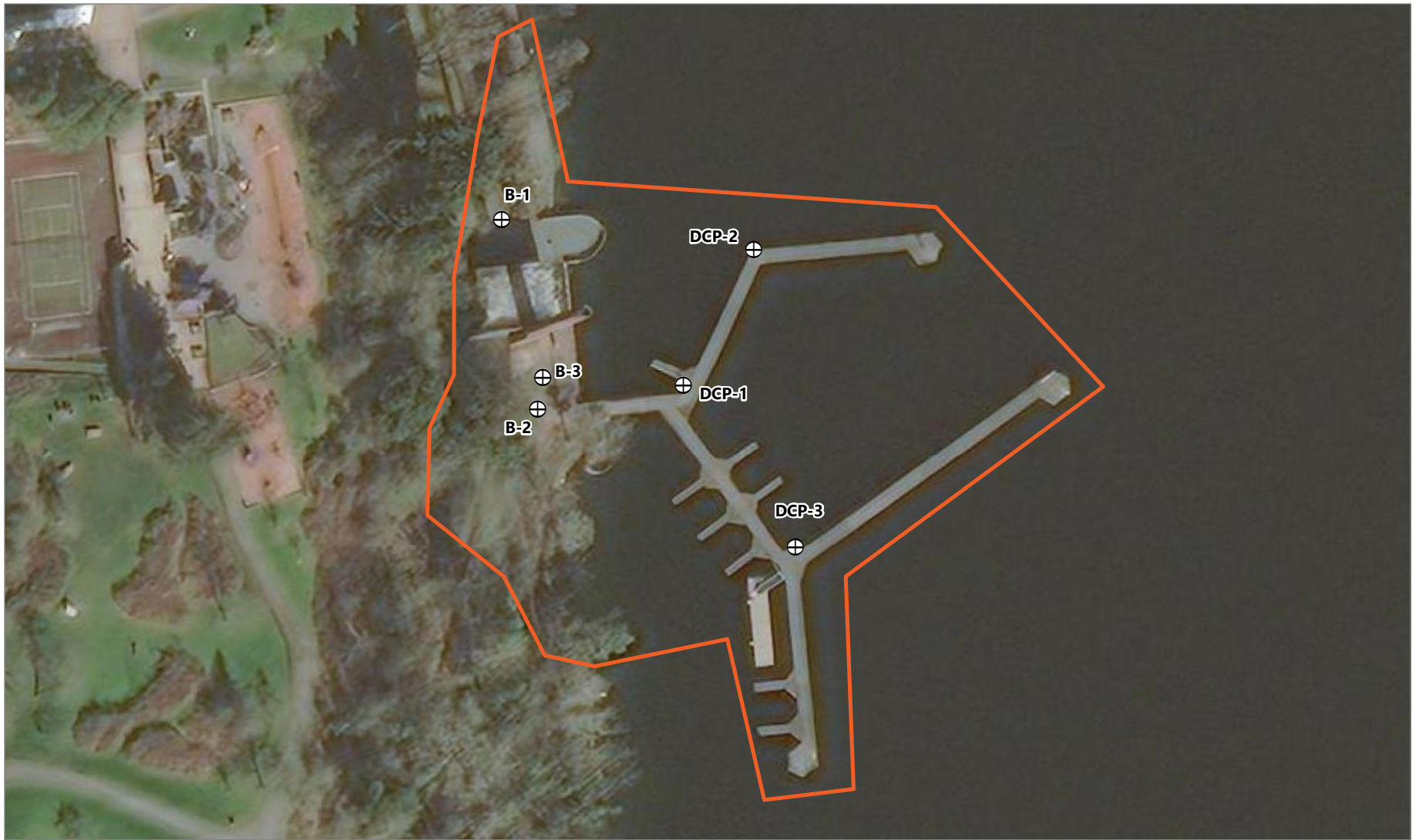
 Project Area



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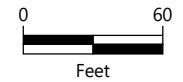


Figure 3
Area of Potential Effects
 Cultural Resources Assessment
 Luther Burbank Park Waterfront Improvements



USGS 7.5' Quad, Mercer Island, WA

 Project Area



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Figure 4
Geotechnical Test Locations
Cultural Resources Assessment
Luther Burbank Park Waterfront Improvements

Attachment A

Inadvertent Discovery Plan

Inadvertent Discovery Plan

Luther Burbank Park Waterfront Improvements Project

July 15, 2022

The City of Mercer Island Public Works Department (Public Works) is proposing the Luther Burbank Park Waterfront Improvements Project (Project) to repair, maintain, and enhance the waterfront program at Luther Burbank Park on the north end of Mercer Island, Washington.. The Project requires a permit from the U.S. Army Corps of Engineers (USACE) and must comply with Section 106 of the National Historic Preservation Act, its implementing regulations at 36 Code of Federal Regulations (CFR) 800, and USACE's Section 106 regulations at 33 CFR 325. USACE has determined that no historic properties will be affected by the Project. However, ground disturbance will occur, and there is some remaining potential that archaeological materials may be encountered. This plan describes procedures that must be followed if archaeological resources or human remains are encountered during construction, in compliance with applicable local, state, and federal laws.

Archaeological Resources

On-site staff must implement the following steps in the event of a discovery of archaeological resources.

1. Recognize Archaeological Resources. An archaeological resource could be prehistoric or historic. Examples include:
 1. An accumulation of shell, burned rocks, or other food-related materials
 2. Bones or small pieces of bone
 3. An area of charcoal or very dark stained soil with artifacts
 4. Stone tools or waste flakes (i.e., an arrowhead, or stone chips)
 5. Basketry, cordage, or rope
 6. Clusters of tin cans or bottles, buried railroad tracks, decking, or logging or agricultural equipment or tools

When in doubt, assume the material is an archaeological resource.

2. Stop Work. If any Public Works employee, contractor or subcontractor believes that he or she has uncovered an archaeological resource at any point in the project, all work adjacent to the find must stop in an area adequate to protect the find (expected to be a 30-foot radius unless conditions indicate otherwise). The location of the find shall not be left unsecured at any time.
3. Notify Project Management. Contact the Public Works Project Manager. If the Project Manager is not available, the monitor shall contact the alternate Public Works contact. The

Project Manager, alternate, or designee will make all other contacts. Do not call 911 or speak with the media.

The Project Manager, alternate, or designee will implement the following steps when notified of a discovery.

1. Contact the Project Archaeologist. The Project Manager will retain a qualified archaeologist to evaluate whether the find is an archaeological site or resource as defined by state or federal law. If the Project Archaeologist recommends that the find is not an archaeological site or resource, the recommendation will be provided to USACE and Public Works. Construction may continue when authorized by USACE.
2. Notify Consulting Parties. If the Project Archaeologist determines that the find is an archaeological site or resource, the Project Archaeologist will notify USACE and Public Works. USACE shall notify consulting parties (State Historic Preservation Officer [SHPO], tribes, and any other identified interested parties) of the find within 48 hours, per 36 CFR 800.13.
3. Evaluate Significance. The Project Archaeologist will conduct any additional research necessary to evaluate significance under state or federal law. Based on this research, the Project Archaeologist will recommend to USACE and Public Works whether the find is significant.
4. Determine Significance and Continue Consultation. USACE will determine whether the find is significant and will provide the determination to consulting parties. Consulting parties shall respond within 48 hours, per 36 CFR 800.13.

If USACE determines that the find is not significant and consulting parties do not object within 48 hours, construction may continue when authorized by USACE. If any consulting party objects, USACE shall continue consultation in good faith to resolve the lack of agreement. If agreement cannot be reached, USACE shall seek comment from the Advisory Council on Historic Preservation, as described in 36 CFR 800.4(c)(2).

5. Avoid or Mitigate Adverse Effects. If USACE determines that the find is significant, USACE will work with Public Works to determine whether adverse effects can be avoided. If adverse effects can be avoided, USACE will provide documentation of avoidance and a determination of No Adverse Effect. If consulting parties do not object within 48 hours, construction may continue when authorized by USACE. If any consulting party objects, USACE will continue consultation until a reasonable and good faith effort has been made to resolve the lack of agreement.

If a determination is made that adverse effects cannot be avoided, USACE will work with Public Works and consulting parties to develop mitigation measures. These could include an Archaeological Treatment Plan describing data recovery efforts or other mitigation measures.

Human Remains

Human remains require special treatment under Revised Code of Washington (RCW) 68.50.645. Any potential remains that are encountered during project work should be assumed to be human until determined otherwise by the Project Archaeologist or law enforcement personnel. Procedures for the discovery of possible human remains are described below.

On-site staff must implement the following steps in the event of a discovery of potential human remains.

1. Stop Work. If any Public Works employee, contractor, or subcontractor believes that he or she has uncovered possible human remains at any point in the project, all work adjacent to the discovery must stop. Work stoppage must be adequate to protect the discovery, which is expected to be a minimum of 30 feet in all directions, unless the Project Archaeologist or law enforcement personnel indicate otherwise.
2. Do Not Handle Human Remains. Possible human remains shall not be handled, removed, reburied, or covered.
3. Flag and Secure the Area. The area of discovery will be flagged and secured. The location of the discovery will not be left unsecured at any time. Construction equipment and personnel will not enter the area. Spoils piles or vehicles from the area that have the potential to contain human remains, such as dump trucks, will remain on site. No persons other than the proper law enforcement personnel, the King County Medical Examiner, and professional archaeologists will be authorized to access the discovery location after the area is secured.
4. Notify Project Management. Contact the Public Works Project Manager. If they are not available, contact alternate Public Works contact. The Project Manager, alternate, or designee will make all other contacts.
5. Avoid Any Other Communication. Do not call 911, the media, or members of the public about the find.

The Public Works Project Manager, alternate, or designee will implement the following steps when notified of a discovery of potential human remains.

1. **Preliminary Observation.** The Project Manager will notify USACE (via phone and email) of the discovery and will coordinate with the Project Archaeologist to assess whether the discovery may be human remains (without disturbing the discovery further). If the discovery can be definitively identified as nonhuman, procedures for archaeological resources will be followed.
2. **Notify Law Enforcement.** If the discovery could possibly be human remains, the Project Manager or the Project Archaeologist shall call the City of Mercer Island Police nonemergency number and report that potential human remains have been discovered. The City of Mercer Island Police will control the discovery site until it is either determined to be non-forensic (not a crime scene) or the investigation is complete.
3. **Participate in Consultation.** Under RCW 27.53.030, RCW 68.50, and RCW 68.60, SHPO will have jurisdiction over non-forensic human remains. USACE and Public Works will participate in consultation. If there are also archaeological materials at the human remains discovery location, there may be a parallel archaeological resources process led by USACE. Construction can resume when authorized by USACE and SHPO.

Contact Information

City of Mercer Island Public Works

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U.S. Army Corps of Engineers

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