



Date: September 29, 2017
To: Chair McGriff and Planning Commission
From: Pete Walter, AICP, Planner
Re: Tribal Notification Requirements - Archeological Monitoring Recommendation

The City adopted notification requirements for Archeological Monitoring Recommendations in 2008. The following code language was adopted as part of the City's Subdivision, Minor Partition, Historic Overlay District, and Site Plan and Design Review code in sections 16.16.20, 16.08.025, 17.40.060, and 17.62.060. The code provides as follows:

H. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:

- 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*
- 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

The requirement applies to all projects that may have ground disturbance and early noticing ensures that the Oregon State Historic Preservation Office (SHPO), and tribal contacts the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation provide notice to the applicant of potential archeological monitoring requirements, in addition to the state and federal laws that apply. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. In an abundance of caution, Planning Division staff provides this notice to SHPO and the Tribes upon receipt of every pre-application conference request, rather than only the projects which include ground disturbance.