



Washington State  
DEPARTMENT OF  
ENTERPRISE SERVICES

# Consulting with DAHP and Tribal Nations

**NANCY DEAKINS, P.E. ASSISTANT PROGRAM MANAGER**

**ENGINEERING & ARCHITECTURAL SERVICES**

**November 2025**

# AGENDA

## **What we'll be covering:**

- Executive Order 21-02 and why it matters
- Projects that trigger consultation and when is it required
- Consulting with Department of Archaeology & Historic Preservation (DAHP)
- Inadvertent Discovery Plans
- Consulting with Tribal Nations
- New Executive Order 25-10 for strengthening Tribal relations

August 16, 2003

# PURPOSE OF EXECUTIVE ORDER 21-02\*

\*Supersedes Executive Order 05-05

## **Requires:**

All state funded projects to consider impacts on significant cultural resources and historic properties.

## **Why it matters:**

- Protect Washington's rich history
- Use taxpayer money wisely
- Prevent damage or loss to significant sites, structures, and buildings

**Bridge construction project unearths Tse-whit-zen, a largely intact Klallam Indian village, in a major archaeological discovery**



Courtesy Lower Elwha Klallam Tribe

# PROJECTS THAT TRIGGER EXECUTIVE ORDER 21-02

Applies to **state-funded\*** projects, regardless of cost, involving:

- New construction
- Demolition
- Any ground disturbance
- Rehabilitation/renovation
- Acquisition

\* **EO 21-02 is codified in state capital budgets**



# CLIENT IS RESPONSIBLE TO CONSULT WITH DAHP & TRIBAL NATIONS

- **Clients** receive the state funding & are responsible.
- Clients file this with DAHP and connect with the affected Tribal Nations.
- If specialty consultant work is needed, DES can assist with contracting for that work.
- All documentation to prove evidence of DAHP and Tribal consultation needs to be filed with DAHP.
- Please copy DES for compliance file.

# WHEN CONSULTATION IS REQUIRED

Consultation with DAHP and affected Tribes

## **Begin early in the project planning:**

- Capital budget requests and predesigns require DAHP review letter or exemption (allow 30 days for DAHP review).
- Include in environmental reviews like SEPA, NEPA, & site acquisition studies

## **Complete before:**

- Construction (advertisement for construction)
- Demolition (advertisement for demolition)
- Acquisition (taking title)

# HOW TO CONSULT DAHP

Use the **EZ/project review form** to answer three key questions:

- Are there any cultural resources in the project area?
- Are any resources **eligible for the National Register of Historic Places?**
- Will the project **adversely impact** those resources?



# SUBMITTING TO DAHP

If you have no cultural resource staff:

- Submit EZ/project review form via email
- Must include:
  - Map of project location
  - Extent and limits of ground disturbance
  - Current photos of properties

**DAHP USE ONLY**

Date Received: \_\_\_\_\_  
DAHP Log #: \_\_\_\_\_  
Reviewer(s): \_\_\_\_\_  
 ARCHY  BEU

**Request to initiate consultation for Governor's Executive Order 21-02 (GEO 21-02) projects**

**EZ / PROJECT FORM** **GEO 21-02**

DEPT OF ARCHAEOLOGY + HISTORIC PRESERVATION

New Consultation?  YES  NO  ADDITIONAL INFORMATION PROVIDED PER REQUEST

Questions? Contact DAHP at 21.02@dahp.wa.gov or (360) 696-3046. You may also find answers to your questions online at www.dahp.wa.gov/21.02.

Please be aware that this form may only initiate consultation. For some projects, DAHP may require additional information to complete our review. A historic property inventory form or archaeological survey may need to be completed by a qualified cultural resource professional.

NOTE: To save this fillable form you must fill it out in Adobe Acrobat or use the PRINT to PDF function in Acrobat Reader. In Reader choose File > Print and choose Adobe PDF as the printer. The file will save to your computer.  
NOTE: The form will automatically adjust to fit all your information.

**SECTION 1: PROJECT INFORMATION**

Project Title: \_\_\_\_\_  
Property Name: \_\_\_\_\_  
Project Address: \_\_\_\_\_  
City / State / Zip: \_\_\_\_\_ County: \_\_\_\_\_ Township / Range / Section: \_\_\_\_\_

Provide 1-2 sentence summary of the project.

**SECTION 2: PROJECT DESCRIPTION**

Project includes (check all that apply):  NEW CONSTRUCTION  DEMOLITION  GROUND DISTURBANCE  REHABILITATION / RENOVATION  ACQUISITION

Are any buildings 45 years or older going to be impacted in any of the above ways by this project?  YES  NO  NOT SURE  Check here if the project involves multiple resources. If so, attach a table including all information in Sections 1 and 2 for each resource.

If you do not know the age of the building(s) this is usually available through the county assessor web parcel search. To find this page put in the name of the county, Washington assessor property search into your web search engine of choice. I.e., Adams county Washington assessor property search.

Are there any Federal funds, lands, permits, or licenses involved in/required by this project?  YES  NO  NOT SURE If Yes, what Federal Agency? \_\_\_\_\_

Have you already received a grant?  YES  NO, WE ARE APPLYING NOW  NO, WE HAVE NOT APPLIED YET  NOT SURE

**SECTION 3: STATE AGENCY INFORMATION** Leave blank if unknown

State Agency: \_\_\_\_\_ Grant / Loan Program Name: \_\_\_\_\_ Direct Appropriation?

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

Funding biennium? \_\_\_\_\_ Requested grant / loan amount: \_\_\_\_\_ Total project amount: \_\_\_\_\_

**SECTION 4: CONTACT INFORMATION** If different from State Agency contact person.

Submitter Name: \_\_\_\_\_ Submitter Organization: \_\_\_\_\_  
Submitter Address: \_\_\_\_\_ City / State / Zip: \_\_\_\_\_  
Submitter Phone: \_\_\_\_\_ Submitter e-mail: \_\_\_\_\_

**DAHP DETERMINATION (DAHP USE ONLY)**

EXEMPT from GEO 21-02 review.  The project will have an ADVERSE IMPACT on historic properties.

There are NO HISTORIC PROPERTIES IMPACTED by the proposed project.  DAHP requires ADDITIONAL INFORMATION in order to complete review (see attached).

The project will have NO ADVERSE IMPACT on historic properties.  SURVEY REQUIRED  INADVERTENT DISCOVERY PLAN REQUIRED  MONITORING REQUIRED

DATE \_\_\_\_\_  
DAHP REVIEWER \_\_\_\_\_

revised April 2023

# SUBMITTING TO DAHP

If you have cultural resource staff or consultants:

- **Submit through WISAARD**
- **Must include:**
  - Reports
  - Historic property inventories (HPIs)
  - Archeology site form
  - Traditional cultural place template


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**GEO 21-02**

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DATE \_\_\_\_\_

DAHP REVIEWER \_\_\_\_\_

# POSSIBLE DAHP RESPONSES

## Action required

- **More information:** Survey requested
- **Eligible resource identified:** Assessment of impact required
- **Adverse impact:** Work with DAHP and consulted tribe(s) to avoid, minimize or mitigate this impact

## No further consultation

- **No cultural resources impacted**
- **Not eligible:** 45+ years but not eligible for National Register of Historic Places
- **No adverse impact to eligible resource**

# MITIGATION OPTIONS

**Avoid/minimize:** Modify project plans to remove or lessen impact.

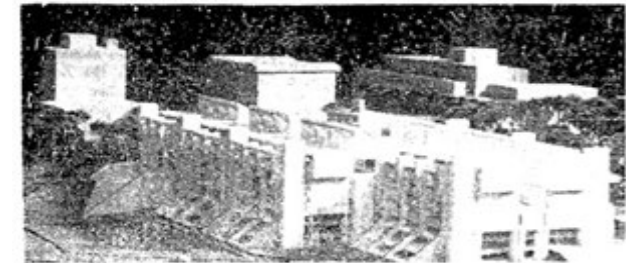
**Mitigate:** Proceed with agreed-upon conditions under a memorandum of understanding (MOU).

## Examples:

- Documentation/data recovery
- Public education/outreach
- Continued physical preservation



Projects Win Design Awards



WILLIAM BAIN, JR.

Design Awards were presented Friday night in San Juan, Puerto Rico for two Karamore, Bain, Brady & Jenkinson projects in a national architectural competition. The citation for the Design Principles Building at Washington State University, Pullman, above, was given for design which stimulates interaction among the architecture, fine art, landscape architecture, interior-design and industrial-design departments and involvement with the rest of the campus. William Bain, Jr., is partner in charge of the project. Dean Herdy is project architect and Howard Berplund, project designer. The citation for the design of the first phase of the Bellevue Community College campus, below, by the firm stressed the interaction of various academic segments of the campus through the use of walkways, malls and open space. Perry B. Johnston is partner in charge of the project. David Hordemakier is project architect and designer, William Teufel, landscape architect, and James Sanders and Dale Jorgenson, designers. The competition was sponsored by Progressive Architecture, a trade journal.



# REINITIATING CONSULTATION

## Reinitiate consultation if:

- Project scope changes
- Inadvertent discovery occurs



# INADVERTENT DISCOVERY PLANS IN SPECS

**If Contractor uncovers human remains or artifacts (RCWs [68.50.645](#), [27.44.040](#), [68.60](#)):**

1. Stop work
2. Notify authorities
  - Human remains – 911
  - DAHP
  - Affected Tribes
  - County coroner
3. Secure & protect area
4. Obtain appropriate permit from DAHP
5. Proceed



**Searching for artifacts at Tse-whit-zen, Port Angeles, 2004**



# CONSULTING WITH TRIBAL NATIONS

## **New Executive Order 25-10 (Oct. 2025)**

Governor Ferguson's initiative to strengthen state-Tribal relationships. (Builds on long-standing requirements for consulting with Tribal Nations)

### **Goals:**

- Proactive engagement with Tribal Nations
- Early and ongoing consultation
- Inclusion of Indigenous knowledge in decisions
- Supporting Washington state Native artists
- Training for staff on state-Tribal relations



# TRIBAL CONSULTATIONS



Governor's Office of Indian Affairs  
(GOIA)

<https://goia.wa.gov>

Use existing consultation protocols until new policies are finalized:

- Contact **GOIA** or **your agency Tribal liaison** to identify affected Tribes
- Notify Tribes about the project.
- Allow **30 days** for response
- If no reply, follow up by phone via Tribal liaison
- File **evidence of Tribal consultation** (outreach + responses) with DAHP

# KEY TAKEAWAYS

- Initiate consultation early
- Allow time for DAHP and Tribal Nations review
- Maintain documentation of all consultation steps
- Have an inadvertent discovery plan
- Reinitiate consultation if scope changes or discoveries occur



**QUESTIONS?**

# THANK YOU



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[DES.wa.gov](https://DES.wa.gov)