

Figure 2. Demolition Plan

1.3 Regulatory Context

The Project does not involve a federal undertaking that would require compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. However, several Washington State laws address archaeological sites and Native American burials that apply to the Project area. For example, the Archaeological Sites and Resources Act [RCW 27.53] prohibits knowingly excavating or disturbing prehistoric and historic archaeological sites on public or private land. The Indian Graves and Records Act [RCW 27.44] prohibits knowingly destroying American Indian graves and provides that inadvertent disturbance of human remains through construction or other activity requires re-interment under supervision of the appropriate Indian tribe.

2 What Are Archaeological Resources?

Archaeological sites can be on the ground surface or deeply buried and range from very small clusters of artifacts to large sites spanning acres in size. Precontact and post-contact/historic cultural resources include, but are not limited to, the following examples (Figures 3 and 4):¹

Precontact Resources

- Lithic flakes (stone chips and other tool-making byproducts)
- Flaked or ground stone tools
- Exotic rock, minerals, or quarries
- Concentrations of dark, organically stained sediments, charcoal, or ash (i.e., hearths or middens)
- Fire-modified rock
- Rock alignments or rock structures (i.e., rings, walls, cairns)
- Bone (burned, modified, or in association with other bone, artifacts, or features)
- Shell accumulation piles, mounds, or fragments
- Petroglyphs and pictographs
- Fish weirs and traps and other fishing technology
- Culturally modified (i.e., carved, peeled) trees
- Physical locations or features and landscapes (traditional cultural properties)

Post-contact/Historic-era Resources

May include any of the following items over 50 years old:

- Bottles or other glass
- Cans
- Ceramics
- Milled wood, brick, concrete, metal, or other building material
- Trash dumps
- Homesteads, building remains
- Logging, mining, or railroad features
- Piers, wharves, docks, bridges, dams
- Automobile and machinery parts

Skeletal human remains, cemeteries, burial places and burial items are considered differently than “archaeological” resources and have different protocol that must be followed in the event of an inadvertent discovery.

¹ “Precontact” refers to that period before Native Americans first had contact with European and Asian explorers, which probably first occurred along the Northwest Coast around 250 years ago.



Hearth with Fire-Modified Rocks and Charcoal Stained Soils



Shell Midden (cross section)



Shell Midden (plan view)



House Pit Depression



Flaked Stone Tools



Stone Flakes (Debitage)



Modified Trees



Stone Pestle



Circular Rock Feature



Woven Matting/Basketry



Rock Wall



Rock Cairn



Talus Slope Pit



Animal Bones Feature



Bone Fishing Tools



Petroglyphs and Pictographs

Figure 3. Examples of precontact-era cultural resources.



Collapsed Cabins



Building Foundations



Barns and Farmsteads



Graves and Cemeteries



Logging (Springboard Stumps)



Insulator, Doll Leg, Bullet Casing



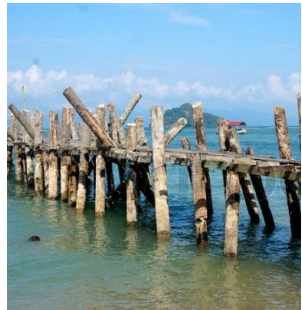
Tin cans and Enamelware



Handmade Bricks



Glass Bottles and Fragments



Old Piers and Wharves



Ceramic Vessels and Fragments



Metal Tools



Wagon Roads



Mine Shafts and Pits



Abandoned Railroads



Privy and Wells

Figure 4. Examples of historic-era cultural resources.

3 Existing Conditions

This section briefly describes results of the previous archaeological investigations that have occurred near the Intalco facility and helps inform expectations for what may be considered an “inadvertent discovery.”

3.1 Previous Investigations

The Intalco aluminum smelter is located in an area considered to have archaeological sensitivity given its geographic location along the Strait of Georgia in Washington; however, the Project area is previously disturbed by industrial development and operation of the Intalco aluminum smelter since construction began in 1964. No archaeological investigations have occurred in the Project area, but previous cultural resources assessments have been conducted in the vicinity that inform the Project’s existing conditions, including along the BNSF Gulf Road west of the Project area (Chidley 2019) and for the Proposed Whatcom PUD Intalco Property Fiber Optic Line Installation east and north of the Project area (Baldwin 2021). One precontact isolate (45WH01038) was found, consisting of a flaked stone recovered from disturbed soil, and was recommended not eligible for the National Register of Historic Places (Chidley 2019).

Past archaeological work in the surrounding area suggests the Project area and vicinity could possibly contain both precontact and historic cultural resources. Historic cultural resources might include historic trash scatters, structural remains, or artifacts and features associated with homesteading or agriculture. Precontact archaeological materials in the area might include or be associated with campsites, resource acquisition and processing areas, or lithic tool manufacture (Baldwin 2021).

As excerpted from Chidley (2019):

The Project area is located within the traditional areas of several tribes, particularly the Lummi and also the Nooksack peoples (Ruby and Brown 1992:111; Cooper 2015:25). The Lummi are a Straits people who inhabited the littoral shores and waters along the mainland shore from British Columbia south to Bellingham Bay, as well as the San Juan Islands and the eastern part of the Strait of Georgia (Ruby and Brown 1992:111). The Nooksack occupied the areas around the Nooksack River and its tributaries, and intermarried heavily with the Lummi people (Ruby and Brown 1992:153). During the warmer months, these cultures would depart from their winter villages and disperse as far as the upper reaches of the Cascade Mountains and throughout the central Salish Sea to hunt and gather food, mainly marine resources and freshwater fish (Cooper 2015:25). They have been following this seasonal round for at least 3,000 years (Cooper 2015:25).

As excerpted from Baldwin 2021:

The Straits Salish way of life is characterized by a seasonal exploitation of resources based on a specialized adaptation to life on the Straits' protected saltwater channels (Suttles 1974). The most significant of the resources exploited by the Straits Salish were the diverse fresh and saltwater fish populations, marine mammals and intertidal shellfish species (Patterson-Griffin 1984:18). The Lummi were seasonally mobile, occupying community-centered villages located close to fresh water in the late fall and early winter months and spending the remainder of the year in temporary camps located at specific fishing, hunting and gathering locations in the San Juan Islands (Suttles 1974:33-35). Winter villages were composed of multi-family cedar plank longhouses (Patterson Griffin 1984:118-19). Summer seasonal camps were composed of less elaborate, portable structures constructed of reed mats and poles. However, larger, more substantial structures capable of housing groups to process large quantities of fish were constructed at summer and fall fishing villages (Patterson-Griffin 1984:19).

Prior to the site's acquisition and development of the aluminum processing facility, the area was used for farming. The residence of former landowner and millwright Andrew F. Kynell and wife Ellen C. Kynell was converted to offices in the 1960s. The house was demolished in the 1990s, but two barns associated with the Kynell residence remain on the Intalco property northwest of the project area.

3.2 Exceptions for Intalco Aluminum Smelter Debris

The Intalco aluminum smelter, constructed from 1964 to 1966, was originally owned by a partnership of American Metal Climax, Inc. (later Alumax), Howmet, and the French company Pechiney. Intalco is one of nine aluminum facilities built in the Pacific Northwest, and one of three built following World War II. Alcoa acquired Intalco in the late 1990s and Intalco operated the aluminum smelter until curtailing operations in 2020.

This IDP is not intended to apply to the industrial or construction debris associated with the Intalco aluminum smelter operations. These include cables and buswork, occasional bottles and glass, ceramic fragments, bricks, metal debris, light bulbs, cement, wood and cut lumber, trash, machinery parts, and other similar types of common industrial and infrastructure materials, which are expected and do not warrant further management.

However, personnel must report any unusual finds to Intalco's on-site environmental monitor. For example, historic features such as refuse pits with numerous intact bottles, can dumps, and older foundations beneath and unrelated to the buildings being demolished, would require further treatment following the IDP.

4 5 Protocol for Inadvertent Discovery of Archaeological Resources

This section identifies the key responsibilities in the event of a discovery of a potential archaeological resource during implementation of the Project. In the unanticipated event of a discovery, the following steps shall be taken. Failure to comply with these requirements could constitute a Class C Felony.

Step 1. Stop Work and Protect the Discovery Site. If any employee, contractor, or subcontractor believes that he or she has uncovered an archaeological resource, all work within a minimum of 50 feet of the discovery (“discovery site”) shall be stopped to provide for its security, protection, and integrity. The discovery site shall be secured. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site.

Step 2. Notify Project Management. The individual making the discovery shall immediately contact the Alcoa Director, Transformations – Western US and notify her or her designee of the discovery site. If the Director is not immediately available, then the Alcoa Environmental Program Manager shall be contacted.

Step 3. Notify Project Archaeologist. Immediately following the work stoppage and notification to Alcoa Project Management, Alcoa will contact the Project Archaeologist.

Step 4. Assess Find. The Project Archaeologist shall be qualified as a professional archaeologist under the RCW 27.53.030(11), and as such, is qualified to examine the find to determine if it is an archaeological site. If the find is confirmed to be an archaeological site and the archaeological deposits cannot be avoided, evaluation and testing to determine the nature of the cultural resource may be required. Work will be suspended in that area, and site testing will not take place without a permit from DAHP (RCW 27.53). Any type of testing or mitigation will depend upon the nature of the resource and would be developed as part of the DAHP permit.

Step 5. Notify Additional Parties. If the discovery is determined by the Project Archaeologist to be an archaeological resource, the Alcoa Director, Transformation – Western US will continue with notification to DAHP, and if the remains are precontact or Native American, the affected Tribes, within two (2) working days. If the find may relate to human remains or funerary objects, protocol outlined in the following section regarding human remains shall be enacted. Confidentiality of the find shall be maintained by all personnel.

Step 6. Obtain Consent to Proceed with Construction. Construction work shall not recommence at the discovery site until treatment has been completed and the Tribes, DAHP, and/or jurisdictional agencies, as appropriate, have provided written or verbal consent to proceed.

5 Protocol for Inadvertent Discovery of Human Remains

If likely or confirmed human remains are encountered, all further ground-disturbing activities will cease immediately. Any human remains that are discovered during construction will be treated with dignity and respect. The following procedures will be enacted. Failure to comply with these requirements could constitute a Class C Felony.

Step 1. Stop Work and Protect the Discovery Site. In the event that an employee, contractor, or subcontractor believes that he or she has uncovered any human skeletal remains, the Construction Supervisor will stop all work within a minimum of 100 feet of the remains to provide for their total security, protection, and integrity. Remains will immediately be covered with a tarp only, for temporary protection in place and to shield them from being photographed. The discovery location will not be left unsecured at any time, and confidentiality will be maintained by all personnel.

Step 2. Notify Project Management. The Construction Supervisor will immediately contact the Alcoa Director, Transformation – Western US (or designee). If the Director is not immediately available, then the Alcoa Environmental Program Manager will be contacted.

Step 3. Notify Law Enforcement and County Coroner's Office. If human remains are known or suspected, the Alcoa Director, Transformation – Western US or her designee will notify the Whatcom County Sheriff's Office and the Whatcom County Medical Examiner's Office in the most expeditious manner possible (RCW 27.44; 68.50; 68.60). The County Coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the County Coroner determines the remains are non-forensic, then they will report that finding to DAHP, who will then take jurisdiction over the remains.

Step 4. Notify Tribes and DAHP. Concurrently, Alcoa Director, Transformation – Western US will immediately notify the affected Tribes, DAHP, and the Project Archaeologist. DAHP will have jurisdiction over non-forensic human remains and report them to any appropriate cemeteries and affected Tribes. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and affected tribes (RCW 27.44, 68.50, 68.60). DAHP will handle all consultation regarding the preservation, excavation, and disposition of the remains.

Step 6. Obtain Consent to Proceed with Construction. Ground-disturbing activities will not resume at the location of the discovery area and the construction buffer until the affected Tribes, DAHP, and/or jurisdictional agencies, as appropriate, have provided written consent to proceed.

6 Contact Information

Table 1. Contacts for Inadvertent Discovery of Archaeological Resources or Human Remains

Name	Organization	Role	Phone
Kristin Gaines	Alcoa	Alcoa Director, Transformations – Western US	360-425-2800 C: 360-798-2509 Kristin.gaines@alcoa.com
Tia Daulph	Intalco	On-site Environmental Monitor	360-384-7532 C: 360-296-4938 Tia.daulph@alcoa.com
Stephanie Butler	AECOM	Principal Archaeologist	C: 503-913-5644 Stephanie.butler@aecom.com
Maralee Wernz	AECOM	Principal Archaeologist (Alt.)	C: 541-980-3273 maralee.wernz@aecom.com
Mark Personius	Whatcom County Planning & Development Services	AICP, Director	360-778-5950 MPersoni@whatcomcounty.us
Rob Whitlam	DAHP	State Archaeologist	360-890-2615 Rob.Whitlam@daph.wa.gov
Stephanie Jolivet	DAHP	Local Govt. Archaeologist (SEPA)	360-628-2755 Stephanie.Jolivet@daph.wa.gov
Dr. Guy Tasa	DAHP	State Physical Anthropologist	360-790-1633 Guy.tasa@daph.wa.gov
Guy Moura	Confederated Tribes of the Colville Reservation	Tribal Historic Preservation Officer	509-634-2695 Guy.Moura@colvilletribes.com
Lena Tso	Lummi Nation	Tribal Historic Preservation Officer	360-312-2257 LenaT@lummi-nsn.gov
Tamela Smart	Lummi Nation	Deputy Tribal Historic Preservation Officer	360-312-2253 TamelaS@lummi-nsn.gov
George Swanaset Jr.	Nooksack Tribe	Cultural Resources Director	360-592-5176 x3232 george.swanasetjr@nooksack-nsn.gov
Trevor Delgado	Nooksack Tribe	Tribal Historic Preservation Officer	360-592-5176 x3234 tdelgado@nooksack-nsn.gov
Jackie Ferry	Samish Indian Nation	Tribal Historic Preservation Officer	360-726-3399 jferry@samishtribe.nsn.us
Norma Joseph	Sauk-Suiattle Tribe	Chair & Cultural Resources Director	360-436-0333 njoseph@sauk-suiattle.com
Steve Mullen-Moses	Snoqualmie Tribe	Director of Archaeology and Historic Preservation	425-292-0249 steve@snoqualmietribe.us
Josephine Peters	Swinomish Indian Tribal Community	Cultural Resources Technician	360-446-7352 jpeters@swinomish.nsn.us
Scott Schuyler	Upper Skagit Tribe	Cultural Resources	360-854-7009 sschuyler@upperskagit.com
Gary Goldfogel	Whatcom County Medical Examiner's Office	Medical Officer/Coroner	360-738-4557
Non-Emergency Contact	Whatcom County Sheriff's Office	Local Law Enforcement	360-778-5000

7 References

- Baldwin, Garth L., Oliver Patsch, and Jeffrey Hillstrom. 2021. Cultural Resources Assessment of the Proposed Whatcom PUD Fiber Optic Line Installation, Intalco Property, Ferndale, Washington.
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- Cooper, Jason B. 2015. Gateway Pacific Terminal Draft Cultural Resources Assessment. Prepared for Pacific International Terminals, Inc. Amec Foster Wheeler, Bothell, Washington.
- Department of Archaeology and Historic Preservation. 2023. Washington State Tribes Tribal Contact Information. Available at https://www.dahp.wa.gov/sites/default/files/Washington%20Tribes%20Contact%20List_24.pdf (accessed April 2, 2024).
- Ruby, R.H. and J.A. Brown . 1993 A Guide to Indian Tribes of the Pacific Northwest. University of Oklahoma Press, Norman, Oklahoma.