



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

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September 26, 2011

Mr. Tyler Schroeder
Planner II - Shorelines
Whatcom County
5280 Northwest Dr, Ste B
Bellingham, WA 98226

In future correspondence please refer to:

Log: 092611-10-WH

Property: Retroactive Permitting for the Gateway Pacific Terminal Unpermitted Clearing and Geotechnical Work, MDNS SEP2011-00067

Re: **Archaeology- Request withdrawal of MDNS, review of final cultural resources report, Permit from DAHP may be required**

Dear Mr. Schroeder:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The above referenced project has been reviewed on behalf of the State Historic Preservation Officer. We request that the MDNS (Mitigated Determination of Non-significance) be withdrawn for this project. A DNS is not appropriate for this project as the unpermitted work took place within a National Register Eligible (NRHP) eligible archaeological site, 45WH1. There is no mention of, or mitigation for archaeological resources in the above MDNS. In addition archaeological resources are protected under both federal and state laws and further permits, plans and reviews are required. For example, a permit from DAHP may be required under RCW 27.53 for any ground disturbing within the boundaries of 45WH1.

Although a cultural resources report for the project is in progress, it has not been completed and therefore there has been no opportunity for agencies and affected Tribes to review and consult. We also request that the final report be submitted to the interested parties for review so that informed recommendations can then be made regarding this project.



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Protect the Past, Shape the Future

Thank you for the opportunity to review. Please feel free to contact me if you have any questions.

Sincerely,



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cc. Lena Tso, THPO, Lummi Tribe
George Swanaset Jr., THPO, Nooksack Tribe
Rob Whitlam, State Archaeologist, DAHP