

Birch Bay Drive and Pedestrian Facility

Project History – Recent History

- The US Army Corps of Engineers excavated 200-300K cubic yards (CY) of Birch Bay gravel for the Blaine Air Force base and associated facilities from 1950-1952 that is understood to have created a sediment deficit in Birch Bay
 - Storm tides since have regularly damaged the beaches, Birch Bay Drive, and adjacent businesses and residences
- 30-year Legacy – Whatcom County Public Works is implementing the Birch Bay community’s project, not a traditional roadway project or Public Works Project



Project History – Longer Term History

There are Cultural Resources and Historic Resources within the project corridor that require compliance with regulatory protections

Cultural Resources Concerns

- Objects, structures, and other cultural items older than 50 years may be protected under relevant Federal and State law.
 - Based on Birch Bay's environmental setting, potentially protected resources may be present within the project area:
 - Precontact living sites including artifacts and accumulations of shells known as middens.
 - Historic items related to late 19th and early 20th century life in Birch Bay.
 - Infrastructure, such as outfalls and groins along the beach, built before the mid-1960s.
- Human burials and remains, if present, are afforded protection regardless of age.

Relevant Cultural Resources Laws

Section 106 of the National Historic Preservation Act	<ul style="list-style-type: none"> • Requires the Federal Highway Administration (FHWA) as the lead Federal agency to take into account the effects of the undertaking on "historic properties" (cultural items older than 50 • FHWA is required to engage in consultation with the Lummi Nation, Indian Tribe, and Washington Department of Archaeology and Historic Preservation (DAHP). • Through a Programmatic Agreement, WSDOT may conduct portions of Section 106 review on behalf of FHWA.
Archaeological Sites and Resources (RCW 27.53)	Prohibits unauthorized excavation or disturbance of archaeological sites.
Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)	Prohibits destruction, mutilation, injury, or removal of historic graves and cemeteries.
Indian Graves and Records (RCW 27.44)	Protects native Indian burial grounds, historic graves, cairns, and glyptic (carved or engraved) markings.
State Environmental Policy Act (RCW 34.21)	Under SEPA, DAHP provides formal opinions to local governments and other state agencies on an archaeological site’s significance and the impact of proposed projects upon such sites.
Shoreline Management Act (RCW 90.58)	Requires that development permits issued by local governments in areas with archaeological sites require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian Tribes prior to issuing development permits.