



**To:** Carrie Richter, Bateman Seidel Miner Blomgren Chellis & Gram, P.C.

**From:** Paul Solimano, Archaeologist

**Date:** September 5, 2023

**Re:** Response to HRA Letter Dated July 24, 2023

I recently reviewed the Portland Water Bureau's (PWB) compliance with federal, state, and local cultural resource laws and regulations for construction of a new filtration plant in Eastern Clackamas and Multnomah counties (Solimano 2023). Subsequently, Toepel (2023) responded to my review. This letter responds to Toepel's response.

I have over 30 years of experience identifying and evaluating archaeological resources. I am qualified as a Registered Professional Archaeologist (RPA) and am a senior partner in one of the region's largest cultural resource management (CRM) firms. My company employs nearly 40 archaeologists, historians, architectural historians, environmental and cultural anthropologists in offices in Portland, Oregon, and Seattle, Washington. We usually have an additional 10 to 20 temporary field staff on contract. I have worked for local, state, and federal government agencies, private developers, and Indian Tribes. My services are regularly requested by governmental agencies and Tribes because of my in depth understanding of archaeology and the management of archaeological resources. I specialize in precontact archaeology with a research focus on development of precontact settlement and subsistence systems. I am a past Vice Chair of the Portland Historic Landmarks Commission, past Director-at-Large for the Association for Washington Archaeology, and a research associate at Portland State University. I have authored multiple professional papers and present regularly at regional conferences.

I will not move point by point through Dr. Toepel's response as I do not disagree with most of it. Rather, I want to focus on and orient the discussion around three specific points pertinent to the topic at hand: is there a reasonable possibility that precontact archaeological materials are present in the project's direct impact area? To address this, I will first provide a clearer understanding of how archaeological inventory survey works. Second, I will outline the importance of avoidance as the primary management recommendation for precontact archaeological materials. Third, I will discuss the shortcomings of archaeological monitoring of construction activities as a technique to identify archaeological materials from a compliance and financial perspective.

First, identifying archaeological materials basically consists of background research to learn as much as we can about an area (soils, geomorphic history, man-made modifications, etc.) and a field survey. The field survey employs methods ranging from walking and looking at the ground surface, to digging small probes and screening the dirt, to larger-scale backhoe trenching or borings. Often, we combine methods or have multiple phases of fieldwork. When done, we present our results and recommendations. If we do not find anything, we structure our recommendations around an assessment of how certain we are that our results are valid. That is, because it is difficult to prove a negative, archaeological inventory is a probabilistic undertaking. Most of the time archaeologists cannot be “certain” that archaeological materials are not present in a particular area even if we don’t find anything. When archaeologists do not find anything during a survey, their recommendations are essentially providing an estimate of how certain they are, based on the available evidence (e.g., results of background research and field work) that no archaeological materials are present in a particular project area. Archaeologists are not explicit about this, but that is how our recommendations are structured. As such, our recommendations range from no additional archaeological work needed, to additional survey work with different methods, or monitoring of construction activities needed. As a result, our recommendations must change as new information becomes available.

Second, if we find archaeological materials during a survey, particularly precontact materials, avoidance is almost always the first management recommendation. This is because archaeological sites are a non-renewable resource. But precontact archaeological sites are also seen by descendant communities as concrete links to the land, supporting pillars in Tribal community and identity, as well as demonstrable evidence of sovereignty. Thus, precontact archaeological materials often hold a broader significance to members of the community beyond what non-Tribal researchers can learn from them.

Third, as I previously wrote (Solimano 2023), archaeological monitoring of construction activities or inadvertent discovery plans (IDPs) are not substitutes for earlier resource identification. Monitoring should only occur when other identification efforts have been exhausted or are not possible (e.g., the area is covered in thick artificial fill). There are several reasons for this. Sites found during archaeological monitoring are usually found only after construction has partially destroyed the site. This is not due to poor archaeological monitoring but is rather a function of how sites are found in construction areas. The archaeological material is often not seen before machinery cuts into the deposit, or some volume of the deposit is exposed or disturbed allowing identification.

Additionally, in almost all cases, if an archaeological site is found during construction, avoidance is impossible. It is too late to redesign the project. The site is rarely preserved and must be excavated. Moreover, archaeological excavations conducted within construction areas are rarely optimal. Having personally worked under these conditions over a dozen times I can attest to the tremendous pressure placed on archaeologists to excavate the material quickly to allow

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construction to proceed and minimize delays. These delays are also expensive. Archaeological excavations alone cost vastly more than intensive inventory efforts prior to construction, not even including costs associated with construction delays.

Finally, IDPs are often in place for construction projects. While construction workers have self-reported archaeological finds, I suspect this is a rare occurrence. Not because construction workers are automatically opposed to archaeology (many are very supportive) but rather because identifying archaeological materials is not their job and not something they are focused on in the course of their work.

Since Oetting and Musil (2021) completed their fieldwork, long-term residents of the area have provided new evidence that precontact sites are present in the proposed project impact area. I have not personally examined the artifacts because a physical examination would not further inform the question at hand. The photographs show large numbers of unshouldered lanceolate, large side-notched, corner removed and corner-notched projectile points, which date to the Middle Holocene (ca. 5,000 to 2,000 years ago). Several large stemmed and shouldered lanceolate points (possibly predating 10,000 years ago) and small stemmed and side-notched types (post 2,000 years ago) are also present. Raw materials include obsidian, basalt, and various types of chert.

I do not know why this evidence was not brought forth earlier. People who collect artifacts from their own land are often reluctant to disclose their collections for (the unfounded) fear that they will face repercussions, or the artifacts will be seized. But these residents report relatively specific locations for much of the material and these projectile point forms and raw materials represent the types of items expected for the area.

This new information, along with the probabilistic nature of archaeological survey, combined with the size and scale of the project, strongly suggests additional inventory efforts are warranted for PWB's new facility to comply with Section 106 of the NHPA, ORS 358.653 and Policies 6.2 to 6.5 of the Multnomah County Comprehensive Plan for Archaeological and Cultural Resources (2016: 6-8, 6-9). These laws and regulations explicitly call for comprehensive efforts to identify archaeological resources and the "evaluation of alternative sites or designs that reduce or eliminate impacts to the [cultural] resource" (Policy 6.5). Relying on archaeological monitoring of construction activities or an IDP to identify archaeological materials will not allow adequate efforts to reduce impacts or evaluate alternative project locations or designs. I stand by my original recommendations.

Yours truly,



Paul Solimano  
Archaeologist

## References

Musil, Robert R., and Albert C. Oetting

*2021 Archaeological Survey of the Proposed Portland Water Bureau Bull Run Water Treatment Plant Project, Gresham Vicinity, Clackamas and Multnomah Counties, Oregon.* Prepared for Brown and Caldwell, Portland, Oregon, and Portland Water Bureau, Portland, Oregon. Heritage Research Associates, Inc., Eugene, Oregon.

Solimano, Paul S.

2023 Review of Archaeological Investigations for the Carpenter Lane Project. Letter to Carrie Richter, Bateman Seidel Miner Blomgren Chellis & Gram, P.C. June 29, 2023.

Toepel, Kathryn

2023 Response to Paul Solimano, Willamette Cultural Resources Associates, Ltd. Letter to the Portland Water Bureau. July 24, 2023.



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## PWB Testimony T3-2022-16220

1 message

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Wed, Sep 6, 2023 at 10:57 AM



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Attached please find written testimony to be submitted into the above-referenced record. Please confirm receipt.

Thank you,

Carrie

**Carrie Richter**

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