

**Attachment D: Responsiveness Summary: Everson SMP – Comprehensive Amendment  
Ecology Public Comment Period, January 3– February 2, 2016**

Comment Number	Date:	Commenter	Comment	Local Government Response and Rationale	Ecology Response and Rationale
1	2/2/2017	Department of Archaeology and Historic Preservation (DAHP)	<p>“On page 3, we recommend some clarifying language to the statement under 2.7 Historic/Cultural Resources to read something like the following:</p> <p>An element related to the protection and restoration of buildings, structures, sites, districts, objects and landscapes having archaeological, historic, cultural, scientific...”</p>	<p>The suggested changes are acceptable to the City. The revised language would be as follows: An element related to the protection and restoration of buildings, <u>structures</u>, sites, <u>districts</u>, <u>objects</u> and <del>areas</del> <u>landscapes</u> having archaeological, historic, cultural, scientific or educational values within the shorelines of the City of Everson.</p>	<p>The city requested changes have been included in Appendix C – Ecology Recommended Changes.</p>
2	2/2/2017	DAHP	<p>“At the top of page 4 under Goal 2.7, we recommend some change in language in the policies to be more proactive in protecting resources. Following is suggested new language:</p> <p>Policy 2.7A: Developments within shoreline areas shall avoid or minimize impacts to sites having archaeological,...value or significance.</p> <p>Policy 2.7B: Opportunities for education related to...features shall be sought and where appropriate be incorporated into...and development.</p> <p>Policy 2.7C: Where appropriate, protection and rehabilitation of significant...shall be required.”</p>	<p>The City does not support the suggested change to Policy 2.7A because it eliminates language that maintains the flexibility desired by the local government and eliminates language that is seen as providing the appropriate combination of encouragement and, where appropriate, requirement as determined by the local agency.</p> <p>The City does not support the suggested changes to Policy 2.7B because it eliminates language related to the encouragement of educational opportunities and replaces it with unnecessarily strict language that does not take into account the flexibility that is appropriate based on specific local circumstances.</p> <p>The City supports some, but not all, of the suggested changes to Policy 2.7C based on the desire to retain the language in the draft SMP supporting encouragement of certain actions in some cases while incorporating language supporting requirement of certain actions where determined to be appropriate by the local agency. The modified policy language that is acceptable to the City is as follows:</p> <p>Policy 2.7C: Protection and rehabilitation of significant archaeological, historic, and cultural sites should be encouraged and, where appropriate, <del>should</del> <u>shall</u> be required.</p> <p>In addition, the City does not see the changes suggested to these three policies as being required by the Shoreline Management Act (SMA) or its implementing regulations.</p>	<p>The city requested change to Policy 2.7C has been included in Appendix C – Ecology Recommended Changes.</p> <p>Ecology concurs that the City’s statement that its SMP policies and regulations are consistent with the Shoreline Management Act (SMA) guidelines related to the protection of archaeological and historic resources (WAC 173-26-221(1)).</p>
3	2/2/2017	DAHP	<p>“On page 14 under 6.1, we recommend different language so that the language is more proactive for protection of resources and revise the introductory sentence to include a broader range of cultural resource types. Following is suggested language:</p> <p>Significant archaeological, cultural, and historic resources can</p>	<p>The City supports the majority of the suggested changes to Section 6.1; however, the City does not support the inclusion of overly broad language related to the enrichment of quality of life and further does not support the suggested changes near the end of the statement that would eliminate the flexibility desired by the local agency when it comes to making determinations related to the preservation of resources,</p>	<p>The city requested change has been included in Appendix C – Ecology Recommended Changes.</p>

			include sites, districts, buildings, structures, objects, and landscapes that enriches our quality of life, provides economic benefits, and provides us with information about the past that continues to shape our community. These resources can be found anywhere but particularly along shorelines because of the proximity of food resources...provide to our past, these locations shall be preserved. “	where such determinations are seen as most appropriately being made by the local agency based on specific circumstances. The revised language that is acceptable to the City is as follows: <u>6.1 ARCHAEOLOGICAL AREAS AND HISTORIC SITES.</u> <u>Significant archaeological, cultural, and historic resources can include sites, districts, buildings, structures, objects, and landscapes that provide economic benefits and provide us with information about the past that continues to shape our community. These resources can be found anywhere but particularly along Native American and pioneer villages, military forts, old settlers homes, and trails were often located on shorelines because of the proximity of food resources and because water provided a practical means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved whenever possible.</u>	
4	2/2/2017	DAHP	“In Policy 6.1A and 6.1D, we recommend changing “should” to “shall”.	The City does not support the suggested change to Policy 6.1A because it unnecessarily shifts the policy from one of encouragement to one of requirement, thereby eliminating the flexibility that is seen as being appropriate at the policy level of the master program. In addition, such a change is not required by the SMA or its implementing regulations. The City supports the suggested change to Policy 6.1D because such a change is consistent with the existing legal requirement to obtain applicable permits and approvals. The revised policy language is as follows:  Policy 6.1D: Developers <del>should</del> <u>shall</u> be required to obtain all legal permits regarding archaeological areas and historic sites.	The city requested change to Policy 6.1D has been included in Appendix C – Ecology Recommended Changes.  Ecology concurs that the City’s statement that its SMP policies and regulations are consistent with the Shoreline Management Act (SMA) guidelines related to the protection of archaeological and historic resources (WAC 173-26-221(1)).
5	2/2/2017	DAHP	“In section 7.0 Shoreline Use Policies, we recommend including language that recognizes the potential overlap of land uses (i.e. residential, commercial, industrial, transportation, etc.) that are addressed in this section with significant archaeological, cultural, and historic properties. Therefore, we recommend including another policy under 7.0 that articulates the need to recognize and address instances when use policies might intersect with the cultural resource protection policies in section 6. Suggested language might read something like the following:  Policy 7.0E: Shoreline use policies and regulations shall recognize the potential for the presence of significant archeological, cultural, and historic properties and plan accordingly for preservation.”	The City supports the suggested change to add a new Policy 7.0E, which would read as follows: <u>Policy 7.0E: Shoreline use policies and regulations shall recognize the potential for the presence of significant archeological, cultural, and historic properties and plan accordingly for preservation.</u>  The City is also open to receiving input from Ecology regarding the above language suggested by DAHP.	The city requested change has been included in Appendix C – Ecology Recommended Changes.  The added policy is not necessary as specific goals, policies and regulations related to the protection of archaeological and historic resources are already included within the SMP. Such provisions are applicable to all shoreline use and development within the city.

6	2/2/2017	DAHP	“In section 16.04.030, we recommend including a definition for cultural resources in addition to the definition for Archaeologist.”	The City supports the suggested change that would add a definition of “Cultural Resources” if one is provided by the Department of Archaeology and Historic Preservation (DAHP). Absent that, the City does not support the suggested change based on no such definition being currently included in DAHP’s model SMP language.	<p>DAHP does not have a definition for cultural resources but recommends the following definitions be included from their model language:</p> <p><u>ARCHAEOLOGICAL RESOURCE/SITE</u> – Means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state’s jurisdiction, that contains archaeological objects.</p> <p><u>HISTORIC SITE</u> – Means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry.</p> <p>These definitions have been included in Appendix C – Ecology Recommended Changes.</p>
7	2/2/2017	DAHP	“In general the language regarding cultural resources does not provide specific protocols to follow upon the discovery of archaeological resources nor does it comply with state laws for the protection of such. We recommend adding more specific language and processes so that the language is clearer and complies with state laws. To that end we have attached a copy of DAHP’s model shoreline language for your use.”	The City does not support adding the protocols and procedures generally suggested by DAHP because existing regulations in the draft SMP already include procedures addressing cultural assessments, cultural resource management plans and inadvertent discovery and further include the requirement that all activities within shoreline jurisdiction comply with applicable state and federal laws, statutes, procedures and protocols. On this basis, the City would see inclusion of such additional details within the local master program as being unnecessary, redundant, and not required by the SMA or its implementing regulations.	<p>While Ecology supports the use of the DAHP model language, we concur with the City’s comments that their SMP complies with the SMA guidelines related to the protection of archaeological and historic resources.</p> <p>A professional assessment is required if ground disturbing activity is proposed within 500-feet of a known site or in the event of an inadvertent discovery. The SMP requires consultation with DAHP and affected tribes in preparing such assessments so specific protocols can be implemented on a case-by-case basis.</p>
8	2/2/2017	Washington Department of Natural Resources (WDNR)	“The segment of the Nooksack River flowing along the City of Everson’s riverfront area includes state-owned aquatic lands. Any future development within the streamway will require consultation with the Department of Natural Resources.”	The City acknowledges that the path of the Nooksack River flowing through Everson includes aquatic lands under the jurisdiction of the State Department of Natural Resources (DNR), and further recognizes that future projects within the Nooksack River streamway will require consultation with DNR.	Noted. No further Ecology comment.