



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

October 2, 2012

Ms. Fran Sant
Department of Ecology
SEPA Rule Coordinator
Fsan461@ecy.wa.gov

Re: Revised Comments on Draft Proposed WAC 197-11 Revisions

The Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) staff have taken an opportunity to review the Preliminary Draft (9/25/2012) of proposed revisions to WAC 197-11 regarding SEPA rule making. In response we are submitting the following general comments:

1. Overall, the proposed revisions, are too complex and confusing. Table 1 on page 2 and the attendant overview language proposed for WAC 197-11-800 gives us concern about how, when, and where the thresholds would be applied. Between the tiers and the different thresholds between cities, unincorporated areas and UGAs (not to mention additional thresholds/requirements that local agencies may want to attach) we are concerned that local agency staff, project applicants, and the public will be overwhelmed with questions and interpretations that in effect, may negate any efficiencies, workload reduction, or streamlining gained by increased thresholds.
2. We see similar confusion arising from the new rules for using the appropriate Environmental Checklist.
3. We are concerned that with the increased thresholds, the revisions will increase potential for damage and loss to archaeological and historic resources, occurrences that we see even at present threshold levels.
4. We are also concerned that the revisions will allow projects to be exempted from SEPA review with inadequate notice given to affected and interested parties.

In addition to the above, more specific comments/recommendations are as follows:

5. DAHP supports the recommendations made by the Cultural Resources representatives on the SEPA Rule Making Advisory Committee that would provide for increased threshold levels when jurisdictions can demonstrate that they have adopted/implemented policies, plans, procedures, ordinances, regulations, and agreements that have been reviewed and approved by DAHP as providing sufficient cultural resource protective mechanisms. DAHP is willing to work with the Department of Ecology and other interested parties to draft model document language for jurisdictions to adopt in order to qualify projects for exempted reviews.



DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

Protect the Past, Shape the Future

Ms. Fran Sant
October 2, 2012
Page Two

6. In regard to our comment in (5), we recommend that language in the WAC that refers to “a locally adopted ordinance, development regulation, land use plan, or other legal authority” or “other local, state, or federal laws or rules” be clarified to explicitly include those documents approved by DAHP as being effective mechanisms for cultural resource protection.
7. In regard to WAC 197-11-508 (1) (f) on page 6 of the draft, we recommend clarification be provided to explain what a notice of projects exempted from SEPA review means. Will recipients of the SEPA Register be afforded an opportunity to comment on an exempted application? Appeal a decision? Once again, we are concerned by revisions that limit notification and opportunity for affected parties to express concerns.

Thank you for the opportunity to provide comments. In closing, please note that the above comments are intended to be in supplement to the state agency caucus comments by providing insights that are specific to our experience and the resources for which DAHP is responsible for protecting. Should you or the SEPA Rule Making Advisory Committee have any questions, please feel free to contact me at 360-586-3066 or Allyson.Brooks@dahp.wa.gov.

Sincerely,



BR Allyson Brooks, Ph.D.
State Historic Preservation Officer

- c: Ann Aagaard, LWV
Brian Collins, Stillaguamish Tribe
Mike Groesch, WTHP
Pam Krueger, DNR
Scott Mannakee, Stillaguamish Tribe
Jennifer Meisner, WTHP
Kristin Michaud, Stillaguamish Tribe
Chris Moore, WTHP/Advisory Committee
Anne M. Ronan, Stillaguamish Tribe
Mary Rossi, Advisory Committee
Mary Thompson, Advisory Committee