

**Public Comment Summary: City of Cle Elum Locally Adopted SMP
Ecology Public Comment Period, January 27 – February 29, 2016**

Prepared by WA Dept. of Ecology, March 1, 2016

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
1.	Public Participation – General Comments	Confederated Tribes and Bands of the Yakama Nation	Yakama Nation provided SEPA comments to Cle Elum. No other public correspondence or notification of public process was received by the tribe, and the final SEPA determination, how the comments were received, or other opportunities for public comment were unknown to the tribe.	
2.	Section 4.1 Archaeological and historical resources	Confederated Tribes and Bands of the Yakama Nation	Reference to previous Yakama Nation comments. Yakama Nation suggests including the following protective measures in the SMP: <ul style="list-style-type: none"> • A field investigation for all ground disturbing activities • A data sharing agreement with the Washington Department of Archaeology and Historic Preservation (DAHP) • A requirement that any proposal with a known archaeological site be investigated by a professional archaeologist • Archaeological surveys for any proposal with a high risk or very high risk for archaeological resources based on the DAHP predictive model 	
3.	Section 4.1 Archaeological and historical resources	Confederated Tribes and Bands of the Yakama Nation	The vast majority of cultural and archaeological resources are not documented. The County should screen all proposals with the DAHP predictive model, which is publicly available.	

			<p>Proposals in a “high risk and/or very high risk” for archaeological resources based on the DAHP predictive model should require an archaeological survey.</p> <p>Failure to incorporate and utilize DAHP data and models is inconsistent with RCW 90.58.020 and RCW 90.58.100(1). In addition, the passage of House Bill 2724 eliminates any previous consternation of liability and public disclosure of cultural resources data.</p>	
4.	Sections 4.2.G.8, 4.2.J.8, 5.20.B.4, 5.20.B.7, 5.20.B.12 - Administrative reduction provisions	Confederated Tribes and Bands of the Yakama Nation	<p>The SMP contains a number of administrative reduction provisions (Sections 4.2.G.8, 4.2.J.8, 5.20.B.4, 5.20.B.7, 5.20.B.12) that are inconsistent with the SMA and its guidelines (RCW 90.58.020, RCW 90.58.100(5), RCW 90.58.140(3) and WAC 173-26-191(2)(a)(iii) and WAC 173-27-030, WAC 173-27-040(1)b, WAC 173-27-160, WAC 173-27-170, WAC 173-27-210, and WAC 173-27-250). The administrative reduction provisions are also internally inconsistent with the SMP variance provision in Section 6.4.2. Development or use proposals that do not conform to the specific bulk, dimensional or performance standards of the SMP can only be approved through a variance. The buffer averaging is acceptable, since there is no net reduction in buffer volume, but adjustments outside of the variance process are unacceptable and inconsistent with the science.</p>	
5.	Buffers – General Comments	Confederated Tribes and Bands of the Yakama Nation	<p>Yakama Nation questions the adequacy and scientific justification for buffers (Table 4.2-1, Table 4.2.2, Table 4.2-3, Table 7.5-1, and Table 5.21-1).</p> <p>When establishing scientifically based criteria for determining buffer widths, the science notes that the following factors should be addressed:</p> <ul style="list-style-type: none"> • The existing or potential value of the resource to be protected • The site, watershed, and buffer characteristics 	

			<ul style="list-style-type: none"> • The intensity of the adjacent land use • The specific water quality and/or habitat functions desired • The type of land use that occurs outside of the buffer area <p>The draft SMP fails to follow these principles. The proposed buffers are essentially a one-size-fits-all standard that run completely counter to the science. There is no consideration of the resource values, the site or buffer characteristics, the adjacent land use, or the riparian functions to be protected.</p> <p>This buffer approach is inadequate to protect riparian functions across the wide variability of shoreline environments; therefore it is inadequate to meet policy of RCW 90.58.020 and the RCW 90.58.100 and is inconsistent with the SMA.</p>	
6.	Buffers - Table 4.5-1 and Table 5.21-1	Confederated Tribes and Bands of the Yakama Nation	The proposed Shoreline setbacks in Table 4.5-1 and Table 5.21-1 are a substantial decrease from the existing SMP standards in Section 14, page REG-6. The existing SMP provides a 100-foot structural setback from the ordinary high water mark for the Urban, Rural, and Conservancy Environments, and a 200-foot structural setback in the Natural Environment. The proposed High Intensity (new Urban) is reduced to 75 feet and the Natural is reduced to 150 feet. The buffers have not been scientifically substantiated and the buffer/setback reductions, inconsistent with RCW 90.58.020 and RCW 90.58.100(1).	
7.	Section 4.2 Environmental Protection and Critical Areas - Wetland buffers	Confederated Tribes and Bands of the Yakama Nation	The proposed wetland buffers and mitigation standards are inconsistent with: <i>Grander, T., T. Hruby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. April 2005. Wetlands in Washington State – Volume 2: Guidance for Protecting</i>	

	and mitigation standards		<i>and Managing Wetlands. Washington State Department of Ecology. Publication #05-06-008. Olympia, Wa..</i>	
8.	Cumulative Impacts Analysis, No Net Loss Report, and SEPA DNS determination	Confederated Tribes and Bands of the Yakama Nation	The Cumulative Impacts Analysis, No Net Loss Report, nor the SEPA DNS acknowledge the scientific reduction of protection standards inconsistent with RCW 90.58.020, RCW 90.58.100(1), WAC 173-26-201(2), RCW 43.21C, and WAC 197-11.	
9.	Section 2.7.B.1 Historical/cultural element	Washington State Department of Archeology and Historic Preservation (DAHP)	<p>DAHP recommends clarification here that the reference to “cultural and historic sites” is understood to include the full range of cultural and historic resource property types. Suggested language might read something like the following:</p> <p>“Preserve and protect archeological, cultural and historic sites (including not only sites but also structures, buildings, districts, objects, and traditional cultural places) in collaboration with appropriate tribal, state, federal, and local governments.”</p> <p>This suggested language should be understood to apply to references to “cultural resources” found in objectives 2-5 and elsewhere in the document.</p>	
10.	3.4.B.5.b Environment Designations	Washington State Department of Archeology and Historic Preservation (DAHP)	<p>DAHP recommends including allowance for other preservation activity of cultural resources in this and other environmental designations. Suggested language might read like the following:</p> <p>“Preservation, rehabilitation, restoration, interpretation, and scientific/educational research of archaeological, cultural, and historic resources.”</p>	
11.	Section 4.1 Archaeological and historical resources –	Washington State Department of Archeology	The City of Cle Elum is one of over fifty Certified Local Governments (CLGs) in Washington state. As such the City administers a certified local historic preservation program through the local historic preservation commission. We	

	General Comment	and Historic Preservation (DAHP)	recommend incorporating the interest and work of the historic preservation commission in the course of implementing the Cle Elum SMP.	
12.	Section 4.1 Archaeological and historical resources – General Comment	Washington State Department of Archeology and Historic Preservation (DAHP)	DAHP recommends that Cle Elum enter into a data sharing agreement with DAHP so that archaeological and historic sites can be identified prior to project construction.	
13.	Section 7 Definitions	Washington State Department of Archeology and Historic Preservation (DAHP)	DAHP recommends including one for “Professional Archaeologist” or add appropriate language to #72, “Qualified Professional”.	
14.	Section 7 Definitions	Washington State Department of Archeology and Historic Preservation (DAHP)	For the definitions of “rehabilitation” (#73) and “restoration” (#74), please clarify that these terms and actions also apply to archaeological, cultural, and historic resources.	
15.	Public Access – General Comments	Rodger Duquette	Desire for public access to be restored on Cle Elum River between Cle Elum Dam and Bullfrog road bridge.	