

Public Comment Summary: City of Nooksack Shoreline Master Program Comprehensive Update

The following written comments were received during the Ecology Comment Period (November 17 – December 19, 2014)

ITEM	SMP Section	Commenter	Comment / Concern	Local Government Response / Rationale	Ecology Response / Rationale
01	2.7 – Historical/Cultural Resources Goals and Policies	Department of Archaeology & Historic Preservation	<p>Recommends adding the term “structures” to the introductory paragraph as follows:</p> <p>“An element related to the protection and restoration of buildings, <u>structures</u>, sites and areas having archaeological, historic, cultural, scientific or educational values within the shorelines of the City of Nooksack.”</p>	The language in the City’s proposed master program is consistent with the language in RCW 90.58.100(2)(g) and WAC 173-26-176(3); therefore, the suggested change is not deemed necessary.	
02	2.7 – Historical/Cultural Resources Goals and Policies	Department of Archaeology & Historic Preservation	<p>Add the following policy statement:</p> <p>“<u>Policy 2.7C: Protection and rehabilitation of significant archaeological, historic, and cultural sites is encouraged and when and where appropriate, should be required.</u>”</p>	The suggested new policy has been reworded slightly for incorporation into the draft SMP as follows: <u>Policy 2.7C: Protection and rehabilitation of significant archaeological, historic, and cultural sites should be encouraged and, where appropriate, should be required.</u>	
03	Policy 2.7A – Historical/Cultural Resources	Department of Archaeology & Historic Preservation	<p>Recommends the following changes:</p> <p>“Policy 2.7A: Developments <u>that are proposed</u> within shoreline areas should be encouraged and, where appropriate, are required to avoid or minimize impacts to sites having archaeological, historic, cultural, educational or scientific value or significance. <u>Developments with unavoidable impacts on these resources shall be mitigated in consultation with affected Tribes and other interested parties.</u>”</p>	The policy language in the City’s proposed master program is consistent with the language in WAC 173-26-221(1); therefore, the suggested change is not deemed necessary.	
04	6.1 – Archaeological Areas & Historic Sites	Department of Archaeology & Historic Preservation	<p>Recommends the phrase “whenever possible” be deleted from the introductory paragraph as follows:</p> <p>“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 and cultural links they provide to our past, these locations should be preserved whenever possible.”</p>	The inclusion of the words “whenever possible” reflects the understanding that preservation may not be possible in absolutely every situation. This approach is consistent with the multiple policy goals set forth in the Act.	
05	Policy 6.1B – Archaeological Areas & Historic Sites	Department of Archaeology & Historic Preservation	<p>Recommends the following changes:</p> <p>“In areas documented to contain <u>known to have/potential to have</u> archaeological, <u>historic</u> or cultural resources, developers should be <u>are required to have the site project area inspected surveyed by a</u></p>	<p>The language in the draft City master program is generally consistent with WAC 173-26-221. Revisions to ensure consistency include the following:</p> <p>Policy 6.1B: In areas documented to contain archeological or cultural resources, developers <u>shall</u></p>	

			professional archaeologist in consultation with affected Indian tribes prior to permit issuance.”	should be required to have the site inspected <u>and evaluated</u> by a professional archaeologist in consultation with affected Indian tribes prior to permit issuance.	
06	Policy 6.1C – Archaeological Areas & Historic Sites	Department of Archaeology & Historic Preservation	Recommends deleting the phrase “should be” and capitalizing the agency name as follows: “Policy 6.1C: Developers should be <u>are</u> required to stop work immediately and notify City officials, affected Indian tribes and the s State d Department of a Archaeology and h Historic p Preservation if sites containing archaeological or cultural resources are uncovered during excavation.”	The language in the draft City master program is generally consistent with WAC 173-26-221. Revisions to ensure consistency include the following: Policy 6.1C: Developers <u>shall</u> should be required to stop work immediately and notify City officials, affected Indian tribes and the state department of archaeology and historic preservation if sites containing archaeological or cultural resources are uncovered during excavation.	
07	Policy 6.1D – Archaeological Areas & Historic Sites	Department of Archaeology & Historic Preservation	Recommends the following changes: “Policy 6.1D: Developers should be <u>are</u> required to obtain all legal permits regarding archaeological areas and historic sites.”	Requirements for obtaining related permits are addressed more generally in the draft master program and are not required at this location to ensure consistency with specific requirements identified under WAC 173-26-221.	
08	Policy 6.1E – Archaeological Areas & Historic Sites	Department of Archaeology & Historic Preservation	Recommends adding additional RCW sections as follows: “Policy 6.1E: In accordance with state law, all activities and development within shoreline jurisdiction shall comply with the applicable requirements of RCW 27.44, RCW 27.53, <u>RCW 68.58, RCW 68.60</u> and WAC 25-48-060.”	The additional statutory references may be incorporated as suggested: Policy 6.1E: In accordance with state law, all activities and development within shoreline jurisdiction shall comply with the applicable requirements of RCW 27.44, RCW 27.53, <u>RCW 68.58, RCW 68.60</u> and WAC 25-48-060.	
09	16.04.460.A – Archaeological Areas & Historic Sites General Requirements	Department of Archaeology & Historic Preservation	Recommends the following changes: “The National Historic Preservation Act of 1966 and Chapter 27.53 RCW provide for the protection, rehabilitation, restoration and reconstruction of areas and structures in American and Washington State history. The <u>policies and implementing</u> regulations in these acts shall be followed.”	The additional detail included in the suggested revision to Section 16.04.460(A) is not necessary to provide consistency with the applicable State Guidelines and is not deemed necessary.	
10	General – Data Sharing	Department of Archaeology & Historic Preservation	Recommends that the City of Nooksack enter into a data sharing agreement so that identification and protection of known cultural resources can be improved.	The recommendation is unrelated to the current review: however, the City will consider the suggestion outside the SMP update process if determined to be appropriate based on the prevalence of known sites in the Nooksack area.	
11	General – DAHP Model Language	Department of Archaeology & Historic Preservation	The archaeological and historic sites language in the SMP is too broad. It is recommended that the City adopt DAHP’s model SMP language to provide more specificity and guidance when dealing with these resources.	The very limited presence of sites of significance within the Nooksack shoreline area does not warrant the more-detailed provisions provided in the DAHP model. The language in the draft City master program is deemed to be sufficient to ensure protection of the resource and consistency with State Guidelines.	