Attachment D: City of Puyallup SMP Update - Responsiveness Summary

Ecology Public Comment Period: March 10, 2015 through 5:00 pm on April 9, 2015

Comment Number	Comment Topic and/or SMP Citation	Commenter	Comment (summarized)	City of Puyallup Response and Rationale
1	Definition – Historic, cultural, scientific, and educational resources	Gretchen Kaehler, Department of Archaeology & Historic Preservation (DAHP)	Recommend you revise the definition to read: *All scientific, archaeological, historic and cultural sites, structures, buildings, districts, and objects, landscapes, and traces that are or may be of educational, cultural, and scientific value to citizens of the city, state, nation or affected tribes.*	*Recommendation noted. We can revise the definition to be consistent with DAHP recommendations if Ecology finds DAHP recommendations consistent with state law.*
2	Definition – Historic site	Gretchen Kaehler, DAHP	Recommend you revise the definition as follows: *Those buildings, structures, sites, districts, objects, and landscapes, that are listed in, or eligible for listing in, the National Register of Historic Places, the Washington Heritage Register, or the Puyallup Register of Historic Places.*	*Recommendation noted. We can revise the definition to be consistent with DAHP recommendations if Ecology finds DAHP recommendations consistent with state law.*
3	Goal - Historic, Cultural, Scientific and Educational Resources	Gretchen Kaehler, DAHP	Recommend re-wording the goal to clarify property types associated with the term "site": To prevent the destruction, damage, or inappropriate alteration to any cultural and historic resources including a site, building, district, structure or object having historical, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Department of Archaeology and Historic Preservation.	*Recommendation noted. We can revise the goal to be consistent with DAHP recommendations if Ecology finds DAHP recommendations consistent with state law.*
4	Policy 2.i, page 5-2	Gretchen Kaehler, DAHP	Recommend revising Policy 2.i: *Work with tribal, federal, state, and local governments as appropriate to maintain an inventory of all known significant historic, cultural, and archaeological resources. As appropriate, these resources should be protected, preserved, and/or restored for study and/or public education. The location of sensitive historic…*	*Recommendation noted.*
5	Data sharing with DAHP	Gretchen Kaehler, DAHP	If the city policy is to maintain an inventory, recommend the city enter into a data sharing agreement with DAHP.	*Recommendation noted. The City of Puyallup is interested in data sharing to avoid unexpected project level DAHP recommendations for cultural resource surveys.*
6	Regulation 3, page 5-2	Gretchen Kaehler, DAHP	It should be clear in the regulations that mitigation for an application affecting a historic site may involve additional or alternative measures that are site and project specific.	*Recommendation noted. The City of Puyallup proposes the following supplemental language:* ***Mitigation for an application affecting a historic site may involve additional or alternative measures that are site and project specific, as required by DAHP and/or affected Tribal Governments.***
7	Regulation 3, page 5-2	Gretchen Kaehler, DAHP	Recommend including the city's historic preservation commission and their staff when considering applications affecting historic sites. The preservation commission may also serve as a technical resource and may have interest in being involved in mitigation efforts. The city should also consider ongoing inclusion and coordination with affected/interested tribes and the local historic preservation commission and staff.	*Recommendation noted. This recommendation however is outside of the scope of the subject update to the SMP and would need to be considered under a separate study of the role of the city's Design Review and Historic Preservation Board (DRHPB).*
8	Policy 2.i and Regulation 3.i page 5-2	Gretchen Kaehler, DAHP	Please remove the word "significant" under policy 2.i and regulation 3.i. Precontact archaeological resources are protected in Washington state regardless of significance. Historic archaeological resources must be determined significant or not by DAHP.	*Recommendation noted. We can revise the goal to be consistent with DAHP recommendations if Ecology finds DAHP recommendations consistent with state law.*
9	Regulation 3.ii	Gretchen Kaehler, DAHP	Please remove "DAHP approved consultant list". There is no such list. Professional archaeologist must meet the definition in RCW 27.53.030(11)	*Noted. City of Puyallup will remove reference to a DAHP approved list and clarify the requirements of RCW 27.53.030(11).*
10	Historic and cultural resources	Gretchen Kaehler, DAHP	Recommend the city add process and specificity to the SMP regarding cultural resources. Model language for the SMP has been provided.	*Comment noted. The recommended process however assumes the city enters into a data sharing agreement with DAHP and has the available data to implement the outlined processes. As of the date of this response letter, no agreement currently exists between COP and DAHP.*
11	Statement of Exemption notice	Karen Walter Muckleshoot Indian Tribe	Request notice of all shoreline permit applications and decisions including shoreline exemptions due to the Tribe's interest in treaty protected fishery resources within the city's shorelines.	*Comment noted. We re-reviewed sections 173-27-110, 173-27-040 and 173-27-050 for guidance on notifications on shoreline exemptions as we are not aware of notice of application requirements for developments exempt from permit requirements under the SMA. WAC 173-27-110 (1) states: "Local government shall develop and adopt a system which provides for notification of the public, the department and other agencies with jurisdiction of applications for a shoreline management substantial development,*

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				conditional use, or variance permit. Notification pursuant to this section may be carried out as a part of an integrated local permit notification procedure." At appears the legislative intent of the notification procedures for shoreline permits was to require notification only for those shoreline permits which require in-depth review and a public hearing to approve. Our normal procedures do not include notification/comment periods for shoreline exemptions – we believe this is a reflection of the lack of guidance/requirements in the WAC on public notification and comment periods associated with exempted shoreline uses. We are also unaware of other jurisdictions that allow for notification and public comment on shoreline exemption permits.
13	Flood control work, Policy V page 7-14	Anne-marie Marshall-Dody Pierce County Surface Water Management (SWM)	Pierce County maintains miles of levees and revetments along the Puyallup and other rivers and does allow public access. However access is restricted in some locations due to safety, private property trespass and other reasons. Recommend the policy is reworded to include "Where feasible,…" or include text similar to Regulation IX (page 7-15).	*Comment noted. However, it appears that the wording of the regulation already covers situations where public access would be infeasible due to "safety, private property trespass and other reasons". As outlined in regulation I.X: "(…) dedicate and provide or improve public access **unless** public access improvements would cause **unavoidable health or safety hazards** to the public, **inherent and unavoidable security problems**, significant ecological impacts that cannot be mitigated, unavoidable conflict with the proposed use (…)". The regulation is the more specific provision that would be evaluated on a permit-by-permit basis and appears to provide the relief from public access requirements in the case that those improvements are not feasible due to site conditions. Similar, more detailed regulations exist in the city's public access chapter as well – see page 4-13 through 4-14, regulation IV.*
14	Restoration Plan	Anne-marie Marshall-Dody Pierce County SWM	Three potential restoration projects (P-4, P-5, and P-6) are in areas the county has identified as potential setback levee projects. Encourage the city to coordinate with SWM on any restoration projects in these areas.	*Comment noted. We will pass this comment along to the city's Capital Engineering and Stormwater Engineering groups.*