

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2019-003

**AN ORDINANCE OF KITTITAS COUNTY, WASHINGTON AMENDING KITTITAS COUNTY
SHORELINE MASTER PROGRAM AND KITTITAS COUNTY CODE TITLE 17B FOR
CONSISTENCY WITH SHORELINE MASTER PROGRAM AMENDMENTS**

- WHEREAS,** the Washington State Shoreline Management Act (RCW 90.58) and its associated rules (WAC 173-26) require local governments to develop and administer shoreline master programs that include policies and regulations that govern designated shorelines within their respective jurisdictions; and
- WHEREAS,** On February 22, 2016, the Washington State Department of Ecology approved the County's Shoreline Master Program; and
- WHEREAS,** Subsequent to Department of Ecology's approval of the Shoreline Master Program, the Yakama Nation petitioned the Growth Management Hearings Board for review of the Shoreline Master Program, challenging the adequacy of the Shoreline Master Program's provisions dealing with cultural, historical, and archeological resources; and
- WHEREAS,** Kittitas County, the Department of Ecology, and the Yakama Nation engaged in a series of settlement negotiations and developed proposed Shoreline Master Program amendments that address the respective concerns of all parties and that meet or exceed the requirements of the Shoreline Management Act and other applicable regulations; and
- WHEREAS,** The proposed amendments were included in a settlement agreement that was executed by Kittitas County, the Department of Ecology, and the Yakama Nation on May 3, 2018; and
- WHEREAS,** The settlement agreement required Kittitas County to take all actions necessary to adopt the proposed Shoreline Master Program Amendments using the optional joint review process outlined in WAC 173-26-104; and
- WHEREAS,** A 30-day public comment period was provided in accordance with WAC 173-26-104(2)(c)(i); and

- WHEREAS,** On August 28, 2018, the Kittitas County Planning Commission conducted a joint public hearing in accordance with WAC 173-26-104(2)(c)(ii) and recommended approval of the Shoreline Master Program amendments; and
- WHEREAS,** On October 1, 2018, Kittitas County staff submitted the proposed amendments, comments, and county response to the Department of Ecology in accordance with WAC 173-26-104(3); and
- WHEREAS,** On October 3, 2018, the Department of Ecology issued a written statement of initial concurrence for the proposed amendments in accordance with WAC 173-26-104(3)(a)(i); and
- WHEREAS,** The Kittitas County Board of County Commissioners, after proper notification and publication, held a public hearing on November 20, 2018 to hear public testimony on the proposed Shoreline Master Program amendments; and
- WHEREAS,** After deliberation, the Kittitas County Board of County Commissioners approved the proposed Shoreline Master Program amendments; and
- WHEREAS,** The proposed amendments must be adopted by resolution or ordinance and sent to Department of Ecology for final approval in accordance with WAC 173-26-110; and
- WHEREAS,** Kittitas County Board of County Commissioners adopted Resolution No. 2018-195 on December 4, 2018, stating the intent to adopt Shoreline Master Program amendments and authorizing submittal of this proposed amendments to the Washington State Department of Ecology; and
- WHEREAS,** Kittitas County submitted the Shoreline Master Program amendments to the Washington State Department of Ecology on December 13, 2019; and
- WHEREAS,** the Washington State Department of Ecology issued final approval of Kittitas County's Shoreline Master Program amendments on January 14, 2019, making the updated Shoreline Master Program effective on January 28, 2019; and
- WHEREAS,** this Ordinance includes the amendments to the Kittitas County Shoreline Master Program and all of the necessary changes to Kittitas County Code to be consistent with the Shoreline Master Program amendments.

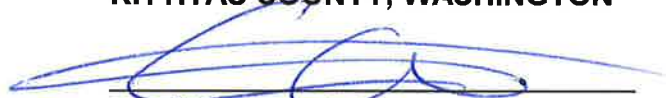
NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED, that Kittitas County adopts the Kittitas County Shoreline Master Program Amendments and necessary amendments to Kittitas County Code as shown in the attached Exhibits A and B.

BE IT FURTHER ORDAINED that the Kittitas County Information Technology Department is directed to make the above described amendments to the Shoreline Master Program and county code on the Kittitas County website.

BE IT FURTHER ORDAINED that the Prosecuting Attorney's Office is charged with correcting any scrivener's errors it notices and determines arose out of the amendment and enactment process. No further authorization will be required from the Board of County Commissioners for the Prosecuting Attorney's Office to effect correction of scrivener's errors relating to this Ordinance and the Prosecutor's Office shall direct Information Technology to make such needed corrections.

ADOPTED this 19th day of February, 2019.

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**



Cory Wright, Chairman

ABSENT

Brett Wachsmith, Vice-Chairman



Laura Osiadacz, Commissioner



ATTEST
CLERK OF THE BOARD

APPROVED AS TO FORM:

- Clerk of the Board- Julie Kjorsvik
- Deputy Clerk of the Board- Mandy Buchholz

Neil Caulkins,
Deputy Prosecuting Attorney

Exhibit A: Amendments to Kittitas County's Shoreline Master Program

3.7 Historic/cultural element

A. Goal

1. Identify, protect, preserve and restore sites that ~~have historical, contain resources of~~ cultural, archaeological, historic, educational, ~~and/or~~ scientific value ~~and/or~~ significance.

B. Objectives

1. Protect cultural, archaeological, and historic ~~sites~~resources in collaboration with appropriate tribal, state, federal, and local governments.
2. ~~Eneourage~~Engage in and encourage cooperation between public agencies and private parties in the identification, protection, and management of ~~historical and~~ cultural, archaeological, and historic resources.
3. Consult with the Washington State Department of Archaeology and Historic Preservation ("DAHP") and affected Native American tribes when developing local policies and regulations for identifying, protecting, and preserving cultural, archaeological, and historic resources
- 3.4. Where appropriate, restore unique ~~resources that have cultural, archaeological, historic,~~ educational, ~~historically, or culturally significant features~~scientific value or significance to further enhance the value of the shorelines.
- 4.5. ~~Provide~~Where appropriate, provide access to ~~sites~~cultural, archaeological, and historic resources in a manner that is culturally sensitive and does not degrade the ~~cultural or historical~~ resource or impact the quality of the environment.
- 5.6. Incorporate opportunities for education related to cultural, archaeological, ~~historical,~~ and ~~cultural features~~historic resources into public and private programs and development, where appropriate.

5.1 ~~Archaeological~~Cultural, archaeological and historical resources

The following ~~provisions~~policies and regulations apply to cultural, archaeological, and ~~historical~~historic resources that are either (a) listed on the national, state, or local registers of historic places; (b) recorded at/by the Washington State Department of Archaeology and Historic Preservation and/or by local jurisdictions (DAHP), a Native American tribe, and/or have been a local jurisdiction; or (c) undiscovered, inadvertently uncovered, or yet unrecorded.

Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW Chapter 27.44 (Indian graves and records) and RCW Chapter 27.53 (Archaeological sites and records). Shoreline uses or development that may impact such sites shall comply with WAC Chapter 25-48 as well as the provisions of this ~~chapter~~Shoreline Master Program.

Pursuant to RCW 27.53.070, information and documents pertaining to the location of archaeological sites or resources are confidential and not considered public records that require disclosure.

A. Policies

~~Care should be taken~~The County shall take, or cause project applicants to avoid take, all required actions to:

1. Minimize the risk of disturbing cultural, archeological and historical/historic resources along within Kittitas County shorelines.
2. Prevent the destruction of or damage to any site having cultural, archaeological, historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and ~~the Department of Archaeology and Historic Preservation~~DAHP.
3. ~~Uses and development along shorelines in areas documented to contain archaeological resources should include consultation~~Consult with professional archaeologists, DAHP, and affected Indian Native American tribes to identify, before permitting or otherwise approving the use or development of shoreline areas containing potentially valuable datacultural, archaeological, or historic resources. This consultation shall be accomplished through the regulations and procedures provided herein.
- 3.4. Consult with professional archaeologists, DAHP, and affected Native American tribes to establish procedures for salvaging the data or cultural, archaeological, or historic resources, and/or for maintaining the areasuch resources in an undisturbed condition.
5. Make informed specific land use decisions based upon information provided by DAHP or Native American tribes.

6. Ensure the use of the best available information, technology, and techniques in identifying, protecting, preserving, and restoring cultural, archaeological, and historic resources.
7. Consult with DAHP and affected Native American tribes as appropriate in implementing the cultural, archaeological, and historic resources goals, objectives, policies, and regulations of this SMP.

B. Regulations

1. *Project Approval Requirements.* Prior to issuing a permit, exemption, or other approval for a proposed project in a shoreline area, the County shall determine whether or not a cultural resources review or archaeological survey shall be required under this Section 5.1(B)(1).
 - a. *Exceptions.* No cultural resources review or survey shall be required under this Section 5.1(B)(1) where the project applicant can demonstrate one or more of the following conditions is met:
 - i. The project or use does not include any ground disturbance. Projects that require the insertion of structural elements, but which do not require any excavation and create no spoil piles, shall be considered non-ground-disturbing for purposes of this Section (e.g. driving T-posts, planting tree seedlings with a hoedad).
 - ii. The project is limited to the installation of infrastructure entirely within the same area as an existing project or development.
 - iii. The project's entire three-dimensional area of proposed ground-disturbance is located within previous fill or previously disturbed earth.
 - iv. A professional archaeologist has surveyed the entire project area within the last ten (10) years, and the survey report(s) show that no cultural, archaeological, or historic resources were found.
 - b. *Cultural Resources Review.* The County shall provide electronic notice and a fifteen (15) day comment opportunity to DAHP and affected Native American tribes for all proposed projects in shoreline areas which are not excluded under Section 5.1(B)(1)(a) above.
 - i. When applicable, the above notification requirement will be included in the Preliminary Site Analysis process.
 - ii. Where the proposed project is already subject to a comment period through shoreline permitting and/or SEPA review, this comment period shall be run concurrently.

- iii. For shoreline projects that fall under a shoreline exemption permit and have no notification requirement, if not already completed through the Preliminary Site Analysis process, the above notification and cultural resources review requirements will occur prior to the issuance of an exemption permit.
- c. *Archaeological Survey Requirement.* A final archeological survey report for the entire project area shall be required prior to the County's issuance of a permit, exemption, or other approval where the proposed project is not excepted under Section 5.1(B)(1)(a) above, and one or more of the following conditions exist:
- i. The project area is located within one quarter (1/4) mile from either a protected Native American pre-contact site recorded with DAHP, or a protected historic site that is listed or eligible, or potentially eligible and unevaluated, in the DAHP inventory.
- ii. DAHP or an affected Native American tribe timely comments through the above cultural resources review process (or concurrent permitting or environmental review process, if applicable), and requests an archaeological survey be completed due to the presence of one or more of the following risk-factors:
- Documented historic feature(s) on the property or located within one quarter (1/4) mile from the project area;
 - Previous positive archaeological survey results from a survey on the property or within one quarter (1/4) mile from the project area; or
 - A tribally-recorded site located within one quarter (1/4) mile of the project area.
- iii. DAHP and an affected Native American tribe timely comment through the above cultural resources review process (or concurrent permitting or environmental review process, if applicable), and both DAHP and the affected Native American tribe request that an archaeological survey be completed due to a professional archaeologist's determination that the project area is in an area that is at high-risk for the presence of archaeological resources (e.g. in an area with high-risk soil deposit types such as historic high-energy soil deposits, or soils with multiple depositional contexts).
- iv. The County determines that an archaeological survey is otherwise warranted.
- d. *Archaeological Survey & Reporting Standards.* Archaeological surveys shall be completed by a professional archaeologist. Archaeological survey reports shall conform to DAHP's then-current reporting standards.¹ Both DAHP and affected Native American tribes shall receive copies of completed archaeological survey

¹ See Washington State Department of Archaeology and Historic Preservation, Washington State Standards for Cultural Resource Reporting (February 2, 2017), available at <http://www.dahp.wa.gov/sites/default/files/CR%20Update%20February%202017.pdf> (last visited May 23, 2017).

reports, and have a reasonable opportunity (in no case less than fifteen days) to comment on their sufficiency before such reports shall be considered final. Final archaeological survey reports shall be filed with DAHP prior to the County's issuance of a permit, exemption, or other approval where the proposed project is not exempt under Section 5.1(B)(1)(a).

e. *Monitoring Alternative.* Despite the requirements of Section 5.1(B)(1)(c), above, an archaeological survey shall not be required where the project proponent, the County, DAHP, and any affected Native American tribes, all approve a written plan for on-site project monitoring by a professional archaeologist throughout all project phases that include ground-disturbing work. This monitoring plan shall be drafted by a professional archaeologist at the applicant's expense.

f. *Project Modification Alternative.* Despite the requirements of Section 5.1(B)(1)(c), above, an archaeological survey shall not be required where the project is modified so that it no longer triggers the risk factor(s) under 5.1(B)(1)(c) that would have resulted in the need for an archeological survey under these regulations.

+2. *Inadvertent Discoveries.* Developers and property owners shall immediately stop work and notify the local government, ~~the Washington State Department of Archaeology and Historic Preservation~~ DAHP, and affected ~~Indian~~ Native American tribes if archaeological resources are ~~uncovered during excavation~~ discovered. Construction may recommence pursuant to RCW 27.44.040, RCW 27.53.040 and WAC 25-48-030. A notification stating this requirement shall be included on County shoreline permit permits, exemptions, and other project approval documents.

2. ~~Prior to issuance of a permit in areas documented to contain~~ *Resource Management.* If significant cultural or, archaeological, or historic resources, a cultural resource site inspection or evaluation by are identified in the project area, the project proponent shall engage a professional archaeologist ~~shall be required in coordination with affected Indian tribes.~~

3. ~~If a cultural resource site inspection or evaluation identifies the presence of significant historic or archaeological resources, a cultural resource management plan shall be prepared by a professional archaeologist or (or a historic preservation management professional, where appropriate) to prepare a resource management plan. The resource management plan shall, at a minimum, conform to DAHP's then-current management standards.~~ In addition, a permit or other ~~requirements~~ requirement administered by ~~the Washington State Department of Archaeology and Historic Preservation~~ DAHP pursuant to RCW 27.44 and RCW 27.53 may apply.

Definitions to Add:

"Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture, including material remains of past human life, including monuments, symbols, tools, facilities, and technological by-products.

"Archaeological site" means a geographic locality that contains archaeological objects.

"Archaeological survey" means a formal archaeological study completed by a professional archaeologist that conforms to, and is reported consistent with, DAHP's then-current archaeological survey and reporting standards; and which at a minimum includes background research and a field investigation that includes appropriate sub-surface methodology.

"Cultural resources" means archaeological and historic sites and artifacts, as well as those traditional food, medicine, fibers, and objects that sustain the religious, ceremonial, and social activities of affected Native American tribes.

"Historic resources" or "Historic site" means those properties which are listed in or eligible for listing in the Washington State register of historic places (RCW 27.34.220) or the national register of historic places as defined in the national historic preservation act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

"Professional archaeologist" means an archaeologist who meets the requirements set forth in RCW 27.53.030(11), and has at least a master's degree in Anthropology or a related field and two years professional experience in archaeological fieldwork.

"Project area" means any and all areas that may be affected by a project's construction and operation. Both temporary and permanent effects must be considered.

Exhibit B: Amendments to Kittitas County Code

Chapter 17B.02

DEFINITIONS

Sections

- 17B.02.005 Generally.
- 17B.02.010 Act.
- 17B.02.020 Administrator.
- 17B.02.030 Agricultural activities.
- 17B.02.040 Agricultural products.
- 17B.02.050 Agricultural equipment and agricultural facilities.
- 17B.02.060 Agricultural land.
- 17B.02.070 Alluvial fan or alluvial fan hazard area.
- 17B.02.080 Amendment.
- 17B.02.090 Approval.
- 17B.02.100 Aquaculture.
- 17B.02.101 Archaeological object.
- 17B.02.102 Archaeological site.
- 17B.02.103 Archaeological survey.
- 17B.02.105 Average grade level.
- 17B.02.110 Avulsion.
- 17B.02.115 Boat launch ramp.
- 17B.02.120 Boat launch ramp, primitive.
- 17B.02.125 Boat launch ramp, public or community.
- 17B.02.130 Bulkhead.
- 17B.02.135 Channel migration zone (CMZ).
- 17B.02.140 Conditional use.
- 17B.02.145 Comprehensive master program update.
- 17B.02.150 Comprehensive plan.
- 17B.02.155 Critical areas.
- 17B.02.160 Critical aquifer recharge area (CARA).
- 17B.02.165 Critical facility.
- 17B.02.167 Cultural resources.
- 17B.02.170 Dam.
- 17B.02.175 Degradation.
- 17B.02.180 Development.
- 17B.02.185 Development regulations.
- 17B.02.190 Ecological functions or shoreline functions.
- 17B.02.195 Ecological restoration.
- 17B.02.200 Ecologically intact shorelines.
- 17B.02.205 Ecosystem-wide processes.
- 17B.02.210 Enhancement.
- 17B.02.215 Environmental designation.
- 17B.02.220 Exempt.

17B.02.225 Fair market value.
17B.02.230 Feasible.
17B.02.235 Feedlot.
17B.02.240 Fill.
17B.02.245 Fish and wildlife habitat conservation area.
17B.02.250 Floodplain.
17B.02.255 Floodway.
17B.02.260 Frequently flooded areas.
17B.02.265 Geotechnical analysis or geotechnical report.
17B.02.270 Grading.
17B.02.275 Groundwater.
17B.02.280 Height.
17B.02.285 High intensity agricultural activities.
17B.02.287 Historic resources.
17B.02.290 Hobby farm.
17B.02.295 Hyporheic zone.
17B.02.300 In-stream structure.
17B.02.305 Lake.
17B.02.310 Limited master program amendment.
17B.02.315 Local government.
17B.02.320 Marine.
17B.02.325 Master program or Shoreline master program or Program.
17B.02.330 May.
17B.02.335 Mineral prospecting.
17B.02.340 Mining.
17B.02.345 Must.
17B.02.350 Natural or existing topography.
17B.02.355 Nonconforming structure.
17B.02.360 Nonconforming use.
17B.02.365 Non-water-oriented uses.
17B.02.370 Ordinary high water mark (OHWM)
17B.02.375 Permit.
17B.02.380 Priority habitat.
17B.02.385 Priority species.
17B.02.387 Professional archaeologist.
17B.02.390 Program.
17B.02.392 Project area.
17B.02.395 Provisions.
17B.02.400 Public interest.
17B.02.405 Qualified professional.
17B.02.410 Rehabilitation.
17B.02.415 Restore, restoration, or ecological restoration.
17B.02.420 Riverine erosion hazard areas.
17B.02.425 Setback.
17B.02.430 Shall.
17B.02.435 Shorelands or shoreland areas.

17B.02.440 Shoreline areas and shoreline jurisdiction.
17B.02.445 Shoreline functions.
17B.02.450 Shoreline master program.
17B.02.455 Shoreline modifications.
17B.02.460 Shorelines.
17B.02.465 Shorelines of statewide significance.
17B.02.470 Shorelines of the state.
17B.02.475 Should.
17B.02.480 Significant vegetation removal.
17B.02.485 State master program.
17B.02.490 Structure.
17B.02.495 Structure, in-stream.
17B.02.500 Substantial development.
17B.02.505 Transmit.
17B.02.510 Type F water.
17B.02.515 Type Np water.
17B.02.520 Type Ns water.
17B.02.525 Type S water.
17B.02.530 Water-dependent use.
17B.02.535 Water-enjoyment use.
17B.02.540 Water-oriented use.
17B.02.545 Water quality.
17B.02.550 Water-related use.
17B.02.555 Water system.
17B.02.560 Wetland creation.
17B.02.565 Wetland restoration.
17B.02.570 Wetlands.
17B.02.575 Variance.
17B.02.580 Vessel.
17B.02.585 Acronym list.

17B.02.101 Archaeological object.

"Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture, including material remains of past human life, including monuments, symbols, tools, facilities, and technological by-products.

17B.02.102 Archaeological site.

"Archaeological site" means a geographic locality that contains archaeological objects.

17B.02.103 Archaeological survey.

"Archaeological survey" means a formal archaeological study completed by a professional archaeologist that conforms to, and is reported consistent with, DAHP's then-current archaeological survey and reporting standards; and which at a minimum includes background research and a field investigation that includes appropriate sub-surface methodology.

17B.02.167 Cultural resources.

"Cultural resources" means archaeological and historic sites and artifacts, as well as those traditional food, medicine, fibers, and objects that sustain the religious, ceremonial, and social activities of affected Native American tribes.

17B.02.287 Historic resources.

"Historic resources" or "Historic site" means those properties which are listed in or eligible for listing in the Washington State register of historic places (RCW 27.34.220) or the national register of historic places as defined in the national historic preservation act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

17B.02.387 Professional archaeologist

"Professional archaeologist" means an archaeologist who meets the requirements set forth in RCW 27.53.030(11), and has at least a master's degree in Anthropology or a related field and two years professional experience in archaeological fieldwork.

17B.02.392 Project area.

"Project area" means any and all areas that may be affected by a project's construction and operation. Both temporary and permanent effects must be considered.

17B.03.070 Historical/cultural element.

Pursuant to RCW 36.70A.480, the historical/cultural element goals and objectives of the 2016 Kittitas County Shoreline Master Program and the 2019 Shoreline Master Program amendments shall be considered part of the Kittitas County Comprehensive Plan. (Ord. 2016-006, 2016)

17B.05.010 Archaeological-Cultural, archaeological and historical resources.

The following provisions-policies and regulations apply to cultural, archaeological, and historical historic resources that are either (a) listed on the national, state, or local registers of historic places; (b) recorded at-by the Washington State Department of Archeology and Historic Preservation and/or by local jurisdictions(DAHP), a Native American tribe, and/-or have-been- a local jurisdiction; or (c) undiscovered, inadvertently uncovered, or yet unrecorded.

Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW Chapter 27.44 (Indian graves and records) and RCW Chapter 27.53 (Archaeological sites and records). Shoreline uses or development that may impact such sites shall comply with WAC Chapter 25-48 as well as the provisions of this chapterShoreline Master Program.

Pursuant to RCW 27.53.070, information and documents pertaining to the location of archaeological sites or resources are confidential and not considered public records that require disclosure.

- A. Policies. Pursuant to RCW 36.70A.480, the archaeological and historical resources policies of the 2016 Kittitas County Shoreline Master Program and the 2019 Shoreline Master Program amendments shall be considered as policies of the Kittitas County Comprehensive Plan.
- B. Regulations.

1. Project Approval Requirements. Prior to issuing a permit, exemption, or other approval for a proposed project in a shoreline area, the County shall determine whether or not a cultural resources review or archaeological survey shall be required under this Section 5.1(B)(1).
 - a. Exceptions. No cultural resources review or survey shall be required under this Section 5.1(B)(1) where the project applicant can demonstrate one or more of the following conditions is met:
 - i. The project or use does not include any ground disturbance. Projects that require the insertion of structural elements, but which do not require any excavation and create no spoil piles, shall be considered non-ground-disturbing for purposes of this Section (e.g. driving T-posts, planting tree seedlings with a hoedad).
 - ii. The project is limited to the installation of infrastructure entirely within the same area as an existing project or development.
 - iii. The project's entire three-dimensional area of proposed ground-disturbance is located within previous fill or previously disturbed earth.
 - iv. A professional archaeologist has surveyed the entire project area within the last ten (10) years, and the survey report(s) show that no cultural, archaeological, or historic resources were found.
 - b. Cultural Resources Review. The County shall provide electronic notice and a fifteen (15) day comment opportunity to DAHP and affected Native American tribes for all proposed projects in shoreline areas which are not excluded under Section 5.1(B)(1)(a) above.
 - i. When applicable, the above notification requirement will be included in the Preliminary Site Analysis process.
 - ii. Where the proposed project is already subject to a comment period through shoreline permitting and/or SEPA review, this comment period shall be run concurrently.
 - iii. For shoreline projects that fall under a shoreline exemption permit and have no notification requirement, if not already completed through the Preliminary Site Analysis process, the above notification and cultural resources review requirements will occur prior to the issuance of an exemption permit.
 - c. Archaeological Survey Requirement. A final archeological survey report for the entire project area shall be required prior to the County's issuance of a permit, exemption, or other approval where the proposed project is not excepted under Section 5.1(B)(1)(a) above, and one or more of the following conditions exist:

- i. The project area is located within one quarter (1/4) mile from either a protected Native American pre-contact site recorded with DAHP, or a protected historic site that is listed or eligible, or potentially eligible and unevaluated, in the DAHP inventory.
 - ii. DAHP or an affected Native American tribe timely comments through the above cultural resources review process (or concurrent permitting or environmental review process, if applicable), and requests an archaeological survey be completed due to the presence of one or more of the following risk-factors:
 - Documented historic feature(s) on the property or located within one quarter (1/4) mile from the project area;
 - Previous positive archaeological survey results from a survey on the property or within one quarter (1/4) mile from the project area; or
 - A tribally-recorded site located within one quarter (1/4) mile of the project area.
 - iii. DAHP and an affected Native American tribe timely comment through the above cultural resources review process (or concurrent permitting or environmental review process, if applicable), and both DAHP and the affected Native American tribe request that an archaeological survey be completed due to a professional archaeologist's determination that the project area is in an area that is at high-risk for the presence of archaeological resources (e.g. in an area with high-risk soil deposit types such as historic high-energy soil deposits, or soils with multiple depositional contexts).
 - iv. The County determines that an archaeological survey is otherwise warranted.
- d. Archaeological Survey & Reporting Standards. Archaeological surveys shall be completed by a professional archaeologist. Archaeological survey reports shall conform to DAHP's then-current reporting standards. Both DAHP and affected Native American tribes shall receive copies of completed archaeological survey reports, and have a reasonable opportunity (in no case less than fifteen days) to comment on their sufficiency before such reports shall be considered final. Final archaeological survey reports shall be filed with DAHP prior to the County's issuance of a permit, exemption, or other approval where the proposed project is not exempt under Section 5.1(B)(1)(a).
- e. Monitoring Alternative. Despite the requirements of Section 5.1(B)(1)(c), above, an archaeological survey shall not be required where the project proponent, the County, DAHP, and any affected Native American tribes, all approve a written plan for on-site project monitoring by a professional archaeologist throughout all project phases that include ground-disturbing work. This monitoring plan shall be drafted by a professional archaeologist at the applicant's expense.

a.f. Project Modification Alternative. Despite the requirements of Section 5.1(B)(1)(c), above, an archaeological survey shall not be required where the project is modified so that it no longer triggers the risk factor(s) under 5.1(B)(1)(c) that would have resulted in the need for an archeological survey under these regulations.

2. Inadvertent Discoveries. Developers and property owners shall immediately stop work and notify the local government, ~~the Washington State Department of Archeology and Historic Preservation~~ DAHP, and affected Indian-Native American tribes if archaeological resources are uncovered during excavation ~~discovered~~. Construction may recommence pursuant to RCW 27.44.040, RCW 27.53.040 and WAC 25-48-030. A notification stating this requirement shall be included on County shoreline permit-permits, exemptions, and other project approval documents.

3. Prior to issuance of a permit in areas documented to contain Resource Management. If significant ~~cultural or~~ archaeological, or historic resources, ~~a cultural resources site inspection or evaluation by~~ are identified in the project area, the project proponent shall engage a professional archaeologist ~~shall be required in coordination with affected Indian tribes.~~ If a cultural resource site inspection or evaluation identifies the presence of significant historic or archaeological resources, a cultural resource management plan shall be prepared by a professional archaeologist or (or a historic preservation professional, where appropriate) to prepare a resource management plan. The resource management plan shall, at a minimum, conform to DAHP's then-current management standards. In addition, a permit or other ~~requirements requirement~~ administered by ~~the Washington State Department of Archeology and Historic Preservation~~ DAHP pursuant to RCW 27.44 and RCW 27.53 may apply.