

Discussion Issues

Issue	Discussion Notes	Status
Project Scope, Schedule, and Contract		
1. When was the contract for this project authorized to proceed? What caused the delay for the CRMP being recommended for Council's action? (Myers)	<p><u>City Council Discussion</u></p> <p><u>Staff Response/Recommendation</u></p> <p>10/8: On May 17, 2016, the City Council approved the project scope and schedule and authorized a contract with DOWL for the development of City's first Cultural Resources Management Plan (CRMP) (<i>City Council AM No. 16-111(C6)</i>). Since that time, the contractor worked with a cross-departmental staff team, the signatories and concurring parties to <i>Memorandum of Agreement (MOA) Among the U.S. Army Corps of Engineers, the Federal Highway Administration, the Washington State Department of Archaeology & Historic Preservation, the City of Redmond, and the Washington State Department of Transportation Regarding Treatment of Adverse Effects to the Bear Creek Site</i>, and with members of project's Community Stakeholder group.</p> <p>Per the project scope, the consultant provided its final draft of the CRMP on April 5, 2018 for staff's review and preliminary training for staff including the departments of Parks, Planning and Community Development, and Public Works. Staff's review included:</p> <ul style="list-style-type: none"> • Confirming the comprehensive scope of the CRMP, its effective response to the MOA stipulations, and its conformance with state and federal laws; • Aligning the recommended CRMP protocols and procedures with the City's standard operations for effective implementation; • Ensuring coordination with the Building Code and permitting procedures; • Enhancing recommendations to capital improvement and development protocols and procedures to align and synchronize with Construction checklists and phase gates; and • Confirming with MOA signatories and concurring parties and with the affected Indian tribes the proposed amendments to Comprehensive Plan policies, Zoning Code regulations, and operational protocols and procedures. <p>Staff also tested the proposed cultural resource management protocols and procedures for both capital projects and private development.</p>	<p>Opened 9/10</p> <p>Closed 10/8</p>

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	<p>The parties to the MOA provided review and feedback over the course of four 30-calendar day review periods:</p> <ul style="list-style-type: none"> • One review regarding the preliminary draft as submitted by the consultant; • Twice regarding refinements to the preliminary draft; and • A final review regarding the proposal in coordination with the SEPA review period. <p>Throughout the project, staff provided status reports to the MOA parties. Staff also consulted with the U.S. Army Corps of Engineers, the Washington Department of Archaeology and Historic Preservation, and with the four affected Indian tribes: Snoqualmie Tribe, Muckleshoot Indian Tribe, Tulalip Tribes, and the Stillaguamish Tribe of Indians. Meetings with the affected Indian tribes were held at the respective Tribal offices.</p> <p>Though development of the project took place over three years, the City's efforts continued throughout the duration.</p>	
<p>2. Did the CRMP's completion schedule cause delays in development projects? (Fields)</p>	<p><u>City Council Discussion</u></p> <p><u>Staff Response/Recommendation</u></p> <p>10/8: No projects were delayed in response to the CRMP's development schedule. The following federal, state, and local laws and regulations provide direction and guidance relevant to the protection and management of archaeological resources, allowing for capital projects and private development activities to continue:</p> <ul style="list-style-type: none"> • Archaeological Resource Protection Act of 1979 • Archaeological and Historic Preservation Act of 1974 • Native American Graves Protection and Repatriation Act • National Historic Preservation Act • Executive Order 05-05 • Guidance to EO 05-05 • Frequently Asked 05-05 Questions • Archaeological Sites and Resources (RCW 27.53) 	<p>Opened 9/10</p> <p>Closed 10/8</p>

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	<ul style="list-style-type: none"> • Archaeological Excavation and Removal Permit (WAC 25-48) • Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60) • Registration of Historic Archaeological Resources on State-Owned Aquatic Lands (WAC 25-46) • Aquatic Lands - In General (RCW 79.90.565) • Archaeological Site Public Disclosure Exemption (RCW 42.56.300) • King County Code 20.62 Protection and Preservation of Landmarks, Landmark Sites and Districts • Redmond Zoning Code 21.30 Historic and Archaeological Resources - Amendments to this RZC section have been recommended as a component of the CRMP by the Technical Committee for the Planning Commission and City Council's review and for Council's action. 	
<p>3. Did any work proceed in the absence of the CRMP, possibly causing issues with the signatories to the Bear Creek Memorandum of Agreement? (Fields)</p>	<p><u>City Council Discussion</u></p> <p><u>Staff Response/Recommendation</u> 10/8: Though work has proceeded, it has not caused such issues. In response to stipulations of the Bear Creek MOA and its addenda, staff attended conferences and trainings, and implemented several preliminary process improvements and automated tools. Early project-based consultation with the DAHP and affected Indian tribes has helped the City avoid causing such issues. Frequent communication with and among these parties continues to strengthen relationships and provides a variety of learning opportunities such as clearly defining steps that staff, applicants, and archaeologists shall implement when coordinating report review with the DAHP.</p>	<p>Opened 9/10</p> <p>Closed 10/8</p>
<p>4. What generated or trigger the requirement of the CRMP to be adopted? What was the background of the circumstances? Were fines imposed and was the contractor required to pay them? (Myers)</p>	<p><u>City Council Discussion</u></p> <p><u>Staff Response/Recommendation</u> 10/8: The activities and consequences associated with the inadvertent actions at the Bear Creek Rehabilitation project are described in the Bear Creek Memorandum of Agreement and its Addenda (Attachment A of the City Council's October 8, 2019 memo). Attachment A contains four documents that include 1) the Memorandum of Agreement (MOA) Among the U.S. Army Corps of Engineers, the Federal Highway Administration, the Washington State Department of Archaeology and Historic Preservation, the City of Redmond, and the</p>	<p>Opened 10/1</p> <p>Closed 10/8</p>

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	<p>Washington State Department of Transportation Regarding Treatment of Adverse Effects to the Bear Creek Site (45KI839), Redmond King County, Washington; 2) Amendment 1 to the MOA; 3) Amendment 2 to the MOA; and 4) the Washington Department of Archaeology and Historic Preservation Stipulation and Settlement Regarding Notice of Violation (DAHP Case No. 2014-3-KI-839). Headers have been added to Attachment A to distinguish between these four documents.</p> <p>Pages 1 – 2 of Amendment 1 to the MOA describes the inadvertent actions that led to the imposition of stipulated consequences.</p> <p>Pages 2 – 4 of Amendment 1 to the MOA include the stipulated consequences of the inadvertent actions (including fees).</p> <p>The stipulated consequences are also memorialized in the DAHP Settlement. Additional information in reference to DAHP Settlement Stipulation 15 can be found in Exhibit D - Cultural Resources Management Recommendations by the Bear Creek Project’s Independent Investigator of the August 21, 2019 Technical Committee Report – Development of the Redmond Cultural Resources Management Plan (CRMP).</p>	
<p>5. Provide a description of the training plan (Fields)</p>	<p><u>City Council Discussion</u> 10/8: Councilmember Fields requested additional information regarding the CRMP training plan including the people involved, number of hours, and whether training would be one-time or ongoing.</p> <p><u>Staff Response/Recommendation</u> 10/8: The CRMP training plan has identified a three-tiered approach to be provided by a consultant meeting the Secretary of the Interior’s Standards of professional archaeologist:</p> <ul style="list-style-type: none"> • Processing Applications for Development – primarily provided for Planning staff who engage with customers at the Development Services counter and who receive and review applications for development; • Capital Projects – provided for staff in Parks, Planning, and Public Works involved with all stages of capital project planning and construction; and • Field Operations – provided for staff who, during their standard field operations, could encounter cultural resources. 	<p>Opened 10/8</p> <p>Closed 10/8</p>

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	Staff anticipates pursuing services for training following the City Council's action on the CRMP recommendations.	
6. How can the community learn the probability of encountering cultural resources on their person property? (Myers)	<p><u>City Council Discussion</u></p> <p>10/8: Councilmember Myers asked how a person would be able to understand the probability of encountering cultural resources on their personal property. For example, if a person were considering developing an accessory dwelling unit, will they have a mechanism to help them determine a site's probability.</p> <p><u>Staff Response/Recommendation</u></p> <p>10/8: Currently, the community can refer to the Washington Department of Archaeology and Historic Preservation's online tool – WISAARD. It provides probability levels for the entire state and will continue to be available at https://dahp.wa.gov/historic-preservation/find-a-historic-place.</p> <p>Following the City Council's action, staff anticipates also providing a flag in the City's Property Viewer (https://gis.redmond.gov/pv) whereby an interested party or resident could see whether cultural resource management is likely to be required for a site.</p> <p>Both tools will provide access to information based on a site address. Staff will also continue to be available to answer questions and provide additional information based on a property's existing conditions and proposed development activities.</p>	<p>Opened 10/8</p> <p>Closed 10/8</p>