



July 20, 2023

Rob Roy Smith
Attorney at Law
Kilpatrick Townsend & Stockton LLP
1420 Fifth Avenue, Suite 3700
Seattle, WA 98101

Sent via email

Dear Mr. Smith:

Thank you for the opportunity to meet with you and representatives of the Snoqualmie Tribe and the State Department of Archaeology (DAHP) yesterday. I thought our meeting was productive. We discussed not only the western red cedar located at 3849 NE 88th Street in Seattle, but also the ongoing collaboration between the Tribe and the City to identify and inventory culturally modified trees in Seattle and the effort to develop local policies that establish procedures when cultural resources or sites are discovered on a lot. I am responding to your letter dated July 19, 2023.

As I indicated at the meeting, SDCI was not aware that the western red cedar at 3849 NE 88th Street was a cultural resource of the Snoqualmie Tribe (Tribe) at the time we reviewed the permit application to redevelop the property. SDCI received notification from the Tribe after the permit authorizing the removal of the tree was issued and the appeal period ended. The City does not have the authority to withdraw or rescind the final approved permit. Only recently, on July 18, 2023, and after the permit became final, did DAHP determine, consistent with the Tribe, that the tree is a cultural resource subject to chapter 27.53 RCW. As a point of clarification, I believe the Snoqualmie Indian Tribe Register of Cultural Properties Nomination Form you attached to your email should be dated July 19, 2023, not June 19, 2023. Also, I want to clarify that I do not recall ever suggesting in our phone call on July 19, 2023, that the Snoqualmie Tribe should sue the City. We strongly prefer a productive working relationship.

In situations of an inadvertent discovery of a cultural resource or site discovered after a local project permit is issued, DAHP has been given exclusive authority to act. Under chapter 27.53 RCW, the State legislature has made it unlawful for any person to knowingly remove an archaeological object from any historic or prehistoric archaeological resource or site, or to damage or destroy such cultural resource or site, without first obtaining a permit from DAHP. I understand that DAHP has already issued a letter to the property owner and the permit applicant informing them that DAHP and the Tribe have jointly determined that the tree is a culturally modified tree that is a cultural resource and subject to the requirements of chapter 27.53 RCW. Chapter 27.53 RCW requires the property owner to apply for and obtain a permit from DAHP before any further damage to the tree occurs.

Looking forward, I hope that the City, DAHP and the Snoqualmie Tribe will continue to work together to inventory culturally modified trees in Seattle and at a minimum develop policies and procedures that will apply when an applicant seeks to redevelop a lot that may contain an identified culturally modified tree.

Sincerely,

A handwritten signature in blue ink that reads "Nathan Torgelson". The signature is fluid and cursive, with the first name "Nathan" and last name "Torgelson" clearly legible.

Nathan Torgelson
Director

cc: WA DAHP State Historic Preservation Officer / Director Dr. Allyson Brooks(Allyson.Brooks@dahp.wa.gov)
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