

From: [Nora Kammer](#)
To: [Wood, Lisa A \(DFW\)](#)
Cc: [Nation, Theresa K \(DFW\)](#); [Stan Walsh](#)
Subject: SEPA comments re: WDFW Habitat Recovery Pilot Program SEPA 21051
Date: Wednesday, October 20, 2021 4:42:14 PM

External Email

RE: DNS-21-051 Hydraulic Rulemaking for Habitat Recovery Pilot Program SEPA Comments

Dear Ms. Wood:

We submit these comments on behalf of two federally recognized Indian tribes, the Swinomish Indian Tribal Community (SITC) and the Sauk-Suiattle Indian Tribe (SSIT), both of whom hold closely to their right to take salmon and trout for subsistence, cultural, and commercial purposes. The Skagit River System Cooperative (SRSC), representing the off-reservation natural resources interests of the SITC and SSIT, takes a keen interest in both protecting and restoring the habitat on which those fisheries depend.

We at SRSC actively participate in habitat recovery efforts throughout the Skagit basin through the implementation of habitat recovery projects that restore salmon habitat. We also work to protect existing habitat through a focused effort on reviewing project permits that may affect fisheries habitats in the Skagit basin and advocating for protection of the resource. Through these dual roles, we are keenly interested in a successful implementation of the Habitat Recovery Pilot Program (HRPP) authorized under RCW 77.55.480 and offer the following comments on the SEPA and the adoption of rules.

We are pleased and encouraged by the development of this program as a means to simplify the permitting of important salmon habitat restoration projects. Various permits can be either time-consuming for staff to prepare or costly when submitted, both representing a financial load on grant-funded programming. We recognize the savings in both staff time and project budget with the permit exemptions offered through the HRPP.

We also encourage proper training of the WDFW Area Habitat Biologists in carrying out the HRPP. Specific training for Area Habitat Biologists and other HRPP program administrators should be offered and emphasize a project's eligibility under RCW 77.55.480(2)(a) must meet BOTH categories of eligibility.

We also understand that proponents of projects applying for permits under the HRPP apply in the WDFW online permitting system, and shall also submit copies of the application to the local government within whose geographical jurisdiction the project will be located, the members of the multiagency permitting (MAP) team, and potentially affected tribes. The local government, any member of the MAP team, or an affected tribe, may request further review and evaluation of the project. We understand that the local government would include the County or City with jurisdiction and does not include any school district or special purpose districts. We encourage WDFW provide clarifying guidance specifying which local governments are involved in the HRPP and the MAP teams.

We understand that the completion of any cultural resources permitting prior to application to the HRPP is required. We request a clarification on communications with tribal partners regarding cultural resources under RCW 77.55.480(2)(c)(ii). We advocate that the HRPP work

directly with the tribe's cultural resources designated contact person for matters regarding cultural resources. We advocate that the HRPP work directly with the tribe's habitat and permitting contact person for matters regarding habitat and permitting. It is very important to recognize that while the organization may be the same for these two matters, the point of contact may be different. Cultural resources issues can be quite sensitive and private, and out of respect for the cultural resources and tribal community, the sensitive conversation and documentation should be limited to the appropriate individuals within tribal organizations.

SRSC appreciates the opportunity to comment on the Habitat Recovery Pilot Program, and we look forward to collaborating with WDFW on these and other matters. If you have any questions about our comments, or if there is anything more we can provide, please don't hesitate to contact me at (360) 391-8472 or nkammer@skagitcoop.org.

Sincerely,

Nora Kammer
Environmental Protection Ecologist