



March 7, 2013

Bob Zeigler
SEPA Responsible Official
Habitat Program
Washington Department of Fish and Wildlife
600 Capitol Way North
Olympia, WA 98501-1091

Re: Draft Water Crossing Design Guidelines (SEPA# 13005)

Dear Mr. Zeigler:

Yakama Nation has received WDFW's Draft Water Crossing Design Guidelines for comment, as required under your SEPA obligations. As fisheries co-managers, it is disappointing to learn that these important guidelines were developed without input and consultation with the Yakama Nation. This oversight is especially disappointing given WDFW's acknowledgement of treaty tribes in the draft document (p. 9):

WDFW's standard for reviewing hydraulic project proposals is the protection of fish life. Washington Treaty Tribes have treaty-reserved rights to harvest a share of the fish resource, and the Tribes understandably take a strong interest in actions that may impact resources subject to treaty-reserved rights. WDFW strives to engage the Tribes early in meaningful dialogue and consultation when water-crossing decisions may impact fisheries resources.

Given the importance of the Water Crossing Design Guidelines document, I am requesting that WDFW refrains from making a final SEPA decision and refrains from adopting the final guidelines document until WDFW engages in meaningful dialogue and consultation with Yakama Nation's technical staff.

Thank you for your time and attention. Please contact Kristina Proszek, Environmental Review Coordinator at (509) 865-5121 x. 6074 or at kris@yakama.com to arrange a meeting with our staff.

Sincerely,

Philip Rigdon
Deputy Director
Department of Natural Resources