

Lindsey Ozbolt

From: Lindsey Ozbolt
Sent: Wednesday, January 09, 2013 4:04 PM
To: 'Jessica Lally'
Cc: Kate Valdez; Kristina Proszek; Elizabeth Sanchez; Phil Rigdon; joe@yakamanation-olc.org; David Powell; John Marvin; Gretchen.Kaehler@dahp.wa.gov
Subject: RE: Sasse Ridge Long Plat LP-11-00002 YN CRP Comments

Jessica,

They will be included in the record for the hearing tomorrow night.

Thank you,
Lindsey Ozbolt

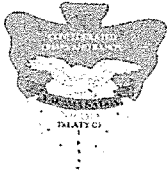
From: Jessica Lally [mailto:jessica@Yakama.com]
Sent: Wednesday, January 09, 2013 2:58 PM
To: Lindsey Ozbolt
Cc: Kate Valdez; Kristina Proszek; Elizabeth Sanchez; Phil Rigdon; joe@yakamanation-olc.org; David Powell; John Marvin; Gretchen.Kaehler@dahp.wa.gov
Subject: Sasse Ridge Long Plat LP-11-00002 YN CRP Comments

Lindsey,

Please see the Yakama Nation Cultural Resources Program's Comments regarding the Sasse Ridge Long Plat (attached).

Thank you,

Jessica Lally
Yakama Nation Archaeologist
Cultural Resources Program
509-865-5121 x4766



Confederated Tribes and Bands of the Yakama Nation
Established by the Treaty of June 9, 1855

Post Office Box 151
Toppenish Washington 98948

Kittitas County
Community Development Services
ATTENTION: Kittitas County Hearing Examiner
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

January 9, 2013

RE: Sasse Ridge Long Plat (LP-11-00002)

Yakama Nation CRP is providing these comments for the Kittitas County Hearing Examiner's January 10th, 2013 public hearing and in follow up to recent phone conversations with Kittitas County Planning staff, Lindsey Ozbolt.

As stated in our February 9, 2012 letter regarding this same subject, the Yakama Nation CRP has significant concerns regarding the treatment of cultural resources under this SEPA review. The SEPA checklist for the Sasse Ridge Long Plat states that Yakama Nation archaeologist, David Powell visited the site in 2004. It should be noted that Mr. Powell's site visit represents only a cursory review for a forest practices application and does not in any way fulfill the requirements of SEPA.

Yakama Nation CRP has identified the Sasse Ridge long plat as a culturally sensitive area and requested a full survey in our February 9, 2012 letter. We will consider the SEPA checklist deficient until such a survey has been conducted in accordance with SEPA and RCW 27.53.070.

The Yakama Nation maintains that question 13b of the SEPA checklist cannot be answered without a process that incorporates historic research, tribal consultation, data gathering and professional field investigation. The Yakama Nation has sent numerous correspondences to this effect with little to no acknowledgement from Kittitas County. Please see the attached letter dated June 30, 2006 from then Cultural Committee Chairman, Johnny Smartlowit. This letter is only one example of many sent to Kittitas County on this matter.

Kittitas County has cited language in RCW 27.53.070 that excuses the county from cultural resources surveys on private lands. While the Yakama Nation has always disagreed with Kittitas County's interpretation of RCW 27.53.070, it should be noted that law was amended in 2011. Language identified by Kittitas County dismissing the need for surveys on private lands has been clarified in order to more clearly reflect the intent of the law. RCW 27.53.070 now states:

"It is the declared intention of the legislature that field investigation on privately owned lands should be conducted by professional archaeologists in accordance with both the provisions and spirit of this chapter."

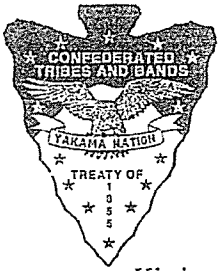
Yakama Nation CRP requests full survey of the Sasse Ridge long plat. Again, we will consider the SEPA checklist deficient until such a survey has been conducted in accordance with SEPA and RCW 27.53.070. If you have any questions, please contact me or call Yakama Nation Archaeologist, Jessica Lally at x4766.

Sincerely,



Johnson Menlnick
Yakama Nation Cultural Resources Program Manager
509-865-5121 x4737

CC: Kate Valdez, Yakama Nation THPO
Elizabeth Sanchez, Yakama Nation Environmental Management
Phil Rigdon, Yakama Nation Department of Natural Resources Deputy Director
Joe Sexton, Yakama Nation Office of Legal Counsel
David Powell, Yakama Nation Archaeologist, TFW
Scott Nicolai, Yakima Subbasin Habitat Coordinator, YKFP
John Marvin, Habitat Biologist, YKFP
Gretchen Kaehler, Department of Archaeology and Historic Preservation



June 30, 2006

Kittitas County Public Works
Kittitas County Planners
411 N. Ruby St., Suite 1
Ellensburg, WA 98926

Subject: SEPA Checklist, question 13.

Dear County Planner:

It has come to the attention of the Yakama Nation that Kittitas County has approved SEPA documents without adequate cultural resources investigations. Question 13b of the SEPA checklist reads:

"Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site."

This question cannot be answered without a process that incorporates historic research, tribal consultation, data gathering and professional field investigation. SEPA rules require that decisions made during environmental review be based on sufficient information. Threshold determinations must be "based upon information reasonably sufficient to evaluate the environmental impact of a proposal (WAC 197-11-335)." WAC 197-11-080(1) states that "(I)f information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies shall obtain and include the information in their environmental documents;" and "(W)hen there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear that such information is lacking or that substantial uncertainty exists."

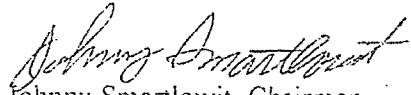
The rule goes on to say that "When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear that such information is lacking or that substantial uncertainty exists (WAC 197-11-080(2))."

In addition to this, WAC 197-11-080(3) says that if information is not available or costs too much to obtain or if the means to obtain the information is speculative or unknown, the agency may proceed but it "shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed." Therefore, without a professionally reasoned archaeological investigation of a proposed project area, it must be assumed that the entire area contains an archaeological site of cultural significance.

Much of Kittitas County is high probability to contain archaeological resources. Whenever you are the lead agency for SEPA determination and conditioning, please

require a professionally reasoned cultural resources survey to insure that question 13 is adequately answered. Please send the Yakama Nation's Tribal Historic Preservation Officer, Kate Valdez, a copy of the survey report. If you have any questions or comments, please do not hesitate to call Kate Valdez at (509) 985-7596.

Sincerely,



Johnny Smartlowit, Chairman
Cultural Committee

cc: Dave Ward, OLC
Dr. Allyson Brooks, State Historic Preservation Officer