

From: [Kelly Bacon \(CD\)](#)
To: [Jeremy Johnston](#)
Subject: FW: SE-21-00007 Spring Creek Restoration - Notice of Application
Date: Wednesday, April 21, 2021 8:48:11 AM

Not sure if you would like to address this with Guy Moura?

Kelly Bacon

Planner I

Kittitas County Community Development Services

411 N. Ruby Street, Ste 2

Ellensburg, WA 98926

Office: (509) 962-7539

kelly.bacon.cd@co.kittitas.wa.us

Please Note: In an effort to mitigate the spread of COVID-19 and the Governor's "Safe Start" reopening plan, Kittitas County Community Development Services is currently in Phase 3 and is open to the public in a limited capacity. At this time many of us are on a rotating schedule working from home and in the office; during this time I will do my best to respond to you as promptly as possible.

From: Guy Moura (HSY) <Guy.Moura@colvilletribes.com>

Sent: Tuesday, April 20, 2021 5:11 PM

To: Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>

Cc: sepa@dahp.wa.gov; Aren Orsen (HSY) <Aren.Orsen.HSY@colvilletribes.com>; Kate Valdez Kate Valdez <kate@yakama.com> (kate@yakama.com) <kate@yakama.com>; 'jessica@Yakama.com' <jessica@Yakama.com>; Aren Orsen (HSY) <Aren.Orsen.HSY@colvilletribes.com>

Subject: RE: SE-21-00007 Spring Creek Restoration - Notice of Application

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Kelly,

Didn't mean to be argumentative, but your review period does not end until consultation is complete. We have let the last dozen of your consultations slide by. Consultation is the County's responsibility. We should not have to look beyond the SEPA document to have all the necessary records. For example, the Project Description and Location should be clear in the SEPA document, there should be no need to "see the Project Narrative". We can't consult until we have the proper documents. If the report is in WISAARD then we need the DAHP Project Number and be listed as a reviewer.

It is best to have these issues addressed up front. EO 05-05 had similar requirements and now EO 21-02 is in effect. Some stipulations from EO 21-02:

“2. Agency should initiate consultation with DAHP and affected tribes early in the project planning process and must complete it prior to the expenditure of any state funds for construction, demolition or acquisition.”

“4. Consultation under this Executive Order may be delegated to non-state recipients of state funds but the state agency shall retain the responsibility to ensure an adequate consultation process and will be responsible for holding all records related to the tribal consultation process. The agency will provide the records to DAHP to demonstrate completion of the tribal consultation process.”

“9. In the event of a disagreement regarding the required consultations, or regarding the need or scope for archeological, ethnographic or cultural studies, the funding state agency, DAHP and/or GOIA shall meet with the Office of Financial Management policy and budget staff to identify an appropriate resolution.”

“The Office of Financial Management is directed to include in its budget and allotment instructions a requirement that agencies consult with DAHP and affected tribes, as appropriate, as part of the budget request and allotment process.”

“To the extent that they have not already received training, all appropriate state agency employees managing state-funded construction or acquisition projects, including grant or pass-through funding that culminates in construction or land acquisitions, will attend government-to-government training and cultural resource training provided by GOIA and DAHP.”

We understood your Code had a 15 day comment period. Please, never assume we do not wish to provide comment. If you do not receive comment we understand your need to proceed with the subject Application.

lim łomt, qe?ciéwyew, thank you

Guy Moura
Manager, History/Archaeology Program
Tribal Historic Preservation Officer
Confederated Tribes of the Colville Reservation
(509) 634-2695

From: Kelly Bacon (CD) [<mailto:kelly.bacon.cd@co.kittitas.wa.us>]
Sent: Tuesday, April 20, 2021 2:09 PM
To: Guy Moura (HSY)
Cc: sepa@dahp.wa.gov; Aren Orsen (HSY)
Subject: RE: SE-21-00007 Spring Creek Restoration - Notice of Application

Good afternoon Guy,

Kittitas County Code 15A.03.060 Notice of application speaks directly to our time frame for

comment periods. SEPA has a 15 day comment period. That being said, if additional time is needed to review documentation, it is well within your right to ask for additional time. I have spoken with Arden Thomas, Water Resources Manager for Kittitas County and the agent for the Spring Creek Restoration. The Cultural Resources Report is available on WIZARD. She would be happy to provide you with the Consultation Letter from DOE if you would like.

According to your email below, it appears your agency may need additional time to complete a full review. Do you happen to know how much time you may need?

Thank you,

Kelly Bacon

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From: Guy Moura (HSY) <Guy.Moura@colvilletribes.com>

Sent: Tuesday, April 20, 2021 12:48 PM

To: Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>

Cc: sepa@dahp.wa.gov; Aren Orsen (HSY) <Aren.Orsen.HSY@colvilletribes.com>; Guy Moura (HSY) <Guy.Moura@colvilletribes.com>

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Dear Kelly Bacon:

Aren Orsen is our lead for consultations in Kittitas County. If you have not sent it yet, we require the cultural resource report referenced in the SEPA checklist under Item B. 13. If we already received the report we will make every effort to respond by the May 5, 2021 deadline. If we have not yet received

the report, the review clock has not started. Your communication states, "The comment period will end May 5, 2021 at 5pm. CDS will assume your agency does not wish to provide comment if not received by this date." That would be an incorrect assumption. We recommend you acquaint yourself with EO 21-02 in reference to cultural resource consultation.

lim ləmt, qe?ciéwyéw, thank you

Guy Moura
Manager, History/Archaeology Program
Tribal Historic Preservation Officer
Confederated Tribes of the Colville Reservation
(509) 634-2695

From: Kelly Bacon (CD) [<mailto:kelly.bacon.cd@co.kittitas.wa.us>]

Sent: Tuesday, April 20, 2021 8:14 AM

To: Pat Nicholson; Ryan McAllister; Kim Dawson; Julie Kjorsvik; Toni Berkshire; Jesse Cox; Holly Erdman; Lisa Lawrence; Patti Stacey; Candie Leader; Gail Weyand; Yakima Nation - Jessica; Yakima Nation - J Marvin; 'johnson@yakama.com'; Yakima Nation - Environmental Review; SEPA Register; SEPA Unit; DOE - gcle; DOE - lowh; 'migi461@ecy.wa.gov'; 'FormerOrchards@ecy.wa.gov'; WDFW - Scott Downes; WDFW - Jennifer Nelson; WDFW - Elizabeth Torrey; WS DAHP ; James E Brooks Library - Jorgenja; James E Brooks Library - Nelmsk; Mike Flory; Douglas Mitchell; Jeremy Larson; Steph Mifflin; WA State Department of Health - Russell; 'Kennedy, Becky (DNR)'; 'PRESTON, CINDY (DNR)'; 'rivers@dnr.wa.gov'; 'Allison Kimball (brooksideconsulting@gmail.com)'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'mgallagher@kvnews.com'; 'legals@kvnews.com'; 'deborah.j.knaub@usace.army.mil'; 'lhendrix@usbr.gov'; 'Michael.j.daniels3.civ@mail.mil'; 'mark.a.gradwohl.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; 'Lynn.Harmon@PARKS.WA.GOV'; 'pubworks@ci.ellensburg.wa.us'; 'comdev@ci.ellensburg.wa.us'; 'energyservices@ci.ellensburg.wa.us'; RichElliott; 'Jessica Lally'; 'Jon Shellenberger'; 'Noah Oliver'; 'corrine_camuso@yakama.com'; 'kate@yakama.com'; Guy Moura (HSY); 'steve@snoqualmtribe.us'; WS DAHP ; Aren Orsen (HSY); 'klarned@fs.fed.us'; 'scplanning@wsdot.wa.gov'; 'kdkistler@bpa.gov'

Cc: Jeremy Johnston; Rachael Stevie (CD); Jeremiah Cromie; Arden Thomas

Subject: SE-21-00007 Spring Creek Restoration - Notice of Application

Good morning,

CDS is requesting comments on the following SEPA application SE-21-00007 Spring Creek Restoration. Links to the file materials can be found below. The comment period will end May 5, 2021 at 5pm. CDS will assume your agency does not wish to provide comment if not received by this date. Please contact me directly with any questions or issues accessing the materials.

[SE-21-00007 Spring Creek Restoration Internal](#)

[SE-21-00007 Spring Creek Restoration External](#)

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