



February 14, 2018

Washington Department of Ecology
ATTN: Rebecca Inman
P.O. Box 47600
Olympia, WA 98504-7600

RE: Proposed Amendment of Chapter 173-166 WAC – Emergency Drought Relief

Dear Rebecca:

Thank you for the opportunity to comment on the proposed amendment to the Emergency Drought Relief rule. Preparing for impacts from droughts and other projected changes in climate patterns is a high priority for the Jamestown S'Klallam Tribe.

The Dungeness River, as you know, is “water critical” and already experiences competition for a limited water supply during normal water years. This is one of the reasons Ecology enacted the Dungeness Water Management Rule in 2013 and why the Tribe has worked for decades to restore instream flows for four ESA-listed salmon species in the Tribe’s home watershed. We have already experienced extremely impaired river conditions, barriers to fish migration and reductions in salmon survival. In 2015 the snowpack was essentially nonexistent which resulted in low flows, high temperatures and extended drought.

The Tribe agrees that the weather conditions Washington experienced in 2015 may be representative of “the norm” for our near future. It is therefore prudent to plan for projected climate trends so as to prevent or reduce any associated hardships. We hope that any amendment proposed for Emergency Drought Relief would strive for this.

The Rule Proposal Notice includes “mak[ing] the rule easier to implement and understand” as one reason for the amendment. As a recipient of 2015 emergency drought relief funding, and given that continued extreme climate patterns are anticipated, the Jamestown S'Klallam Tribe welcomes improvements to how droughts are handled via rule(s), especially regarding improved access to funding for drought response. As Ecology’s 2015 Drought Response Summary¹ (March 2016) declares, funding uncertainty related to the 2015 state-wide drought meant delays in response, and because of this, “... *it was difficult for many entities to design and construct projects that provided timely drought relief. This delay also hampered drought response by partner agencies...*” This sentiment was true in the Dungeness. For example, drought relief funding was not accessible until July 2015, well after drought planning first initiated (Winter 2014) and the first fish impacts were encountered (around May 2015), and only following a lengthy and duplicative application process.

¹ Washington State Department of Ecology. March 2016. 2015 Drought Response Summary Report. Publication no. 16-11-001. Olympia, WA.

Ecology's 2015 Drought Summary reflects on the above types of challenges experienced during the 2015 drought, and considerations for future response. It advises when planning for future droughts to use the lessons learned in 2015, and even highlights the fact that a State Drought Preparedness Account, which "...allowed agencies to begin drought response activities immediately when a drought was declared," such as in 2005, was not accessible at the time of the 2015 drought. Yet, the report's recognition of the importance of financial planning for droughts is not reflected in the proposed changes to the rule. Rather, the proposed amendment possibly has the opposite effect by making financial support less certain.

It is not clear how removing all funding assistance language from the rule improves the ability to alleviate drought conditions through drought projects and measures. Please explain how the proposed changes will improve drought preparedness and access to funding assistance, and how future drought response funding will be managed.

While the detrimental impacts of the 2015 drought were long-term and wide-ranging, it has also been an opportunity to recognize the strengths and weaknesses of Washington's climate change preparedness. Any changes to drought relief rules should take those lessons into account. Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink that reads "Hansi Hals". The signature is written in a cursive style.

Hansi Hals
Natural Resources Director
Jamestown S'Klallam Tribe