

December 14, 2020

Washington Department of Fish and Wildlife  
North Puget Sound Regional Office  
Attn: Seth Ballhorn  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1541

**Subject: Waterfowl Advisory Group comments on the draft restoration alternatives proposed by WDFW on the Skagit Wildlife Area – Island Unit**

To the decision-makers at WDFW;

The WDFW Waterfowl Advisory Group (Waterfowl-WAG), are providing requested comment on the restoration alternatives proposed by WDFW on the Skagit Wildlife Area – Island Unit.

The Waterfowl-WAG's preferred alternative is Alternative 1 – No Restoration, as this alternative is the only one presented that is within the original fund-source's intent of acquisition and protection when these lands were purchased in the early-1950s, it is the only one that provides benefits to an incredible number of waterfowl that depend on this site for winter food (likely the best example of waterfowl management on **public land** in Washington), and is the only one consistent with the Washington Department of Fish and Wildlife's stated purpose within state law. Any other alternative should be considered a conversion and mitigated appropriately.

The Skagit Wildlife Area-Island Unit is hallowed ground for both the ducks and duck hunters. For almost 70 years, this 141 acres, known to the waterfowling community as the "farmed island", has contributed more than 70 million duck-energy-days (days of duck food) and provided recreational opportunity to 10,000s of waterfowl hunters in Washington, many travelling from far outside of Skagit County.

The Waterfowl-WAG, consists of 20 volunteers appointed by the WDFW Director to serve as a liaison between WDFW and the waterfowling community. Collectively, this group contains more than 300 years of waterfowling experience. We represent individuals who have hunted this site for decades, those taken and trained in the art of waterfowl hunting by fathers and friends, and a group who has been fundamental to the user-driven model of waterfowl conservation, a tradition since the 1930s. Acquisitions like the "farmed island", made in the 1950s, were and still are core to the principles of waterfowl management, taken to heart by both state and federal agencies attempting to compensate for the extensive impacts to wetlands, both freshwater and tidal, critical to sustaining populations at already reduced levels. Deviation from this core tenant and original intent, without maintaining function, is inconsistent with the most recent update to the international North American Waterfowl Management Plan and represents a troubling interpretation of WDFW's mission and obligations to the waterfowl resource and recreational user groups who have provided the funding to maintain this obligation. While duck populations recently reached historic continental population highs, history has shown us repeatedly booms are always followed by bust-cycles, and unless waterfowl habitats needed throughout their entire annual lifecycle are secured and protected for these vital functions, we are doomed to repeat the past. Case in point, the continued concerns over northern pintail, a highly prized harvest species that has been in the most restrictive bag-limit the past two seasons. Mallard, northern

pintail, wigeon, and green-winged teal all depend extensively on this site, every year, from October through March.

It is important to emphasize, Alternatives 2-4 would represent the fourth project undertaken by WDFW targeted for fish-driven restoration with similar consequence of displacing both waterfowl food and waterfowl hunters, and to date no actionable results have provided secured equivalent function for either ducks or the waterfowling community. This highlights a systematic problem by WDFW leadership that has chosen to *prioritize* their mission to move projects forward, rather than find ways to compromise in order to find solutions. Ease, ignorance, and excuses are not adequate replacements for waterfowl food and places for waterfowl hunters to pass on this conservation tradition.

The Waterfowl-WAG would like to highlight several issues and concerns brought up while reviewing the Draft Alternatives Analysis report and provide specific comments and recommendations:

WDFW policies:

- 1) The ranking and supporting statement provided would be true if this was newly acquired public land, but that is not the case in this decision (5.1.1). The supporting statement should read: “Each alternative will force WDFW to prioritize a species’ habitat, at the cost of another.” Alternatives 2 through 4, represent a conversion from original intent and are a loss to already limited winter waterfowl habitat and long coveted and relied upon waterfowl hunting sites on the ground.
- 2) Policy 5211 is not consistent with guidance given by the Interagency wetland mitigation guidance to which WDFW co-developed. The selected language also ignores the explicit statement provided in Policy 5211: ‘Guides the department’s management of wetlands and emphasizes **“no net loss and long-term gain” of wetland areas and functions**’. The wetland management activities currently implemented for the reason of providing winter waterfowl forage, attempt to mimic wetland habitats that have been lost; in other words, replacing a function lost on the landscape nearly a century ago. Taking this function away does not constitute protection or conservation, *it clearly represents and perpetuates further loss*.
- 3) The selected justification from the Washington State Wildlife Area Goals 1-3, has the appearance of selecting criteria to fit a desired outcome. These goals ignore a much broader context provided in the 52-page document. This also completely ignores a specific management plan for this Wildlife Area. Most concerning is any decision for the presented alternatives set, is being considered in isolation of the rest of the Skagit Wildlife Area. This Wildlife Area is on the cusp of updating its overall Wildlife Area Plan, and we fail to see how a rush to a decision now is providing that Advisory Committee the appropriate context to inform their discussions.

**The Waterfowl-WAG recommends that for Alternatives 2 through 4, and before any actions are initiated on the ground, steps be taken by WDFW to develop a Wetland Mitigation Plan striving to achieve ‘no net loss and long-term gain’ (consistent with policy 5211), and develop a detailed strategic waterfowl management plan, in consultation with entities charged with implementing waterfowl population and wetland acreage objectives (example: the North American Waterfowl Management Plan Committee and Pacific Birds Habitat Joint Venture).**

WDFW Obligations and Agreements:

- 4) The statement that the timeline driving this Alternatives Analysis report is related to contractual obligations associated with a Salmon Recovery Funding Board grant is concerning.

- 5) Under Funding Obligations, the statement suggesting the use of fishing and hunting licenses revenue was used to match Pittman-Robertson federal dollars is deceitful; the agency was not merged at this time. Further to retrospectively assess allowable uses of 70-year old state revenue is misguided. Taking advantage of hunter-derived funds (intended explicitly for wildlife-related activities under Federal Aid in Wildlife Restoration Act, aka Pittman-Robertson funds) for a fish-driven objective is not appropriate. To date, no fishing-derived funds have successfully been used to acquire or protect *replacement lands* to account for prior conversion activities, an agreement WDFW made with the waterfowling community.
- 6) The individuals involved in a sequence of decisions *did not hold the ultimate authority to make such decisions*, and entities that should have been included in the considerations were not. In succession, the considerations in, House Bill 1418 (2003), the Skagit Chinook Plan (SCP, 2005) and the Skagit Tidegate Fish Initiative (TFI, 2010; note: this project was only identified as a potential project) made three critical overreaching assumptions: 1) that no other objectives existed that should be considered, 2) that no existing fiscal constraint or objective was insurmountable, and 3) that no mitigation would be required for existing function and objectives. This is made abundantly clear in the SCP description for the Deepwater Slough-Phase 2 (p.189) project when it stated: **“Pressure from private landowners could press this project site into an earlier phase of restoration. Presently the site services a single user group. Making it a potential target by other user groups who would prefer to see restoration pressures realized by WDFW.”**
- 7) In other words, this project is *not required*, but rather it is *desired*. In a presentation provided to the Island Unit Advisory Group, even in the best-case scenario this site does not reach the smolt capacity objective (Feb. 3, 2020), but it undoes 70 years of successful waterfowl management, in alignment with international guidance, in the blink of an eye.
- 8) We disagree with the ranking provided under Migratory Bird Management, at a minimum, the Full Restoration alternative substantially changes WDFW’s contribution to the long-term stability of winter waterfowl populations and does not provide any measures to counter the continued net-loss of enhanced forage function; *replacement lands*.

#### WDFW Future Cost and Funding:

- 9) The rating and justification of “very unlikely” for Alternative 1 is misguided and disingenuous. As recently as March 2015, the Waterfowl-WAG recommended expenditures from the state Duck Stamp revenue and elevated this ask to highest priority under the Capital Budget portion of this expenditure. This group would do so again. *This has the appearance of pre-determined action.*
- 10) Wildlife-funding should not be used to cover O&M costs associated with cattail control. Any alternative that introduces tidal condition must come with appropriated (non-hunter derived) funds to anticipate this persistent and re-occurring problem. Every neighboring restoration in this area has resulted in this invasive cattail, yet leaving WDFW constantly seeking short-term grant funds, for what is a known long-term active management problem. No ‘natural process’ has solved this problem for WDFW.
- 11) All tidegates are not the same. While supporting documentation looks at typical agricultural tidegate structures, we would like to stress other types exist and have been used successfully for multi-species and multi-benefit restoration projects in portions of the Pacific Coast, as well as elsewhere in the country. All options in design and feasibility should be explored.

The Waterfowl-WAG recommends that WDFW consult with entities familiar with waterfowl conservation and restoration projects (not just the Region 4 Habitat Engineer) to conduct a more thorough evaluation of funding alternatives and costs, and to explore the variety of tidegate infrastructure that has been used successfully out of state. The Waterfowl-WAG reiterates, state Duck Stamp funds have been previously recommended to address tidegate infrastructure at this site and would encourage thorough evaluation of design and feasibility options, including lessons learned from partners with familiarity and experience with these types of projects.

The Waterfowl-WAG recommends that cost estimates for Alternatives 2 through 4, must consider adequate replacement of function for both waterfowl food and waterfowl hunter days afield. This should be evaluated in concert with the recommendation provided under “WDFW policies” and should be reliant on secured funds, not short-term grants.

WDFW Fish and Wildlife Needs:

- 12) The obligations and intent tied to the Island Unit when purchased, were made in the recognition of extensive loss of wetland function necessary to sustain waterfowl populations. While wetlands are not “listed”, WDFW recognizes many wetland types as “Priority Habitats” and reflects this intent of no-net loss and long-term gain for wetland areas and function. The Endangered Species Act, established 20 years after the acquisition of this site, has certainly added a layer of complexity, but does not override the original intent of protection or the need to keep function that is severely impacted in the surrounding.
- 13) Inclusion of Southern Resident Killer Whale, at a minimum, has the appearance of pre-determined intent. As stated above, the best-case scenario fails to reach smolt capacity objectives, the justification provided for the ranking is misleading as to its direct relationship to the rankings provided. No equivalent far-reaching considerations are given to the other species of waterfowl that would be impacted by under Alternatives 2 through 4.
- 14) Not all acres are created equal and linear feet of channel during the spring does not describe the habitat required by ducks or that is desired by duck hunters in providing recreational opportunity and access to public land.
- 15) To date, as presented by WDFW (Feb. 3, 2020) from previous nearby “restoration” actions, public lands are at a deficit for providing acres of “enhanced forage”, and WDFW chooses to pretend “managed forage” acres are equivalent; **To make the difference clear; enhanced forage has food, managed forage acres (like silage cut corn fields) does not.** These types are not equivalent in function and represent a net-loss. It is worth noting, the ~200 acres of “gained” enhanced forage is ***paid for by the revenue derived from the sales of Migratory Bird Permits (your waterfowl hunters), prompted by the past “restoration” activities, and is the only means to encourage commercial agriculture to contribute to the problem statement.*** Additionally, it is preposterous for WDFW to believe private land sites obtained through federal grant funding is “secure”, particularly without any strategic plan or long-term agreements in place.
- 16) Restoration activities in this same region of the Skagit River estuary were conducted under the well-documented premise that replacement lands would be sought by the department to offset the impacts to waterfowl forage (function) and waterfowl hunters (recreational opportunity). WDFW has repeatedly failed to live up to these promises, and this proposed action represents a far greater impact than any of the previous actions. **The waterfowl community is not asking to gain, we are simply asking that WDFW maintain equivalent function and recreational opportunity before further actions are undertaken.**

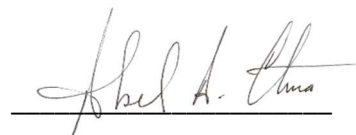
**The Waterfowl-WAG strongly recommends, WDFW seek ways to solidify waterfowl forage through acquisition, conservation easement or re-strategizing agricultural leases on their lands, AND to secure waterfowl hunter sites through acquisition, easement, or private land contracts; consistent with objectives clearly articulated in the North American Waterfowl Management Plan, and WDFW's Game Management Plan, and as demonstrated by public-private partnership examples.**

In closing, the Waterfowl Advisory Group would like to emphasize, this is too important of a decision to rush and not have a strategic plan that addresses the impacts to waterfowl winter forage and waterfowl hunters. The Island Unit represents one of the most unique examples of waterfowl management and waterfowl hunting opportunities on public land in western Washington. The true uniqueness of this site was not adequately addressed in the alternative analysis criteria or narrative, demonstrating a lack of attention to one of WDFW's primary stakeholder groups. The Waterfowl-WAG has established through past prioritization of these types of expenditures from the state Duck Stamp fund, because that is what state law mandates WDFW to do; to improve wetland habitats and access to the public, on public lands, in Washington. We ask WDFW to recognize that **NONE** of the public land parcels in WDFW's current inventory have the potential to provide, let alone mitigate, **1 million duck-energy-days annually** nor to absorb an additional **1,500 duck hunter days afield**. This can not be ignored. A proper assessment, in accordance with steps outlined in the multi-agency, statewide Wetland Mitigation Plan, should be completed and the Pacific Birds Habitat Joint Venture should be an active participant in providing guidance consistent with the North American Waterfowl Management Plan.

Finally, **the Waterfowl-WAG requests a briefing by a WDFW decision-makers, not a field staff messenger, once a final alternative is selected.** We hope the department decision-makers practice due diligence before a final alternative is selected, that would include providing waterfowl managers the opportunity to craft a strategic waterfowl management plan that thoroughly evaluates consequences of changing the fundamental function being provided by current management practices on public land.

Thank you for time and attention.

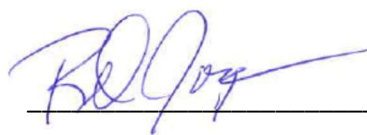
**Waterfowl Advisory Group**



Abel Cortina (Chair)

12/14/2020

Date



Bob Jorgenson (Vice-Chair)

12/14/2020

Date

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