Chairwoman's Corner
By Chairwoman Amber Caldera

It's a familiar sight: on weekends and over holidays, the shoulder of SR 104 leading into Kingston turns into an overflow lot for cars waiting to board the ferry. While everyone does their best to keep the traffic and their collective patience in check, this set-up has had an undeniable impact on the town's accessibility.

That's where the SR 104 Realignment Project comes in.

The SR 104 Realignment Project would widen NE First Street to accommodate two-way ferry traffic. Downtown Kingston would be redeveloped with an eye on better pedestrian access to local businesses, public transit, and bike lanes. Not only will the Realignment Project ease Kingston's traffic burden, but it'll provide much-needed investment in local economic development, encouraging locals and tourists to spend their money and time downtown. Time and again, this kind of investment in local infrastructure has shown to pay dividends to the health and vitality of a community.

As the Washington State Department of Transportation (WSDOT), the state agency overseeing the SR 104 Realignment, began survey work, they discovered a potential fish passage barrier via a culvert in Whisper Creek, which runs along the project route exiting into the Puget Sound next to the Kingston Ferry Terminal. Work was paused for further investigation.

A fish passage barrier is any structure that doesn't allow the passage of all fish species at all mobile life stages. These barriers can be naturally occurring but are usually human made. It is estimated that there are 40,000 fish passage barriers—often culverts—across Washington State. Fish passage barriers impact environmental health, fish populations, and the ability of tribes to practice their treaty rights.

Treaty rights protect the inherent right of tribes to hunt, fish, and gather as our ancestors did. In Washington state, treaty rights were reserved, not granted, in exchange for land, including, often, the loss of access to culturally significant sites.

In 1974, U.S. v. Washington (also known as the Boldt Decision for the presiding judge) issued a landmark judgement reaffirming treaty rights and naming tribes as co-managers of natural resources in partnership with the state. Tribes, including the Port Gamble S'Klallam, take this responsibility to protect and co-manage seriously.

In 2001, 21 treaty tribes sued the state of Washington over highway culverts that were blocking fish passages. In 2018, the U.S. Supreme Court affirmed the ruling of a lower court ordering the state to identify and remove fish passage barriers as a part of their obligation to protect treaty rights. The Washington Department of Fish and Wildlife (WDFW) has been the lead agency inventorying fish passage barriers. They have developed a Priority Index to elevate projects that could benefit salmon and the habitat the most.

This leads us back to Whisper Creek. Since the identification of the potential fish barrier, teams from WSDOT, WDFW, PGST, and Suquamish have all visited the site to determine its effect on salmon passage. Based on data collected, we believe that Whisper Creek is a fish bearing stream and its culvert is harming salmon rearing habitat. The culvert at Whisper Creek should be added to the state's list for correction.

I recognize the need for the Realignment Project: it will revitalize downtown Kingston and ease ferry traffic congestion. A definite win-win for Kingston and surrounding communities, including my own. At the same time, it is imperative that we protect and preserve our natural resources, like those supported by Whisper Creek.

To be clear, this is not an either/or situation: we can do both to create better outcomes for salmon populations and the town of Kingston. What it requires is continued partnership, an understanding of what's at stake, and a bit more patience.