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Swinomish Tribal Community
A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476
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Office of Planning
and Community Development

Charles P. O'Hara, Planning Director

Hannah Hadley
Environmental Manager
US Army Corps of Engineers - Seattle District\

RE: Skagit General Investigation Scoping Comments
September 7, 2011

Dear Ms. Hadley:

On behalf of the Skagit River System Cooperative, which represents the fisheries interests of the Swinomish Indian Tribal Community and the Sauk-Suiattle Indian Tribe, I would like to provide the following scoping comments regarding the Skagit General Investigation Study. As you know, we have been involved in these flood related matters since 1993. As we have stated from the onset, the Tribe cannot take a position regarding the acceptability of any the alternatives until adequate environmental studies are done to determine the extent, if any, to Tribal fisheries resources. Our position has been consistent in this regard, as can be observed in the letter (attached) sent to the Corps in 1963 detailing our concerns regarding the Avon Bypass. Therefore, a common concern that has not yet been adequately addressed is the lack of environmental analysis that has been undertaken to date as part of the GI study. Given the financial resources available to the Corps and time frame that you are striving to complete the study, we are concerned that the environmental analysis necessary to make informed decisions will be lacking. Please supplement these scoping comments with those comments we have provided to you in the past regarding our concerns regarding the importance of environmental analyses associated with each alternative. With this broad overview in mind, we would like to provide the following specific comments.

1. We are concerned that there is a shifting environmental baseline. Have current baseline analyses included changes in water surface elevation associated with the Mt. Vernon floodwall built to date, intended to be built, or prior to its construction. It is unclear what the baseline from which we will be measuring impacts associated with each project alternative. In addition, without a clearly

defined baseline, it will be difficult to determine which environmental components included in the final recommendations will be considered mitigation and which ones will be undertaken as part of restoration efforts. It is important to have quantitative information regarding the mitigation burden so that project proponents will fund mitigation with funding that would not otherwise be used to meet salmon recovery needs. A no net loss policy for habitat is important in determining the environmental burden for flood reduction projects, but is inadequate to meet chinook and steelhead recovery needs so important to Tribal communities. We do not want to see funding that would otherwise be used to support salmon recovery be diverted to mitigate the impacts from flood reduction projects. A Planning Aid Report letter sent to you by the US Fish and Wildlife Service in 1997 in response to the efforts to study and implement the Avon Bypass project details the importance of clearly and quantitatively determining existing baseline conditions. We assume you have a copy of this letter in your records. We generally supported the position of the US Fish and Wildlife Service in their 2000 Planning Aid Letter (attached)

2. We believe changes in hydrology and sea level must be incorporated in any flood related environmental analyses conducted by the Corps. . Current predictions from the University of Washington indicate that the magnitude of flooding will be greater as a result of climate change, and the frequency of flooding events will be greater as well. . With projected sea level rise, there is s greater likelihood that back water effects from high tide during flooding will be greater than it is today. These effects should be modeled in any analysis of future flooding scenarios, alternative analyses, and environmental assessments.
3. We believe that in-depth cumulative impacts assessments are required as part of this EIS. In fact, we feel that this type of analysis is the most valuable part of a GI study. It is the integration of a variety of alternatives that hopefully will result in the most cost effect, environmentally responsible project. No such analysis has yet taken place. Inadequate analysis can have significant environmental consequences. One example that illustrates our concern is the support on the part of some for widening the three bridge corridor. While that may alleviate flooding within the corridor, it may increase flows downstream. These increase flows may put downstream landowners and infrastructure at greater risk. If the bridge expansion were to take place without providing for downstream protection, the potential exists that an immediate response would be to increase the heights of existing levees, which in turn could have adverse impacts on the Skagit floodplain and salmon habitat. This is merely an example of what could occur without adequate cumulative effects analysis provided for illustrative purposes. We only want to be certain that each alternative will be considered in context with upstream and downstream impacts that may occur.

4. We believe that the selection of technical experts chosen to undertake these studies should be done collaboratively with resource managers. We would like to point to Puget Sound Energy's Baker River FERC relicensing process. This process was felt by most participants to be a model process that provided collaboration among participants where there was confidence in the consultants chosen and the questions asked, and the approach for answering these questions was fully vetted by interested parties. A similar approach will decrease the likelihood of disputes regarding the adequacy of environmental studies if there is agreement on these issues in advance of study implementation.
5. It is unclear to us the level of flood protection that is anticipated to result from this analysis. Will the level of protection merely be that which results in a positive benefit/cost ratio, or will 100 year flood protection be an underlying constraint of any alternative. We found this to be an important issue in previous discussions regarding Avon Bypass. If the bypass was to be used only to ameliorate the impacts of a 100 year event, the environmental analysis and consequences would be quite different than if it was expected to receive river flows on a more frequent basis, such as a 10 or 25 year event. It is important for some of the alternatives, such as those studies effecting dam operations, bypasses, or the use of flood gates that prior to environment analysis a clear understanding of operational constraints be developed.
6. Please see the email from Mike Scuderi of 11/13/2001 (attached) . It provides a good insight into some of the environmental analyses that should be undertaken. Many of the "Critical Questions" raised in this email apply to the alternatives currently under consideration.
7. A more robust sedimentation analysis that evaluates each of the alternatives under consideration should be undertaken to evaluate consequences to channel morphology and salmon habitat related to the various alternatives. In particular, these effects should be modeled based on the most recent climate change scenarios developed specifically for the Skagit Watershed. It should evaluate sediment routing, and the magnitude and duration of sediment as a result of project implementation
8. A build out analysis should be undertaken to evaluate how future development will take place as a result of flood damage reduction efforts. In particular, how will future buildout effect floodplain management that is required pursuant to the NOAA biological opinion associated with the FEMA flood insurance program.
9. Please see attachment "Tidegates and Pump Houses SOW" that was developed by the Corps during scoping for the GI that was conducted in 2005. Please also see Excel spreadsheet attachment "Skagit Concerns" also developed in 2005 as part of previous scoping studies. Finally, the attached document "Potential topics" also

details concerns that were raised in previous scoping comments that evaluate the proposed alternative that were being considered at the time.

I hope you find these comments helpful. Please feel free to contact me if you have any additional questions, and we look forward to working with you in the development of the Draft EIS.

Thank you for your consideration.

Sincerely,

Larry Wasserman
Environmental Policy Manager