



Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476

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Ms. Hannah F. Hadley
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, Washington 98124-3755 United States Army Corps of Engineer

RE: Skagit River Flood Risk Management General Investigation (GI) Draft Feasibility Report and Environmental Impact Statement

July 25,2014

Dear Ms. Hadley:

The Swinomish Indian Tribe would like to provide the following comments regarding the Skagit River Flood Risk Management General Investigation (GI) Draft Feasibility Report and Environmental Impact Statement. The Tribe has usual and accustomed fishing rights within as well as beyond the Skagit and Samish River Basins secured in the Treaty of Point Elliot of 1855. Therefore, any impacts associated with flood control measures that might adversely impact the Tribes' fisheries is of grave concern. The Tribe has been actively involved in the progress of Corps led flood reduction studies since 1993, and has provided comments to the Corps regarding flood control efforts for three decades preceding that (letter attached). It is therefore particularly distressing to review this document and find that only the most cursory analysis of the impact to fisheries resources and the Tribe's ability to sustain meaningful fisheries was considered. In fact, there was no quantitative fisheries analysis undertaken at all in the DEIS despite nearly 50 years of requests by the Tribe to the Corps to adequately assess the impacts of flood reduction efforts on its fisheries. We believe this DEIS is deficient with regard the requirements of the National Environmental Policy Act, and is a dereliction of the Corps Trust responsibility to protect Tribal resources. However, we want to state with absolute clarity that we are not opposed to the implementation of flood reduction measures, and we recognize the potential economic and life threatening impacts that can occur with the ever increasing frequency and magnitude of floods to come. However, the cost of the additional levels of flood protection cannot and should not be borne on the backs of our fisheries resources and the Swinomish Indian Tribal Community which depends on these resources for its very existence. In addition, it appears that if conservative climate change predictions are correct the expenditure of approximately \$225 million for project construction plus approximately \$800,000/year for

payments to Puget Sound Energy for additional flood storage will result, by 2070, to providing a level of flood protection that is far below that projected in this DEIS. This investigation is deficient in analyzing the impacts of this project on the environment, or providing for meaningful discussions of the type of mitigation necessary to offset these impacts. We believe that a more appropriate approach that should have been taken, particularly given the millions of dollars that have been spent on this analysis over a long period of time, would include a detailed and quantified environmental analysis with the details of specific mitigation measures to be taken provided and with incorporation of well accepted analyses of climate related changes in hydrology, storm surge, sediment movement, and sea level rise. Unfortunately, this GI was undertaken without the requisite analyses provided. We also believe that it would have been appropriate to include an alternative that would provide some measure of environmental benefits associated with the project.

Based on the limited information provided in the DIES as well as decades of on the ground experience managing fish and fish habitat within the Skagit and Samish River watersheds, we believe there will be significant environmental impacts associated with the Preferred Alternative. Adverse impacts to natural resources associated with the construction and maintenance of miles of new levees, the encouragement of additional development in the floodplain, additional offshore export of sediment, downstream displacement of juvenile anadromous fish, additional erosional forces on existing limited in-river habitat, changes in Baker Lake flood control operations, and emergency responses to levee failures that often result in long term adverse impacts to fish habitat are all likely outcomes of the proposed alternative. Bypass levee alternatives will result in the premature export of fish into marine environments that will result in higher mortalities that would occur were the fish able to remain within freshwater environments, and increased sediment loads to Padilla Bay, an area that provides an important crab fishery to the Tribe.

With that being said, we provide the following specific comments.

1.10 Planning Process and Report Organization 3. Determine Federal Interest. There has been no analysis of how the selection of the preferred alternative will effect Tribal fisheries, or an evaluation of how the Corps Trust responsibility for the protection of Tribal assets will be exercised.

2.5 Planning Constraints: No mention is made of whether the Corps or sponsors have any constraints with regard to impacts to Tribal fisheries resources. Within the Skagit River basin, impacts to ESA listed fisheries resources is limited to steelhead, chinook and bull trout. Tribal fisheries are equally dependent on the remaining non-listed anadromous species such as coho, pink, sockeye and chum salmon, It is unclear as to how the Corps intends to address potential impacts to these resources. We believe the Corps is constrained from damaging Federally secured fisheries resources.

3.1.2 Existing Economic Overview: The description of Tribal reservations and fishing rights is incorrect. The Samish Nation has neither a reservation nor usual and accustomed fishing rights in either the Samish or Skagit River basins. The Lummi Tribe has neither a reservation nor usual and accustomed fishing rights in the Skagit Basin. They do have usual and accustomed fishing rights in the Samish River basin.

3.2.1 Future Without Project Condition-Future Flooding Condition; This section is deficient in that it ignores a significant amount of information previously provided to the Corps regarding the likely impacts of global climate change resulting in an increase in the frequency and magnitude of floods, additional

sediment mobilization ,and elevated sea level rise. Please attach by reference the letter submitted to you from the Skagit Climate Science Consortium which more fully details the existing data associated with climate change downscaled to the Skagit River basin and the analytical deficiencies in this GI. The statement that since the Corps believes that the effects of climate change on hydrology and hydraulics is uncertain no analysis of future without project conditions was undertaken is not compelling and creates a misleading analysis of the costs and benefits of this project. In fact, climate change analysis indicates that what the Corps is predicting to be a 250 year event in 2080 is actually predicted to be a 55 year event. No such modelling was done by the Corps, and therefore all environmental and economic analysis that depend on a fixed flood return frequency will underestimate economic and environmental costs of this project.

This section also mischaracterizes the Baker FERC license as providing an option to purchase additional flood storage. The Baker License contains a place holder for future USACE study and action on additional flood storage not an option for purchase.

3.2.3.2 Future Without Project Economic Flood Damages; The GI indicates that population growth will be directed from 80% urban to 90% urban pursuant the Envision Skagit 2060 plan. We are unaware of any actions taken by the County or proposed by the County that will result in this redistribution of future population growth. If the estimate of economic damages is based on this erroneous assumption of population distribution, that analysis should be redone to adequately evaluate more realistic potential economic impacts.

3.2.4 Environmental Future Without Project Condition: This section does not adequately describe changes in riparian vegetation or any characterization of the Baker River watershed.

3.3.2 Measures carried forward and eliminated from further consideration Table 3.7. Setback Levees. There has been inadequate justification for removal of this analysis from consideration. There was no quantitative analysis regarding this alternative with regard to impacts to fisheries resources or cultural resources. This alternative, or elements of this alternative combined with other flood reduction measures should have been proposed rather than the all or nothing proposal that was eliminated. This is the only alternative that would have, at a minimum, mitigated for additional flood control measures and which could result in an actual increase in ecosystem function.

Table 3-7 Management Measures Carried Forward; Puget Sound Energy must be compensated for economic loss resulting from USACE implementation of additional flood storage measures which is different than purchase of additional flood storage.

3.6.2 Evaluation Criteria for Alternatives: Notably absent from this list or from any analysis is impacts to Tribal resources.

3.8.1 No Action Alternative: No meaningful analysis is provided. The statement is made: "In general, flood risk in the Skagit Basin will get worse if no action is taken." While ignoring previous requests to undertake meaningful climate change analysis in this GI, the Corps, as a basis for moving forward states that flood risk will get worse, without any quantification of that risk. The GI goes on to state

The non-Federal sponsor predicts that there will be an increase in future population and there are numerous environmental challenges to maintenance of existing levees to comply with regulations which further renders the No Action Alternative ineffective

In essence, that statement indicates that existing regulations with regard to levee maintenance precludes effective flood control, but by some unknown process, future levees can be maintained to a greater degree than would otherwise be allowed. This statement makes no sense with regard to analyzing the no action alternative and is a meaningless justification for eliminating the no action alternative.

3.8.2.2 CULI with Project Condition: No meaningful or quantitative analysis is provided regarding fisheries consequences associated with this alternative. What geomorphic changes will occur to Nookachamps Creek, an important salmon producing stream? Given the additional backwater effect that will result from the construction of additional levees near Burlington, what effects will this have on fish entering or exiting Nookachamps Creek during flood events, and how will this levee change the habitat features at the mouth of Nookachamps Creek? How many additional fish will prematurely be diverted to salt water associated with increased velocity associated with increased channel constraints? How will sediment be routed through the estuary and what will the long term impact to estuarine wetlands resulting from increased export of sediments? Will eelgrass beds be adversely impacted by increased export of sediments?

In the absence of any new studies or data analysis, we must conclude based on our many years of Skagit River fisheries and fish habitat management and existing literature describing habitat salmon habitat requirements, that there will be severe consequences associated with the projects as stated above. We believe that the CULI will result in damage to fish populations due to degradation of habitat associated with the construction and maintenance of new levees and toe rock proposed for protecting the levees. Increased offshore export of sediment due to additional channel restrictions in the face of increasing magnitude and frequency of flooding associated with climate change will negatively impact the maintenance and formation of critical estuarine habitats. The project as proposed will result in an increase in the export of juvenile salmon associated with increased velocities contained within the channel. Additional erosional forces will have adverse impacts on the little remaining high quality salmon habitat within the project area.

3.8.2.3 CULI Feature Descriptions. 4.7 miles of additional riprap is proposed for this alternative, No quantitative analysis as to the fisheries impacts or loss of fish habitat associated with this alternative is provided. The fact that the study team will continue to evaluate the need for toe protection during the design phase to minimize to the extent necessary to reduce environmental impacts is not an adequate assessment of impacts necessary for a DEIS.

Baker Dam operations: The DEIS does not properly characterize the future without project condition with respect to Baker sockeye and fails to recognize the importance placed on sockeye production within the Baker River Settlement Agreement that forms the basis for the Baker Project FERC issued license on which the USACE was a cooperating agency. The level of analysis in the DEIS does not live up to commitments made by the USACE to the relicense parties for analysis of additional flood storage during the Baker Project Settlement Agreement discussions. Settlement Article (SA) 107 (b) and 107(c) were incorporated into the Baker River Settlement Agreement as a place holder for future USACE action as was made clear in a USACE FERC filing on December 21, 2004 signed by Colonel Debra Lewis. It was also clear from the December 2004 filing that the USACE did not believe the environmental analysis

done for the FERC license met the requirements of NEPA and ESA with respect to additional flood control measures and that additional flood storage would require a thorough evaluation by the USACE. To date no additional studies (after the relicense period) of the environmental effects of additional flood storage have been undertaken. It is our understanding from our participation in the Baker FERC relicense that SA 107(a) is the existing flood control language defining the flood storage and flood season with the drawdown date requirements (November 15 for the additional 58,000 acre-feet) set by the existing Congressional authorization. SA 107(a) does not specifically provide for earlier drawdown of Baker Reservoir that is to be defined and evaluate by the GI and subsequent Congressional authorization. SA article 106(c) provides an earlier drawdown schedule in Table 2 in the event the USACE request additional flood storage and redefines drawdown date requirements at the Baker project through the GI and FERC.

There is an emphasis on sockeye in the Baker Settlement Agreement because it is the species that will fare best in a reservoir environment. There is also a moderate Coho run in the Baker system but the remaining salmon species and steelhead have largely been extirpated from the watershed. The Baker River Settlement Agreement (and FERC license that incorporates the SA) contains articles aimed at maximizing sockeye smolt production: Article 101 provides for production of up to 14.5 million sockeye fry as well as the opportunity for the Fisheries Comanagers (the Tribes and WDFW) to enhance the reservoirs via the introduction of nutrients to increase production; Article 105 provides new smolt passage facilities aimed at efficiently moving smolts out of the system and reducing residualization. Maximizing sockeye production from the Baker system is necessary to partially offset the ongoing impacts to tribal resources from recommitting the Baker River basin to hydropower production and flood control for another 50-year period. The future without project condition for sockeye production in Baker and Shannon reservoirs is the maximum number of sockeye smolts that can be produced under the reservoir elevation schedule in Table 1 of Settlement Article (SA) 106.

The DEIS acknowledges a potential effect of reservoir drawdown being loss of salmonid rearing habitat through a reduction of euphotic zone volume but incorrectly surmises that the impacts to sockeye would be minor due to several mitigating factors. The DEIS lists those mitigating factors as: a 2004 report that states Baker Lake could produce 2-3 times more smolts, zooplankton abundance in 2010 in Lake Shannon that suggest excess productive capacity exist, the drawdown is largely in the winter when euphotic zone volume is less important for fish production, the annual volume of drawdown would not be different with additional flood storage, and reducing euphotic zone volume may concentrate zooplankton making winter foraging easier. The DEIS compares the future proposed action to past conditions and fails to recognize the difference between the future proposed action and the future without project condition. The difference between the future without project condition (SA 106 Table 1) and the future with project condition (SA 106 Table 2) is that under the without project condition the annual drawdown (and associated reduction in euphotic zone volume) occurs largely in November after the sockeye growing season, whereas under the proposed action the drawdown occurs in September and October there by reducing the productive capacity of the reservoirs during the sockeye growing season. The proposed action does not reduce the euphotic zone volume during the entire sockeye growing period but relicense studies showed water temperatures and prey availability such that sockeye growth during the September and October draw down period is likely significant. Some of the potential impacts of reducing productive capacity in that period are reduction of over winter survival, reduced smolt fitness the following spring, and delayed smoltification from age 1 to age 2 thereby creating competition between year classes and further decreasing overall smolt production. Those potential impacts must be studied before the EIS can be completed. The potential for drawdown concentrating prey making winter foraging easier is more of a speculative statement and question for further analysis than a mitigating factor. Some of the prey items would likely exit the system with the drawdown. Also the seasonal drawdown would be the same but the euphotic zone volume during September and October would be smaller so there would likely be less prey to concentrate during early winter under the proposed action than the future without project condition.

The DEIS states that “peak spawning would be minimally affected by the adoption of Article 107a and b, because the start date of October 1st would be the same for the proposed early drawdown at Upper Baker Dam and additional flood storage Lake Shannon as the No Action condition”. That is simply not the case. At Upper Baker Reservoir under the No Action condition drawn down is very gradual with only 0.66 feet of drawdown occurring in the first week of October and 3.3 feet occurring in all of October. Under the proposed action drawdown begins in early September and nearly 10 feet of drawdown occurs in September prior to peak spawning. One important impact of earlier drawdowns on wild spawning sockeye is restricted access to distributary channel and terrace tributary spawning habitat. One specific example of this loss of effective spawning habitat is the far left bank channel of the Upper Baker River. The channel is fed by hyporheic flow from the Baker but is isolated from direct river flow by a large gravel berm that has been in place for decades. Sockeye access this channel at higher reservoir elevations and spawn in the channel that stays largely wetted after drawdown by a hydraulic control. That same hydraulic control is a barrier to fish access when the reservoir is drawn down to medium high levels. While much of the sockeye production of the Baker is achieved through hatchery fry production the wild spawning population provides critical insurance against a catastrophic loss of sockeye production in the hatchery through landslide or disease. Much of wild spawning in the drawdown zone is lost due to dewatering or scour after the drawdown is completed so access to stable incubation habitat is critical.

The DEIS repeatedly mischaracterizes SA 107(b) and 107(c) as an “option to purchase” additional flood storage in the reservoirs. SA 107(b) and 107(c) are place holders for future USACE action and analysis for which PSE would need to be compensated for economic loss if implemented but that is far different than an “option to purchase”.

Major Road Crossings: Details of a permanent mechanical floodgate installed in West Mount Vernon should be provided. Details on the circumstances under which this gate will operate, and the consequences of operating this gate on fisheries resources should be provided.

We believe that a more appropriate analysis would be one that looks at the preferred alternative both with and without change in Baker operations to determine the relative economic and environmental costs

4.4 Past, Present or Reasonably Foreseeable Please explain the statement that the Skagit Delta Tidegate and Fish Initiative which is a collaborative, multi-stakeholder process requiring up to 2,700 acres of delta lands may be converted to estuarine habitat. Either 2700 acres of conversion is required, or it may happen, but it can't be both. What does the Corps believe will occur, and how does this inform the selection of a preferred alternative? It is our understanding that this is a target but not an obligation.

4.5.2 No Action Alternative: This section mischaracterizes Baker FERC license as providing an option for the purchase of additional flood storage. The Baker License contains a place holder for future USACE study and action on additional flood storage not an option for purchase.

4.5.2.1 Climate Change: Please see the above referenced letter from the Skagit Climate Science Consortium. It appears that if conservative climate change predictions are correct the expenditure of approximately \$225 million for project construction plus approximately \$800,000/year will result, by 2070 will not achieve the project deliverables as stated. This type of analysis is seriously lacking from this investigation.

4.1.2.3 This section states that effects of riparian habitat would be exacerbated with the CULI alternative, and that the level profile will be unchanged riverward of the crown *whenever practical*. Based on this information, how has the Corps determined the extent of mitigation necessary to offset the impacts of

implementation of this alternative? In addition, in light of project increases in flood frequency and magnitude associated with climate change, what analysis was undertaken to determine the resiliency of existing riparian vegetation with increased level height and channel constraints? For example, it appears that the existing 100 foot riparian zone in the vicinity of Lions Park will be jeopardized by the construction of a floodwall in close proximity, which would increase erosive forces during flood events. Because of the current scarcity of adequate riparian vegetation, the construction and maintenance of new dikes and placement of toe rock will seriously compromise the amount of habitat available to sustain both ESA listed and non-listed stocks.

4.1.2.3.1 Cumulative impacts to Riparian Habitat: Please provide a quantitative analysis of how the Corps reached a conclusion that impacts would be similar to those described in the No Action Alternative. Please show how increased velocity, erosive forces and increased sediment movement will result in no cumulative effects to riparian resources. Please show your analysis as to impacts on vegetation on wooded islands in the lower Skagit delta associated with physical changes associated with the CULI alternative.

4.13.3.1 Large Woody Debris. Assurances that proper mitigation will occur, without defining where and to what extent this mitigation will occur provides no basis for analysis. Please provide the analysis that demonstrates that logjams and riparian plantings of large trees could occur on 44% of the total project length, and please provide maps detailing where this might occur. Further, under what process will the Corps determine how much of this planting and installation will actually take place?

4.14.1.2 Existing Conditions: Fish: Despite the fact that proposed changes in flood control operations in the Baker River may have significant impacts on sockeye salmon, there is virtually no discussion regarding this particular species and their role in the Baker River settlement.

4.14.2.2 No Action Alternative: This section does not address Baker River sockeye issues

5.1.1 Bake Dam Optimization: The DEIS states that 30% of floods occur between October 1 and November 15 but it does not differentiate the severity of those floods. The majority of the early season floods are minor and only one larger flood has occurred prior to November 15 during the 82-year period of record.

The DEIS states the increase Baker flood storage is consistent with the 2008 FERC license which allows for additional flood control operations if a number of conditions are met including compensation to PSE for forgone hydropower generation and dependable capacity. The USACE has failed to live up to its commitment to the relicense participants to thoroughly study the environmental effects of additional flood storage.

5.1.6 Cost Benefit Analysis: There should be an analysis of the cost to recreational or commercial fishing enterprises as a result of the proposed alternatives.

5.8.3 Conceptual Mitigation Measures There is no mention of Baker Sockeye or measures necessary to adequately mitigate for lost production

6.16 Federal Treaty Obligation: While the GI in general accurately reflects the scope of the Trust obligation of the Corps, the implementation and development of this General Investigation Study would indicate no particular commitment to this obligation. Since 1976 the Tribe has asked repeatedly for

detailed analyses of the impacts of proposed flood reduction measures on Tribal fisheries resources. These requests have fallen on deaf ears as clearly evident in this GI. While it is true that we have attended many meetings throughout the years, there is no indication that our presence at these meeting has had any impact on the development or conclusions in this GI. The Corps within this DEIS has treated the Tribe as a mere stakeholder and has not undertaken any assessment of impacts to Tribal resources. Merely stating that the Corps recognizes that it has Treaty obligations, but failing to elaborate on what those obligations are or how they will be met may be a dereliction of its Trust obligations.

Appendix C Section 3.2

Please explain why the 500 year floodplain was chosen as the basis upon which to calculate damageable property. It appears to us that a number was chosen to maximize the extent of damages. Why wasn't the 1% or .4% ACE level chosen?

Appendix D. Section 2.

No quantitative analysis has been provided to assess impacts to salmon habitat or impacts to salmon populations. The Skagit Chinook Recovery Plan states that

Recommendation 15: Construction of new dikes and levees should be prohibited unless mitigated for, resulting in no net increase in isolated floodplain area or additional loss of floodplain habitat

No such analysis has been undertaken to determine that there is no net loss of floodplain area.

Recommendation 31: Construction of any new capital facilities should be prohibited within the channel migration zones of the Skagit, Sauk, Suiattle and Cascade Rivers

This element of the Chinook Recovery Plan has been ignored. No quantitative evaluation of the adequacy of mitigation measures has been presented.

Recommendation 35: New construction within the high water mark should only occur after an analysis of site specific as well as reach level impacts associated with new bank hardening projects is completed, and fully mitigated for with proven techniques. The loss of existing side channels, flood plain functions, and the physical processes that will allow for the development of these processes should be prohibited.

This element of the Chinook Recovery Plan has been ignored. No quantitative evaluation of the adequacy of mitigation measures has been presented. We are confused by contradicting statements in the plan regarding levee vegetation. In one part of the plan the COE states that it follows ETL-110-2-583 where the preferred levee toe protection is rip-rap without any vegetative cover, yet other parts of the plan acknowledge the benefits of shrub vegetation cover on water quality. No analysis has been provided to let the reader understand how these two competing interests will be reconciled. The CULI alternative has proposed is inconsistent with NOAA's Skagit River chapter of the Puget Sound Chinook Recovery Plan and will impede recovery of ESA listed chinook.

Section 2 Potential Adverse Effects on the Aquatic Environment.

The report provided in this section does not provide the requisite environmental analysis pursuant to NEPA. Section 2.1.1 CULI alternative states

Mitigation for this effect could include planting along a levee bench, planting riparian vegetation, set back levee, construct side channel, install habitat weirs, and/or anchor root wads to restore fish habitat values by providing vegetative cover, hydraulic diversity, nutrient input, and instream cover. Cumulative effects to riparian habitat would slightly contribute to overall loss of riparian habitat in the Skagit Basin

Merely providing a litany of potential mitigation measures is meaningless. There is no context to the mitigation, evaluation of the adequacy of mitigation, or commitment to any one or any suite of mitigation measures adequate to result in no net loss of habitat, fish, or Tribal fishing opportunities. While a preferred alternative has been chosen in this DEIS, no commensurate selection of preferred mitigation measures has been identified.

Section 2.1.2 JLS Bypass Alternative and Section 2.1.3 Swinomish Bypass Alternative

As above, no meaningful environmental analysis has been provided

Section 2.3 Finding

The Findings section in this section is at best speculative, and at worst a cursory analysis that avoids any real assessment of relative impacts between alternatives. A general analysis of impacts associated with alternatives, absent any quantitative analysis is insufficient to meet the requirements of NEPA, nor is it adequate to assess impacts to Tribal resources.

To summarize, in the more than 30 years of reviewing NEPA documents, this is far and away the worst NEPA analysis that I have ever evaluated. It is absolutely deficient in providing any meaningful analysis of environmental consequences, impacts to Tribal resources, or Tribal fishing opportunities. Despite the Tribes involvement in Skagit flood reduction efforts since the mid 1970's, the expenditure by the Corps, Washington State, and Skagit County of millions of public dollars, and untold numbers of meetings, solicitations and responses for scoping comments, and requests from the Swinomish Tribe that an adequate, defensible and complete analysis of the impacts to fisheries resources, this DEIS ignores major potential environmental consequences of the project. Despite exhaustive information provided to the Corps from pre-eminent climate scientists specializing in climate change impacts to the Skagit River watershed, the Corps has failed to adequately incorporate meaningful climate science in its analysis.

What is most disheartening is that the Corps and the County could have evaluated an alternative that provided a mix of benefits that would have overcome the shortcomings of its lack of analysis of environmental impacts based on current conditions as well as projected impacts associated with climate change. This would result in an alternative that would no doubt engender a much greater level of community support than what we expect will result from this alternative. The Corps and County could have blended alternatives that could have included sections of levee setbacks that would have had additional flood control benefits as well as salmon habitat elements that would have truly mitigated likely impacts. Instead, an alternative was chosen that is redolent of an analysis that would have been undertaken in the 1950's: raise the levees, increase storage associated with hydroelectric dams, and obfuscate the environmental consequences and ignore obligations stemming from Treaties between the

US Government and Native American communities. The Tribe is committed to insuring that its Treaty reserved resources will be protected both in the present in for many generations yet to come. We expect to stay actively engaged in the ongoing development of these alternatives. We can only hope you will take our comments seriously and incorporate major changes into your final EIS.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Wasserman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Larry Wasserman

Environmental Policy Director

Cc: Senator Murray
Senator Cantwell
Representative Larsen
Representative DelBene
Governor Inslee

1 OBJECTIONS TO AVON BYPASS PROJECT AND RELATED PHASES THEREOF
2 BY
3 SWINOMISH INDIAN TRIBAL COMMUNITY
4 LaConner, Washington

5 This statement is submitted on behalf of the Swinomish
6 Indian Tribal Community and members of the Swinomish Reservation
7 to the Corps of Army Engineers in connection with the public
8 hearing held at the Elks Lodge, Mount Vernon, Washington,
9 November 22, 1963, at 1:30 p.m.

10 It is the position of the Swinomish Indian Tribal Community
11 and the members of the Swinomish Reservation, Skagit County,
12 Washington, that the Avon Bypass Project and other projects
13 related to dredging, widening or changing the natural channels and
14 water flow of the Skagit River may well affect the salmon runs.
15 If such occurs, then the Swinomish Indian Tribal Community and
16 the members of the Swinomish Reservation will consider this as a
17 violation and deprivation of the rights granted under the
18 Treaty of Point Elliott of 1855.

19 Adequate information is not presently available to determine
20 the effect such projects would have on the salmon population in
21 the Skagit River. Such information will be accumulated and
22 furnished at a later time.

23 In conclusion, objection is made to these projects insofar
24 as they, or any of them, may interfere with or affect the salmon
25 population. Salmon fishing is the major source of livelihood
26 for the Swinomish Indians, and denial or deprivation thereof
27 would cause great hardship.

28 SWINOMISH INDIAN TRIBAL COMMUNITY

29 By BANNISTER, BRUHN & LUVERA

30 By Stanley K. Bruhn
31 Attorneys for Swinomish Indian
32 Tribal Community.