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****VIA CERTIFIED MAIL****

April 22, 2010

Douglas J. Wade
CECW-CE
U.S. Army Corps of Engineers
Washington, D.C.

Reference: COE-2010-0007, Process for Requesting a Variance From Vegetation Standards for Levees and Floodwalls

Dear Mr. Wade:

The Sauk-Suiattle Indian Tribe reserved the right to take fish at "usual and accustomed grounds and stations" in Section 5 of the Treaty of Point Elliott of 1855. That right, so crucial to the Tribe's livelihood, survival, and culture may be affected by the proposed changes to the U.S. Army Corps of Engineers (USACE) Levee Vegetation Variance process.

Vegetation management and structural repairs on levees in the Public Law (PL) 84-99 program has an adverse affect on fisheries resources important to the Sauk-Suiattle Tribe including impacts to ESA listed Puget Sound Chinook salmon and ESA listed Puget Sound steelhead. The Seattle District variance from national levee vegetation standards does not adequately address all of the adverse impacts of levee vegetation management but they do provide benefit compared to the national standards. The proposed change in process would immediately void the Seattle District variance and replace it with a cumbersome and onerous national process that would certainly have a negative affect on tribal resources including ESA listed Puget Sound Chinook and ESA listed Puget Sound steelhead.

The proposed national process is unduly burdensome requiring a separate variance application for each levee segment within a jurisdiction. It places the entire onus for development of multiple variance applications on the local sponsor. The USACE provides technical assistance to local entities on levee maintenance and repair, the USACE should also provide technical assistance in development of variances as well. In the Skagit River basin local sponsors are Dike Districts without large staffs to prepare variance applications. The new variance proposal is more burdensome than the existing Seattle District variance and the lack of adequate staff at the Dike Districts means that variances from national standards will become unlikely.

The proposal ignores regional differences in vegetation and critical habitat. It also does not incorporate new science or fill data gaps in the actual effects of vegetation on levee stability. The

importance of regional differences and filling data gaps was made clear in the “Revised Final Independent Peer Review Report for U.S. Army Corps of Engineers Vegetation Policy for Local Flood Damage Reduction Systems” dated December 9, 2008. The independent review panel stressed that there are critical gaps in the science that drives the USACE’s vegetation policy and that regional differences in vegetation and critical habitat make an overriding nationwide policy unsound.

The Sauk-Suiattle Tribe requests that the USACE rescind the proposed process for requesting a variance and leave the Seattle District Variance Policy in place. The Tribe also requests the USACE conduct research necessary to fill data gaps on the effects of vegetation on levee stability and develop levee maintenance standards and variance policies that account for regional differences in vegetation and critical habitat.

The Sauk-Suiattle Indian Tribe appreciates the opportunity to comment on the proposed variance policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Mabee, JTB".

Janice Mabee

Chairperson, Sauk-Suiattle Indian Tribe

cc file
Tribal Council (6)
Regina Hovet, Esq., OLC
Herold Hudson, CEO