



PORT GAMBLE S'KLALLAM TRIBE

31912 Little Boston Road NE • Kingston, WA 98346

February 23, 2010

U.S. Army Corps of Engineers
Attn: CECW-CE, Douglas J. Wade
441 G Street NW
Washington, DC 20314-1000

Dear Mr. Wade:

We are writing in regard to the February 9, 2010 proposal by the Army Corps of Engineers (Corps) to revise its policy regarding variance from the national standard for managing vegetation on levees that are part of the Public Law (PL) 84-99 program. The Port Gamble S'Klallam Tribe is responsible for managing the floodplains and associated natural resources in its vast Usual and Accustomed Area. Like our fellow tribes and agencies, we have an ongoing need to find sustainable and sound policy approaches to achieving social and ecological goals related to how floodplains are managed.

We respectfully express our dissatisfaction with the Corps' proposed revisions. Fundamentally, it is difficult for us to see how this proposal will help the region reach the goal we share with the Corps of protecting and restoring Puget Sound by 2020, or effectively provide lasting certainty for local implementers who have come to rely on significant levels of PL 84-99 funding in their levee management programs. It will not improve our ability to meet our shared desire to align flood safety and environmental rules in a way that works for our community. It will hinder our ability to protect clean water and recover salmon.

While the revisions leave open the option for departures from the highly restrictive national standard, the variance option proposed would establish an application process so onerous that it would rarely, if ever, be used. We believe that one end result of the implementation of the proposed revisions will be a permanent reduction in the amount and quality of vegetation on the hundreds of miles of levees within the program. Even under the current variance we are aware of the removal of hundreds of trees in one jurisdiction in 2009, and the likelihood that thousands more will be lost. The proposed revision would only exacerbate this existing problem. A corollary end result will be the continued, unresolved question of the exposure of program participants to legal issues stemming from the impacts of degraded riparian conditions on listed salmon populations. The proposal contributes little to advancing an effective solution to this existing problem.

Our disappointment is particularly acute in light of the February 2009 workshop on levee management, at which the Corps expressed a sincere interest in exploring different approaches to this issue. We were encouraged by that discussion, and by the resulting effort the Corps, working with the National Marine Fisheries Service, put into scoping a local pilot study that would use rigorous methods to test assumptions about the interactions between vegetation and levees and then drive development of locally-

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appropriate management standards. We appreciate the work the Corps' Seattle staff put into developing the pilot concept, and more generally the willingness of the local office to look at options for resolving the complex issues at hand.

This proposal goes in the opposite direction from where that 2009 discussion seemed to point, and apparently as a result of the failure of the pilot concept, does not specifically address conditions and opportunities in Puget Sound. It fails to maintain the status quo policy that offered marginal but useful flexibility, let alone represent a more tailored and locally responsive management approach.

We request that the Corps withdraw and recraft this proposal. We understand that in making policy decisions like this one the Corps must account for its nationwide operating context. We encourage, and are willing to work closely with, the Corps to develop policy options that reflect local conditions and opportunities and align better with our shared regional goals while meeting the intent of the nationwide interests of the Corps.

Sincerely,

Jeromy Sullivan
Chairman, Port Gamble S'Klallam Tribe