



# MID SOUND FISHERIES ENHANCEMENT GROUP

## Board of Directors

President Pro Tempe:  
Paul Dom  
Suquamish Tribe

Vice President:  
Margaret Duncan

Secretary:  
Alan Miller  
Trout Unlimited

Treasurer:  
Bob Johnson

Rob Fritz  
King County DOT

Noel Gibrough

Bill Robinson

## Advisory Council

Senator Stacie Gordon,  
Preston, Gates & Ellis, LLP

The Honorable Ken Jacobsen  
Senate Natural Resources  
Committee

Merle Hays  
Suquamish Tribal Elder

Mayor John Wiss  
City of Enumclaw

The Honorable Tim Clark  
Kent City Council

The Honorable Cheryl Kincer  
Port of Bremerton  
Commissioner

Gette Colin  
CEO, Ferguson Construction

Robin Fattand  
PFS&A Business and Public  
Affairs Consulting

Kay Gabriel  
Weyerhaeuser Company

Lee Keller  
APCO

William E. O'Neil

Ross Anderson

Louis Bianco  
Cell Therapeutics, Inc

Mid Sound Fisheries Enhancement Group  
7400 Sand Point Way Suite, 202 North  
Seattle WA, 98115

March 9, 2010

U.S. Army Corps of Engineers  
Attn: CECW-CE  
Douglas J. Wade  
441 G Street, N.W.  
Washington, D.C. 20314-1000

SUBJECT: Docket number COE-2010-0007  
Process for Requesting a Variance from Vegetation Standards  
for Levees and Floodwalls - Federal Register/Vol. 75, No. 26/February 9, 2010

Dear Mr. Wade,

Based on the Federal Register of 9 February 2010, the U.S. Army Corps of Engineers is proposing a change to current practices. That change would require elimination of all current Variances dealing with Vegetation on Levees. The proposal would affect the current Variance on the Green River that allows trees with a 4 inch diameter or less on levee slopes. The proposal asks for all variances to be submitted by 30 September with no guarantee that existing or requested variance criteria will be approved in the future.

For over 20 years, the Seattle District Corps office has been working closely with King County and the cities in the Green River Valley to strike a compromise between Tree Size and Levee stability. The trees in question provide critical habitat for Chinook, Bull Trout, and Steelhead -- all threatened species under the Endangered Species Act -- as well as other anadromous species, including coho, pink and chum salmon.

For the past 20 years, in part based on the existing variance, King County has become a national leader in the use of bio engineering solutions to levee bank stability issues on the Green and other river systems in the County. This system, which has been used in Europe for over 100 years, uses sound engineering principals and vegetation to stabilize levee and bank slopes. The system also uses rock toes with adjacent root wads to provide additional levee stability and fish habitat.

In the Middle Green River from Auburn to the river mouth the County has put in (need to find out how many miles) miles of bio engineered bank stability over the last 20 years. Over this period of time none of these structures has experienced any damage even though they have gone through many major floods. Not one plant, not one rock in the levee toe or one root wad has been dislodged or shown damage. Many other sites with conventional rock protection have failed and were repaired utilizing millions of scarce federal and local dollars.

7400 Sand Point Way, Suite 202 N  
Seattle, WA 98115  
Phone: (206) 529-9467 Fax: (206) 529-9468 (upon request)  
www.midsoundfisheries.org -- e-mail: info@midsoundfisheries.org  
www.midsoundfisheries.org

Page 2 of 2

During this same period the Mid Sound Fisheries Enhancement Group (Mid-Sound), a non-profit salmon enhancement group affiliated with Washington State Department of Fish and Wildlife, has been working on numerous salmon recovery and habitat restoration projects with King County and the 17 cities within the Green River Basin.

Bio Engineering has proven to work on the Green River. This system provides the combination of a solution to the bank stability issues while at the same time providing much need critical fish habitat.

This new requirement that would require the submittal of a revised Variances request jeopardizes all of this effort over the last 20 years and has the potential of destroying miles of good riparian habitat for all fish species, especially those that have been declared threatened under the Endangered Species Act.

The Federal Register notice also states that the Corps included a draft Finding of No Significant Impact (FONSI) for review, noting and a draft EA on the proposed action. In the Puget Sound Basin alone, you are talking about a regulation that would require the destruction of hundreds of miles of riparian habitat in order to keep levees in the PL 99 program. We maintain that the proposal will require a full Environmental Impact Statement and that the proposed action will probably be determined as a "Take" under the Endangered Species Act.

Mid Sound believes that the existing system allows existing and additional vegetation on or near levees which preserves, protects and/or enhances natural resources and protects the treaty-fishing rights of federally recognized Native Americans Tribes. Mid-Sound also contends that the existing bio engineering methods enhance the safety, structural integrity and functionality of the levee without affecting the ability to access the levee for inspections and flood fighting purposes.

The Mid-Sound Fisheries Enhancement Group recommends spending the time necessary to determine if the existing Variance does in fact represent a danger to levee stability. This was the path recommended at a meeting conducted by Seattle District on levee vegetation conducted on 16 February 2009, with representatives of Portland Division and Crops Headquarters and all of the effected Cities and Counties and state and federal Resource Agencies.

Sincerely,



Noel Gilbrough

Member, Board of Directors  
on behalf of the Board

c.c. Commander Seattle District  
COL. Anthony O. Wright

Commander Portland District  
COL. Steven R. Miles

Green/Duwamish (WRIA 9) Watershed Coordinator  
Doug Osterman

7400 Sand Point Way, Suite 202 N  
Seattle, WA 98115

Phone: (206) 529-9467 Fax: (206) 529-9468 (upon request)  
[www.midsoundfisheries.org](http://www.midsoundfisheries.org) -- e-mail: [info@midsoundfisheries.org](mailto:info@midsoundfisheries.org)