

Muckleshoot Indian Tribe (White River) Amphitheatre Frequently Asked Questions

Q: Why did the U.S. Army Corps of Engineers (Corps) issue a permit for the White River Amphitheatre project?

A: District Engineer Col. Ralph Graves determined, based on all the data and analysis available to the Corps, that the proposal is the least environmentally damaging practicable alternative available to the applicant and is not contrary to the public interest. The Corps' primary area of concern was impacts to the aquatic environment. The Corps also addressed impacts to other public interest factors.

Q: Can the Muckleshoot Tribe begin construction now?

A: The Corps permit allows construction to begin upon issuance, if the permit's special and general conditions are met. However, the Tribe must also obtain an access permit from the Washington State Department of Transportation.

Q: What kind of environmental review was done on this project?

A: In addition to the Corps' independent analysis of the project, the Bureau of Indian Affairs produced an Environmental Impact Statement, which was released this spring. The Corps and the Environmental Protection Agency (EPA) were cooperating agencies on that EIS. The Corps adopted it for use in the Corps' record of decision. The EPA evaluated the project and issued a National Pollutant Discharge Elimination System General permit in 1998. The project was subject to review under the Endangered Species Act (ESA) by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). To ensure compliance with the ESA, special conditions have been added to the permit.

Q: Did the Corps consider impacts beyond those to wetlands, such as traffic and noise, when reaching this decision?

A: Yes, the Corps analyzed impacts to the human environment, including traffic, noise, water quality, economics, aesthetics and more. Many noise reduction measures were incorporated into the structure, including construction of a roof. For properties impacted by sound, the Tribe would provide soundproofing or offer to purchase the home. Concert sound will not approach the levels that would adversely affect the health of farm and wildlife animals in the vicinity. A shuttle service will be used to reduce the amount of vehicles on the roadways during an event. A Traffic Management Plan will be implemented. It includes use of off duty police officers, flaggers, changing traffic signaling, and installation of barriers, cones and signs.

Q: How can the Corps issue a permit if there are significant traffic impacts?

A: The Corps acknowledges that there will be adverse and at times substantial impacts due to traffic associated with this project. The most substantial adverse impacts will be during capacity events, which will be infrequent. Also, because the concert season is generally during the summer months, concert traffic would not substantially interfere with school or school activities. A Traffic Management Plan will be implemented by the Tribe to alleviate congestion that may develop during events.

Under Section 404 of the Clean Water Act, while reviewing impacts of a proposed project, there can be significant impacts provided the significant impacts are not ones that significantly degrade waters of the United States (40 CFR 230.10(c)). Therefore, while there may be substantial impacts due to traffic, because these impacts do not significantly degrade water of the U.S. and the project complies with the Section 404(b)(1) Guidelines, the Corps determined the project was not contrary to the public interest and issued the permit.

Q: What kind of mitigation is the Corps requiring for the environmental impacts of this project?

A: The Corps is requiring compensatory wetland mitigation. The project will impact 1/3 of an acre of wetlands. Wetland mitigation consists of the creation of 2.07 acres of emergent and scrub/shrub wetlands on- and off-site and the enhancement of an existing emergent wetland into 0.2 of an acre of scrub/shrub and 0.36 of an acre of forested wetlands. Other work will include the restoration of 3.4 acres of land cleared emergent and forested wetlands. This mitigation replaces the functions of those wetlands that are being impacted.

Q: Will the Corps enforce all of the mitigation measures described in the FEIS?

A: No. The Corps only has the authority to enforce conditions of the Department of the Army permit.

Q: Will the Corps enforce the Terms and Conditions of the Biological Opinions (BOs) from the USFWS and NMFS?

A: Yes. The Corps permit contains a special condition that requires the Tribe to adhere to the Terms and Conditions in the BO. The Corps will enforce noncompliance with a condition of the Corps permit. However, because the BOs and the Terms and Conditions were developed by the USFWS and NMFS, typically the USFWS and NMFS will be the lead agency in terms of enforcement. The Corps may pursue joint enforcement with the USFWS and NMFS on noncompliance issues.

Q: Are there any restrictions on this permit?

A: Yes, there are a number of general and several special conditions on this permit. The Corps is requiring wetland mitigation and monitoring and compliance with the BOs.

Q: What recourse do those who disagree with the Corps' permit decision have?

A: Only permit applicants can appeal denied permits or issued permits that contain requirements that are unacceptable to the applicant. There is no process in place whereby those other than a permit applicant can appeal a permit decision.

Q: Why is the Corps involved in this project?

A: One of the Federal laws that the Corps implements is Section 404 of the Clean Water Act. This law requires that a Department of the Army permit be obtained from the Corps for discharging dredged or fill material into waters of the United States, including wetlands. The Muckleshoot Indian Tribe proposed to fill a third of an acre of wetlands to construct their amphitheatre project.

Q: Was the project subject to public review?

A: The Corps issued a Public Notice regarding the proposal on Feb. 19, 1998, and held a public hearing March 25, 1998, to solicit comments. The Bureau of Indian Affairs also held a hearing on the draft EIS Sept. 22, 1999.

Q: What other alternative locations did the Corps evaluate for this proposal?

A: A total of 10 off-site (including sites at Vashon Island, Orillia Road, Highway 18, and 2 Quarry areas) and 2 on-site alternatives were evaluated by the applicant and independently evaluated by the Corps. The applicant demonstrated that the proposed location and configuration is the least environmentally damaging practicable alternative available to the applicant.

Q: Will State Route 18 be widened as part of this project?

A: No. However, at the access points to the amphitheatre, Washington State Department of Transportation has required the Tribe to complete minor modifications to SR 18, such as turn lanes and a bus turnout area.

Q: Did the Corps assess impacts to the existing amphitheater on the Columbia River Gorge when evaluating this proposal?

A: Potential impacts to the Gorge amphitheatre were not included in the Corps' analysis of the application for the White River Amphitheatre project.