



FISHERIES DEPARTMENT

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## THE SUQUAMISH TRIBE

P.O. Box 498, Suquamish, Washington 98392

August 19, 2016

U.S. Army Corps of Engineers  
Regulatory Branch, ATTN. Karen Urelius  
P.O. Box 3755  
Seattle, WA 98124-3755

Subject: COE – 2017 Nationwide Permits  
Seattle District Regional Conditions

Ms. Urelius:

Thank you for the opportunity to review and comment on the 2017 proposal to reissue and modify the Seattle District Regional Conditions for the Nationwide Permits. The Suquamish Tribe (“Tribe”) is a signatory to the 1855 Treaty of Point Elliott. 12 Stat. 927. Article 5 of the Point Elliott Treaty secures the Tribe’s “right of taking fish at usual and accustomed fishing grounds and stations.” Article VI, cl. 2 of the United States Constitution provides that all treaties made under the authority of the United States “shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby....” *United States v. Washington* (Boldt I), 384 F.Supp. 312, 330 (W.D.Wash.1974); *Washington v. Washington State Commercial Passenger Fishing Vessel Ass’n*, 443 U.S. 658, 674-76 (1979).

The Suquamish people lived, gathered food, ceremonial and spiritual items, and hunted and fished for thousands of years in western Washington. Treaty-reserved resources situated on and off the Port Madison Indian Reservation include, but are not limited to, fishery and other natural resources situated within the Suquamish Tribe’s (“Tribe”) adjudicated usual and accustomed (U and A) fishing area. The Suquamish Tribe’s U and A extends well beyond Reservation boundaries and includes marine waters of Puget Sound from the northern tip of Vashon Island to the Fraser River in Canada, including Haro and Rosario Straits, the streams draining into the western side of Puget Sound and also Hood Canal. The U and A of the Suquamish Tribe also extends west into Jefferson County, and south into Mason County.

The Tribe seeks protection of all treaty-reserved cultural, fishery, and other natural resources through avoidance of impacts to habitat and natural systems. The Tribe urges the U.S. Army Corps of Engineers (Corps) to avoid in-water and land use decisions that will impact these treaty-reserved resources within the Tribe’s adjudicated U&A.

The Tribe concurs with the most recent comments submitted by the Northwest Indian Fisheries Commission (Commission) as well as those previously submitted by Tribe and Commission on the proposed 2017 Nationwide Permits dated August 1, 2016 and the RGP 6 comments submitted by the Muckleshoot Tribe. Additional comments are provided below.

## GENERAL COMMENTS

The Corps Tribal Consultation Policies<sup>1</sup> provide six principles that guide Corps activities and operations and address the Corps consultation requirements with Tribes are:

- Meet the Trust responsibility;
- Honor the government-to-government relationship;
- Acknowledge the inherent sovereignty of Tribes;
- Engage in pre-decisional consultation;
- Protect natural and cultural resources when possible; and
- Find opportunities to use existing authorities to encourage economic capacity building and growth.

The Corps policy indicates that the local office “leads the way.” In addition, the Corps website expressly addresses the Corps pre-decisional consultation requirements with Tribes, “The U.S. Army Corps of Engineers will involve Tribes collaboratively, before and throughout decision making, to ensure the timely exchange of information, the consideration of disparate viewpoints and the utilization of fair and impartial dispute resolution processes.” Other key Department of Defense (DoD) consultation principles articulated in DoD policies include, but are not limited to, building stable and enduring government-to-government relations with tribes and integrating consultation such as:

Recognizing that there exists a unique and distinctive political relationship between the United States and the tribes that mandates that, whenever DoD actions may have the potential to significantly affect protected tribal resources, tribal rights, or Indian lands, ***DoD must provide affected tribes an opportunity to participate in the decision-making process that will ensure these tribal interests are given due consideration in a manner consistent with tribal sovereignty authority*** (m); (emphasis added)

***Taking appropriate steps to remove any procedural or regulatory impediments to DoD working directly and effectively with tribes on activities that may have the potential to significantly affected protected tribal resources, tribal rights, and Indian lands;*** (emphasis added)

***Providing timely notice to, and consulting with tribal governments prior to taking any actions that may have the potential to significantly affect protected tribal resources, tribal rights, or Indian lands;*** (emphasis added)

At the June 2016 Midyear meeting of the National Congress of American Indians (NCAI), the General Assembly adopted Resolution SPO-16-002 (attached) urging the Department of Defense to reaffirm its commitment to consult with Tribal Nations when its activities impact tribal interests. More specifically the resolution states in part:

**WHEREAS**, although the Department of Defense’s policy calls on it to “provid[e] timely notice to, and consult[] with, tribal governments prior to taking any actions that may have the potential to significantly affect protected tribal resources, tribal rights, or Indian lands” and to “consult [] in good faith throughout the decision-making process; and . . .

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<sup>1</sup> “US Army Corps of Engineers (USACE) Update on Compliance with Policies and Directives of President Obama’s Memorandum on Tribal Consultation, 5 Nov 2009” July 25, 2011; American Indian and Alaska Native Policy and Department of Defense Instruction Number 4710.02: DoD Interactions with Federally-Recognized Tribes (2006);

**WHEREAS**, tribal consultation is not just a procedural step in the Department of Defense's planning and decision-making process but is a substantive federal trust obligation that requires heightened awareness and diligence; and . . .

**BE IT FURTHER RESOLVED**, that the Department of Defense should on a facility-by-facility basis ensure that a proper tribal consultation protocol is in place where appropriate and that the tribal consultation protocol is followed; and . . .

**BE IT FURTHER RESOLVED**, that the Department of Defense should proactively seek to minimize its impacts on tribal resources and mitigate any negative impacts; . . .

The passage of Resolution #SPO-16-002 offers a collective voice for 562 individually recognized Indian Tribes across the United States sounding the alarm that DoD's written tribal consultation principles and policies are not being followed and are, therefore, inconsistent with DoD's federal trust obligation and are not protective of tribal interests. The Tribe urges the Corps to re-examine the manner in which tribal consultation at the Seattle District is inconsistent with DoD policies to ensure that reserved-treaty rights and resources can be protected not only in the Pacific Northwest but across the country.

The Tribe offers specific comments pertaining to the Corps' Seattle District and the inter-relationship with the Corps proposed actions associated with the 2017 Proposal to Reissue and Modify Nationwide Permits.

#### Notification

Since 2006, the Tribe and the Seattle District have collaboratively worked on a notification protocol that arose from a lack of communication between the Corps and the Tribe when permit applications were received and approved by the Corps without notice to the Tribe.<sup>2</sup> The Tribe was unable to voice its objections concerning impacts to its reserved treaty rights, including cumulative impacts. Since that time the Corps and Tribe periodically update the notification protocol to address other areas in and near the Tribe's U&A as well as revise communication protocols that may not be effective. The Tribe has been working with the Corps to update this protocol to reflect issues raised by the Tribe. The notification protocol includes all projects under the NWP process so that the Tribe is able to protect reserved treaty rights and cultural and natural resources. We have previously provided information to the Seattle District identifying areas of concern. This notification protocol is also consistent with the Corps tribal consultation policies concerning pre-decisional consultation and providing the Tribe an opportunity to participate in the decision-making process that will ensure these tribal interests are given due consideration in a manner consistent with tribal sovereignty authority.

For the above reasons, the Tribe, therefore, objects to the Corps lack of a pre-construction notification (PCN) for NWP activities because it removes an important mechanism that provides the Tribe advanced notice of activities that may impact treaty rights and resources, including actions that continue to add onto existing cumulative impacts. Aquatic features such as shorelines, wetlands, and streams typically have a high probability for unrecorded archaeological resources and are critical habitat components of treaty resources. Nationwide permits not requiring a pre-construction notification include but are not limited to: 1, 2, 3, 4, 5, 6, 9, 10, 11, 15, 16, 19, 20, 25, 28, 30, 32, 35, and 41.

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<sup>2</sup>The Corps and the Tribe originally met on August 8, 2006 to improve communication regarding development project permit applications, but later in October 2006, the Corps issued another Letter of Permission (LOP) for the Port of Brownsville marina expansion without notifying the Tribe and the Tribe requested a stop work order. The same day, the Tribe requested that the Corps notify the Tribe and provide an opportunity to provide comments on proposed Section 10 and 404 activities within Kitsap County. The Corps agreed. The Tribe followed up with a letter to the Corps reiterating the impacts to the Tribe's treaty fishing rights tied to the Port of Brownsville Marina.

We object to the proposed removal of the PCN threshold for dredge harvesting, tilling, or harrowing in areas inhabited by submerged aquatic vegetation due to the important habitat offered by these areas for the above reasons and because it is contrary to the Corps/DoD tribal consultation policies.

#### Procedural Obstacles

More recently, the Seattle District changed its stance and has now created procedural obstacles in the pathway of the Tribe's ability to receive project permit information that is not deliberative or confidential in nature but that is technical or scientific in nature and directly relates to a permit application under the Corps review. The Seattle District is not only requiring the Tribe to file Freedom of Information Act requests (FOIA) to obtain JARPA's and supporting documentation filed by the applicant (including but not limited to draft and final Biological Evaluations, wetland delineations, mitigation plans, and Feasibility Studies) but the Corps is now charging a fee to the Tribe for copying such documents. This procedural obstacle creates a time delay to receive non-confidential information and places an ongoing financial obligation to the Tribe. The Tribe reviews on average 800 permit applications a year. Although the Tribe has voiced its concerns in many different forums, the Tribe reiterates under the NWP process that the DoD policy directs the Seattle District to "Tak[e] appropriate steps **to remove any procedural or regulatory impediments** to DoD working directly and effectively with tribes on activities that may have the potential to significantly affected protected tribal resources, tribal rights, and Indian lands." That has not happened.

The Tribe fails to comprehend how this procedural impediment is consistent with the Seattle District's trust obligation and how this meets its tribal consultation requirements articulated in written DoD policies. Without this information it is impossible for the Tribe to adequately review projects and determine if there are Tribal treaty impacts.

#### Cumulative Impacts

There is no detailed information regarding a cumulative impacts analysis. The Seattle District did provide the Tribes a summary with a total number of permits issued for each permit type. However, in the case of mooring buoys, marinas, docks and other over water structures this information is not useful without further assessment by water body so the Tribes can evaluate impacts to specific water bodies and their associated resources. Over many years, the Tribe has reviewed numerous permit applications on a case-by-case basis for these types of structure and opposing those that interfere with treaty rights and resources and interfere with access to fishing grounds. The Tribe's review also addresses cumulative impacts since the Corps has not engaged in such analysis as part of the permit review process. Cumulative impacts are a significant reason why the Treaty Rights at Risk Initiative has risen to a regional and national platform. The continued attempt to kick the cumulative impact can down the road is not a solution. The Corps needs to address this issue under the NWP process.

#### Waivers

The Tribe does not support waivers for NWP activities (including but not limited to NWP 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51 and 52). Waivers are very subjective (making consistency very difficult which is not ideal when implementing regulations), and should not be allowed on an already streamlined process. There has been no analysis of impacts on the project level or cumulatively to show this will result in minimal impacts. The Tribe also objects to waivers because it removes the mechanism for Tribal notification.

#### Wetland Impacts

Unless it can be shown that site specific and cumulative impacts of past activities allowed under NWP 12, 14, 21, 29, 39, 42, 43, 44, 50, 51, and 52 have resulted in no net loss we recommend that the ½ acre be reduced to ensure that protections are in place. This is important considering the preservation of off channel wetland

habitat for fish and protection of Tribal treaty resources. Wetland impacts allowed under the NWP process should not include headwater wetlands that contribute hydrology to fish bearing streams. This is especially important considering recent summer drought conditions. Headwater wetlands can be identified using Lidar, topographic maps, aerial photographs, wetland and stream delineation reports and field reconnaissance.

In 1987, the National Wetlands Policy Forum was sponsored by the U.S. Environmental Protection Agency to advance protection of wetlands in the United States and to address major policy concerns relative to wetlands protection and management. The end result was a series of recommendations for improving wetlands protection that were agreed upon by the lawmakers, farmers, environmentalists, business leaders, and academics who participated in the forum. The major goal articulated by this group was *"to achieve no net loss of the nation's overall wetlands base"* and *"to increase the quantity and quality of the nation's wetlands resource base"* through voluntary and regulatory efforts in the long term.

Any activities requiring work in wetlands should include best management practices including but not limited to:

- Low Ground Pressure Equipment
- Wide Tires
- Rubberized Tracks
- Lightweight Equipment
- Very Paths – don't repeatedly cross wetlands
- Adequate and correctly installed erosion control
- Time work during frozen or low flow periods

## **REGIONAL GENERAL CONDITION COMMENTS**

### 1. Pre-Construction Notification

Advance and meaningful notice to Tribes is important to avoid unresolved Tribal treaty fishing issues. Pre-construction notification should include all NWP activities. See also detailed comments on Notification and Procedural Impediments above.

### 2. Aquatic Resources Requiring Special Protection

Areas that also need to be included as aquatic resources requiring special protection are: shellfish beds, forage fish spawning areas (including but not limited to sand lance, surf smelt, herring, and eulachon). Authorizing impacts to these areas under any NWP is inconsistent with the Seattle Districts obligation to protect these important habitats. For example sand lance spawning substrate cannot be mitigated/created (WDFW, personal communication). Therefore any impact would result in more than no net loss.

### 3. New Bank Stabilization in Tidal Waters of the Salish Sea

The Suquamish Tribe supports the Seattle Districts decision to not authorize bank stabilization by NWP in tidal waters of the Salish Sea.

### 5. Bank Stabilization

As mentioned above the Suquamish Tribe supports the Seattle Districts decision to not authorize bank stabilization by NWP in tidal waters of the Salish Sea. To protect ecosystem processes and Tribal Treaty resources we request that this be extended to freshwater tributaries within Puget Sound as well.

#### 6. Crossings of Waters of the United States

The Ninth Circuit has recently affirmed the District Courts delineation of clear standards for crossings of the waters of the United States. Accordingly, the Corps has a duty to require that project proponents adhere to the standards enunciated in *United States v. Washington*, 20 F Supp. 3d 986 (2013), and associated orders. Proposed language for water crossings will be submitted by the Muckleshoot Tribe via separate letter.

In addition, when a crossing structure is replaced all associated infrastructure, non-native in-stream debris and bank protection needs to be removed as well.

#### 7. Stream Loss

The Tribe supports the additional language except for the text regarding waivers and the allowance of impacts to intermittent streams. Waiver text needs to be removed (see additional waiver comments above).

Also remove the inclusion of “intermittent” streams as impacts permitted through the NWP process should be limited to ephemeral (stormwater) streams only as there is potential for significant impacts to both the habitat and hydrology of downstream areas and impacts to fish (Tribal treaty resources). No information has been provided that shows site specific and cumulative impacts of activities allowed under NWP 21, 29, 39, 42, 43, 44, 50, 51, and 52 have resulted or will result in no net loss. Many productive salmon and steelhead streams have low flows or dry up in the summer. Fish have adapted to these conditions and return to the creek late in the year after the fall rains allow the streams to flow. Salmon will spawn in gravels that meet certain criteria regarding gravel size distribution and stream velocity etc. Hatchlings stay in the gravel for several weeks and then emerge as fry. Coho fry spend typically one to two years in freshwater and prefer the upper reaches of stream systems for their freshwater rearing period. They can survive in isolated pools and wetlands even when the connection to the rest of the stream dries up during the summer. Early in the spring (before low flow) the fish migrate downstream and undergo smolting and eventually head into the ocean (WDFW, personal communication). In addition, intermittent streams are sometimes intermittent only during drought years or can become perennial over time depending on wetland conditions and beaver activities in the watershed. A 300 foot stream bed threshold for intermittent streams is excessive, arbitrary and in no way applies to streams in Kitsap County, especially considering that there are many small streams that will sustain significant impacts. There is no rationale or information showing how this number was derived. We recommend that the Corps not allow impacts to intermittent streams to ensure that protections are in place.

#### 8. Mitigation

If more than minimal impacts are occurring then the activity should not be included under a Nationwide Permit. When projects occur on properties with critical areas including but not limited to wetlands and streams an applicant must first attempt to avoid the impact, if avoidance is not possible then the impact needs to be minimized to the extent possible. Any impact that does occur (even minimal) should be mitigated. The preferred option for mitigation should be on-site and in-kind. Only if that cannot be achieved should off-site or out of kind options be considered. The impacts must be mitigated in the watershed in which they occur otherwise there is no way to attempt to achieve no net loss. Allowing any impact without requiring mitigation is not achieving no net loss.

All impacts must be mitigated and mitigation ratios of 1:1 are not acceptable. Studies have shown that many mitigation projects are not successful (likely due to lack of long term monitoring/maintenance and lack of consideration of temporal losses). It is recommended that for regulatory consistency and to ensure successful outcomes that the Corps use the wetland mitigation ratios recommended by the Washington Department of Ecology:

## SPECIFIC REGIONAL CONDITION COMMENTS

### NWP 3. Maintenance

- Maintenance of any structure should not create or maintain a fish passage barrier.
- Maintenance of any structure should not create or maintain a channel constriction.
- Should not include any areas of new riprap or stabilization (must be original footprint or less). Otherwise it can result in significant impacts to forage fish and salmonid spawning habitat (including ESA listed species). Allowing new additional impacts has the potential to have more than minimal adverse environmental impact and simply piles onto existing cumulative impacts that cannot be ignored.
- Maintenance limitations are lacking (i.e. replacing over 30% should be considered a new project and should adhere to current project requirements).
- Maintenance activities should not allow use of treated wood, especially in water in areas that are listed on the Ecology 303(d) list or on the Environmental Information Management (EIM) database showing exceedances for copper or arsenic.

### NWP 7. Outfall Structures and Associated Intake Structures

- Outfall structures should not be located in or immediately adjacent to clam or oyster beds to prevent the downgrade of shellfish classification that will preclude harvesting shellfish due to pollution concerns. The National Shellfish Sanitation Program requires that approved growing areas be protected from 1) waste discharges that have an immediate adverse effect (defined as direct impact); 2) waste discharges that reach a growing area in a roundabout way (defined as an indirect impact); and 3) pollution sources that may influence water quality (potential sources).
- Outfall structures should not be located in areas of forage fish spawning or marine vegetation to avoid significant habitat impacts (i.e. more than minimal adverse impacts).

### NWP 10. Mooring Buoys

- Mooring buoys should not be permitted under the NWP process. An alternatives analysis is needed to see if the applicant already owns a dock (maybe a boat lift is an option), or if marina moorage available, etc. Mooring buoys should not be allowed in any waterbody that would result in a downgrade or closure to shellfish harvest due to the number of vessels in the waterway (as per the National Shellfish Sanitation Program). On average, to be protective of shellfish harvest, this would prohibit more than one buoy per acre (assuming one vessel per buoy).

### NWP 12. Utility Line Activities

- Require location sequencing to avoid impacts to the extent possible. First see if utilities can be located within existing road right of way or utility corridors.

### NWP 13. Bank Stabilization

- The Suquamish Tribe supports the Seattle Districts decision to not authorize bank stabilization by NWP in tidal waters.
- The Tribe requests that this be extended to freshwater tributaries within Puget Sound as well.
  - Sills and stream barbs have significant impacts on stream processes including but not limited to flow, sediment movement, and elimination of spawning habitat.
  - Gabion baskets are not appropriate for aquatic environments as they have a short lifespan, deteriorate quickly and impact the environment when their contents are no longer contained.

- Allowing stabilization of up to 500 linear feet is excessive for small streams in Kitsap County. 500 linear feet on a salmonid stream that is only a mile or so long with a bankfull width of anywhere between 2 and 10 feet is significant. The impact of just the area where the stabilization would be located is 10% of the stream (and impacts are more if you add in upstream and downstream effects of the stabilization).

#### NWP 19. Minor Dredging

- Dredging should not be permitted under the NWP process. Dredging is utilized in many instances as a regular maintenance activity to manage undersized culverts, remove material that is a result of buffer encroachments and/or vegetation removal, or is a result of stormwater impacts. This activity needs to be permitted under an individual permit so that more analysis is provided and the conditions monitored. At some point instead of repeated impacts to stream habitat the actual cause of the sediment buildup needs to be addressed.

#### NWP 21. Surface Coal Mining Operations

- Mining activities should not be covered under a NWP.

#### NWP 23. Approved Categorical Exclusions

- The categorical exclusions do not take into consideration actions that may impact Tribal treaty cultural or natural resources. The Tribe requests that advanced and meaningful notification be provided to affected tribes regardless if considered categorical exclusions. See also comments above regarding waivers.

#### NWP 25. Structural Discharges

- Concrete should be cured a full 7 days before coming in contact with water.

#### NWP 27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities

- The Tribe supports the additional language stating that the pre-construction notice must contain photographs and a description of pre-project site conditions, general functions and services of the aquatic resource and benefits anticipated from project construction.
- What about bulkhead removal, derelict structure removal and piling removal?

#### NWP 28. Modification of Marinas

- Modifications should not include any additional overwater coverage, increase in slip size, or additional vessel moorage as those modifications have the potential to impact access to treaty fishing grounds and resources.
- Maintenance activities should not allow use of treated wood, especially in water in areas that are listed on the Ecology 303(d) list or on the EIM database showing exceedances for copper or arsenic.

#### NWP 29. Residential Developments

- Loss of stream bed should be limited to ephemeral streams only delete “intermittent” (see detailed comments above regarding intermittent streams).
- The Tribe is very concerned regarding cumulative stormwater impacts resulting from phased projects and multi-unit developments. Projects should be required to follow either their local stormwater guidance or the Washington DOE stormwater manual whichever is more restrictive.

NWP 32. Completed Enforcement Actions

- Consistent with tribal consultation policies, the Corps should coordinate with affected Tribes regarding violations prior to administering enforcement action to ensure Tribal treaty resources are protected.

NWP 36. Boat Ramps

- Boat ramps should not be allowed as a NWP. Not only do they cause significant environmental impacts (permanently impact forage fish spawning habitat, permanently impact clam and oyster habitat as well as disrupt sediment transport processes, etc.) they also have the potential to significantly impact Tribal treaty fishing activities and access as well as increase localized vessel traffic.

NWP 39. Commercial and Institutional Developments

- Loss of stream bed should be limited to ephemeral streams only (see detailed comments above regarding stream loss).
- The Tribe is very concerned regarding cumulative stormwater impacts resulting from phased projects and multi-unit developments. Projects should be required to follow either their local stormwater guidance or the Washington DOE stormwater manual whichever is more restrictive.
- Commercial and Institutional developments are typically phased and are larger in scale than other projects. These projects may not be appropriate for the NWP process and may give rise to cumulative impacts from phasing.

NWP 40. Agricultural Activities

- Loss of stream bed should be limited to ephemeral streams only delete “intermittent” (see detailed comments above regarding stream loss).

NWP 41. Reshaping Existing Drainage Ditches

- Sediment removal activities must address slope stability. Side slopes should not be left vertical. At a minimum slopes should be left at 2:1.
- Bank sloping shall be accomplished in a manner that avoids release of overburden material into water or wetlands.
- This NWP should not apply to ditches (that are historically realigned streams) with fish use/presence.

NWP 42. Recreational Facilities

- Remove “intermittent” as impacts should be limited to ephemeral (stormwater) streams only due to the potential for significant impacts to intermittent streams which can impact both the habitat and hydrology of downstream habitat areas (see detailed comments above regarding stream loss).

NWP 43. Stormwater Management Facilities

- The Tribe supports the additional language. However, remove “intermittent” as impacts should be limited to ephemeral (stormwater) streams only due to the potential for significant impacts to intermittent streams which can significantly impact both the habitat and hydrology of downstream habitat areas (see detailed comments above regarding stream loss).
- The Tribe does not support the use of wetlands for stormwater detention/treatment. Please add additional language clarifying that only “constructed wetlands” can be used.

August 19, 2016

Page 10 of 10

NWP 44. Mining Activities

- Mining activities (especially those within a fish bearing perennial or intermittent stream) should not be covered under a NWP.

NWP 50. Underground Coal Mining Activities

- Mining activities should not be covered under a NWP. The Tribe does not support the reissue of NWP 50.

NWP 52. Water-Based Renewable Energy Generation Pilot Projects

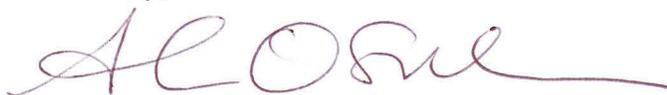
- The Tribe does not support NWP 52 and strongly objects to allowing floating solar panels in Section 10 waters. This is a direct and significant impact to Tribal treaty fishing activities.
- The Tribe also objects to allowing these types of activities within fish bearing streams.

NWP B. Living Shorelines

- The Tribe supports the Seattle Districts proposal to revoke this permit for use in the Salish Sea. This permit has the potential to result in a direct and significant impact to Tribal treaty fishing activities. Allowing these activities will result in more than minimal adverse environmental impact (permanently bury forage fish spawning habitat, alter sediment transport processes, eliminate clam and oyster beds, etc.).

Thank you for the opportunity to provide these comments. If you have any questions or would like to discuss these comments, please contact me directly at (360) 394-8447.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alison O'Sullivan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alison O'Sullivan  
Biologist, Environmental Program