



Quinault Indian Nation

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November 10, 2022

Dear Chehalis Basin Board members,

On September 20, 2022, the Quinault Indian Nation ("QIN") sent a letter to the U.S. Army Corps of Engineers after the agency asked for clarification of the QIN's position on the proposed flood retention dam at a government-to-government consultation in August 2022. The letter has raised some questions and concerns among some Board members. The QIN wishes to be clear that the QIN is not responsible for any delay in the project and rejects any notion that QIN's position on the flood retention dam has changed. We have long been clear and transparent.

QIN has been, and will continue to be, transparent and guided by science

From the beginning of its involvement in the Chehalis Basin Strategy, the QIN has been transparent about its concerns and consistent in stating it will evaluate the Strategy based on best available science.

Nothing has changed since QIN announced its opposition to the dam in April 2020 based on the findings of the U.S. Army Corps of Engineers and State of Washington's Draft Environmental Impact Statements ("DEIS"). As the DEIS summary states "these significant impacts are considered unavoidable impacts unless mitigation is technically feasible and economically practicable."¹ Mitigation information offered to date has been conceptual and has not provided sufficient information by which to determine whether mitigation is technically feasible or economically practicable. That reality is reflected in our recent letter to the Corps, which reiterates the QIN's comments during the environmental review process.

QIN, as a sovereign government with reserved and federally-protected Treaty rights, maintains a government-to-government relationship with both the State of Washington and the federal government. The federal government has a heightened duty under the Treaty to protect QIN's rights and interests, which it must fulfill through ongoing consultation with QIN. QIN has consulted, and will continue to consult, with the Corps to ensure our reserved Treaty rights and legal interests are fully understood and addressed through the EIS and Treaty impact evaluation process.

QIN has never wavered in its commitment to the dual mission of the Chehalis Basin Strategy

¹ <https://apps.ecology.wa.gov/publications/documents/2006002.pdf> (page S-8)

The QIN understands and supports the Strategy's aggressive and equal pursuit of both flood damage reduction and aquatic species habitat restoration. That is why the Nation has been a consistent and active participant in securing funding for the Strategy. We support continued analysis and evaluation of all the options and potential actions to reduce flood damage throughout the Basin.

The QIN is no stranger to flood damage and the safety and economic risks of living in a flood prone area. We are in the process of moving people, homes and infrastructure out of the lower village of our main community of Taholah on the Quinault Indian Reservation. And the clock is ticking.

Experts predict a 10 to 17 percent chance of a catastrophic magnitude 9 earthquake on the Cascadia subduction zone over the next 50 years as part of new modelling published by the Washington State Dept. of Natural Resources (DNR) in January 2022.² Beyond the tsunami threat, climate change-induced sea-level rise, increased winter rainfall, and severe storms also imperil the lower village of Taholah and the community of Queets.

From the outset of its involvement in the Strategy, QIN has been a strong advocate for development of an alternative to the proposed dam. The dam faces major challenges and potential obstacles in permitting that go well beyond QIN's concerns about its impacts to salmon and our Treaty rights, including legal, funding, and political challenges.

The QIN continues to believe that development and evaluation of a credible alternative to the dam is the responsible way forward for the Strategy. The Local Actions Non-Dam (LAND) has great potential to reduce flood damage and build resilience in ways and places that a dam would not. We remain committed to letting the process move forward as planned, including continued evaluation of the dam and the LAND alternative.

The challenges faced by the proposed dam have nothing to do with QIN

The proposed flood retention dam currently faces significant delays and challenges due in large part to a proposal to move the site of the dam to one of two potential new locations. We understand this decision will be made in March 2023. The proposed site move will require both new and updated analyses at significant cost in time and money.

Our understanding is that the proposed site relocation is part of the reason for the pause of work in environmental review. In the case of the federal EIS, the Corps is also pausing work while federal agencies evaluate the potential impacts of the project on endangered Southern Resident Orcas, whose most important source of food are Chinook salmon.

In its June 2022 Draft Wetland Mitigation Plan, the Flood Control Zone District states "the Corps will not continue their environmental review until NMFS and U.S. Fish and Wildlife Service (USFWS) issue the Biological Opinion (BO) for this project. The federal NEPA review process is estimated to be delayed 18 months and will follow a different schedule than the state review timelines."³

² <https://www.dnr.wa.gov/news/new-study-details-tsunami-impacts-magnitude-90-earthquake-olympic-peninsula>

³ https://www.chehalisriverbasinfczd.com/docs/Draft_Wetland_Mitigation_Plan.pdf (pages 21-22)

We understand and appreciate that the District is working to address comments on the environmental review document from QIN, as well as state and federal agencies. For example, the Washington Department of Fish and Wildlife has asked the District for more detail and information on critical issues related to potential mitigation and fish passage during both construction and operation of the dam facility.

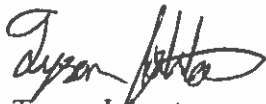
In sum, factors outside the normal environmental review process appear to be the major drivers of the significant delays and challenges now facing the proposed dam. There are major issues that have not yet been addressed, including who will pay for the dam construction and its ongoing operation and maintenance, who will own the dam, who will operate the dam, and who will be responsible for liabilities and unintended consequences associated with the dam. None of these have anything to do with the QIN and represent significant issues that have yet to be addressed by the project proponent.

Thank you for your consideration of this letter.

Respectfully,

A handwritten signature in black ink, appearing to read "Guy Capoeiman".

Guy Capoeiman, President
Quinault Indian Nation

A handwritten signature in black ink, appearing to read "Tyson Johnston".

Tyson Johnston
Quinault Indian Nation Representative to the Chehalis Basin Board