



**THE TULALIP TRIBES**

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The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and bands signatory to the Treaty of Point Elliot

February 18, 2014

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426.

**Subject:** Response to FERC comments on revised study plans for PUD Sunset Fish Passage and Energy Project (FERC Project Number P-14295)

Dear Ms. Bose:

We strongly disagree with Snohomish PUD's decision to not conduct baseline outmigrant field studies and we disagree that the outmigrant studies of the late-1970s adequately capture migration timing and magnitude for all of the life history types of juvenile salmonids present in the project area. The cited 1970s outmigrant study was specifically designed for juvenile coho outmigrants and did not sufficiently address juvenile Chinook outmigration.

PUD states that, "...direct measurement of fry survival through the bypass reach is not feasible...". We strongly disagree and assert there are indeed methods to assess the survival of subyearling life history types over the falls that are not being considered. We do not believe that the desktop evaluation of hydrology that examines flow variation during the fry out-migration relative to pink salmon productivity can be used to evaluate potential project effects on the safe downstream migration of subyearling salmonid fish *through the bypass reach*. While it is true that the majority of overall mortality does occur in freshwater due to egg-to-fry mortality, the desktop exercise does not capture specific mortality effects to juvenile fish over the falls because it looks at productivity across an entire life cycle. Marked releases (can be done for all subyearling species), paired with an outmigrant study, can be used to assess survival and mortality over the falls for subyearling life history types. This method will be able to assess direct mortality through the falls and project area as opposed to a statistical analysis of the full life cycle productivity of pink salmon relative to past flows. Pink salmon are not a representative species to all salmonids in the project area and their recent productivity is not representative to that of the other ESA-listed species.

When we previously commented on the PAD, the Tribes stated we might have been willing to support either exempting this site from the protected areas list or de-listing this site under the conditions below. However, these concerns have been ignored and were not adequately addressed in the revised study plan or the FERC review comments. The Tribe's conditional support for exempting the site from the protected areas list were based on the following concerns:

1. The project pays to have the Trap and Haul facility rebuilt to designs acceptable to Tulalip,
2. The hydro project pays for the annual operations and maintenance costs for the Trap and Haul facility,
3. The minimum stream flows set for the bypass reach are acceptable to the Tulalip Tribes for allowing the safe downstream migration of juvenile salmon and adult steelhead,
4. The screening and trash racks for the water intake structures are designed to safely prevent fish from entering the intake pipes to the generators and direct the fish downstream, and
5. The utility develops a system acceptable to Tulalip which enumerates the numbers of fish by species that safely pass over the falls.

1 and 2) While PUD is proposing to address #1 and #2, they reject any need to begin building a baseline dataset on adult salmonid fish passed above the falls, or monitor outmigrating smolts passing down through the proposed project location. While it may be true that Population Dynamics and Abundance Studies are not directly pertinent to assessing survival through the bypass reach, they are critical to understanding the efficacy of the trap and haul mitigation efforts and understanding the long-term effects of the proposed project on the viability of salmonids passed above the falls. A primary concern of the Tulalip Tribes is characterizing the status of south fork Skykomish salmonids populations prior to the installation of the proposed hydro project and providing a monitoring framework to evaluate trap and haul mitigation success after the project is implemented.

3) The Tribes are highly doubtful whether the minimum stream flows set for the bypass reach through this process will allow for the safe downstream migration of juvenile salmon and adult steelhead if the project is implemented. We were not consulted to provide input in developing the desktop hydrology method that is proposed to be used to develop the pre-project study flow targets. It is unlikely that whatever flows may be presented by nature in the truncated 2014 study period will fully encompass the flow targets that will occur later if the project is implemented. It remains unclear what will happen if the targets are not observed in the sample year. The magnitude and timing of the deviation in outflows induced to actual salmonid outmigrants during operation of the project will not be characterized in relationship to the natural variation measured at the site.

4) Recently, PUD proposed to change the location and entire configuration of the water intake. We, and other resource managers, were not provided the specifics nor afforded the opportunity to review the new configuration making it difficult to evaluate the design of the screening and trash racks for the water intake structures to enable safe fish passage.

5) The utility is NOT developing a monitoring system that will be acceptable to Tulalip that will accurately enumerate the numbers of fish by species and life history type that pass over the falls. We have provided numerous comments previously and above on this subject.

Given that all five of the above concerns are not being addressed, it is exceedingly difficult for the Tribes to support exempting this site from the protected areas list.

Finally, we have met numerous times with PUD and have provided extensive comments regarding the study plans and the proposed project but believe our comments were not adequately addressed. We feel attending more and more meetings without all the appropriate agencies and providing additional written comments will not be productive. We do not believe that the Utility has facilitated proper inclusion of all of the appropriate agencies. Going forward, we request a stricter adherence by the PUD to the Communications Protocol and future coordination of multi-agency meetings to achieve the consensus on any future actions that is required.

Sincerely,

A handwritten signature in cursive script that reads "Daryl Williams".

Daryl Williams  
Environmental Liaison  
Tulalip Tribes