Following is a letter from Tulalip Tribes to North Bend regarding Cascade Golf Course and Other Issues Related to the Mitigation of North Bend’s Centennial Well

(NOTE: We deleted Tulalip staff names and contact information – We also added highlights)

November 24th, 2020

To Whom It May Concern,

The Tulalip Tribes submit these comments on the City of North Bend’s (City’s) proposed Cascade Golf Course Mitigation Water Main. The Tulalip Tribes reserved the right to take fish in their usual and accustomed fishing places pursuant to the Treaty of Point Elliot of January 22, 1855 (12 Stat. 927). The Tulalip Tribes are the only tribe on record with federally reserved Treaty Rights in the area. These usual and accustomed treaty fishing areas include the freshwater areas of the Snohomish-Snoqualmie-Skykomish river basins and certain marine waters of the Puget Sound through which fish propagated in such basins pass. *U.S. v. Washington,* 459 F. Supp. 1020, 1038 (W.D. Wash. 1978); *U.S. v. Washington,* 626 F. Supp. 1405, 1527 (W.D. Wash. 1985), *Aff’d*, 841 F.2d 317 (9th Cir. 1988). The Tulalip Tribes are co-managers of fisheries and fish habitat with the federal government and Washington State.

The anticipated water main is intended to pipe water from the Cascade Golf

Course well or ponds (CGCW) to provide mitigation water to the South Fork

Snoqualmie River. In an email consultation with Mr. Rigos on November 23, 2020, the Tribes suggested delaying the pipeline application until after more is known about the specifics of the water source, water quality and quantity available. Several significant processes that affect mitigation water availability are ongoing that may determine specifics related to the pipeline project. It would be most prudent to allow time for a water rights change application and for the Water System Plan approval process to move forward prior to committing to building infrastructure.

Mitigation for Centennial Well

The City is obligated to develop a second mitigation source under the conditions of the Report of Examination (ROE) for water right certificate G1-26617C which is junior to the Snoqualmie River minimum instream flow. The City currently has a contract with the City of Seattle for one mitigation source, Hobo Springs. The ROE specifies two additional mitigation sources: Sallal wells and the Tolt River pipeline. These two sources were negotiated between the City, Ecology and the Tulalip Tribes and formalized in the mitigation portion of the ROE. The intent of specifically calling out the sites in the ROE was to ensure the City would provide mitigation water sourced from a *different basin* of equal quality and quantity as the water being removed from the South and Middle Forks of the Snoqualmie River. Recently the City has informed Tulalip that neither Sallal wells nor the Tolt River pipeline are being explored as a mitigation option due to contractual and technical difficulties.

Since the ROE did not consider other mitigation sources, the process to add new sources will necessitate opening the ROE. North Bend is working on other additional mitigation options however, Ecology has not provided the standards by which any additional mitigation sources not prescribed in the ROE would be assessed. Therefore, the Cascade Golf Course well is not a given mitigation source. It is not a safe assumption the Cascade Golf Course or any other unstudied mitigation concepts would come online in a short amount of time.

We understand there is a forthcoming report on the Cascade Golf Course well, we would appreciate receiving a copy when it is available. Tulalip had been expecting to give input on components to be incorporated in the study but assume the timeline did not allow for consultation. The Upper Snoqualmie River system is imperiled by land uses and increased variability in climate that has disrupted the hydrologic processes and water quality in the basin. The Tribes are concerned with water quality associated with the well, the well ponds and the proposed discharge into the South Fork Snoqualmie. The preliminary water quality data from the summer was concerning and Tulalip does not support adding warm water to a temperature impaired water body.

Application appears to be incomplete

The application does not include analysis of alternatives which is used to determine the tradeoffs between the alternatives and to determine the impacts and benefits of the chosen alternative. The plan does not articulate a plan to address environmental impacts to buffers, shorelines or the floodplain created by the proposed pipeline.

Given the complexity of the water resources planning occurring at the City of North Bend, Tulalip suggests a stepwise approach of solidifying a proposed mitigation portfolio and timeline, completing a water rights change application for Cascade Golf Course Well which includes any technical reports that are associated with the plan and gaining approval of the Water System Plan prior to embarking on permitting an infrastructure project for mitigation.

Thank you for reaching out to the Tulalip Tribes for our comments.

Sincerely,

Cc: Mark Rigos, City of North Bend mrigos@northbend.wa.gov

Don DeBerg, City of North Bend ddberg@northbend.wa.gov

Jay Cook, Department of Ecology johc461@ecy.wa.gov

Richard Rodriguez, Department of Health Richard.Rodriguez@doh.wa.gov

W. Clauss, King County wclauss@kingcounty.gov

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish,

Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.