

Congress of the United States
Washington, DC 20510

May 19, 2017

The Honorable Doug Lamont
Senior Official Performing the Duties of the
Assistant Secretary of the Army (Civil
Works)
U.S. Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Mr. Lamont and Director Mulvaney:

We write to urge you to provide a new construction start designation to the Mud Mountain Dam project in Washington state and allocate the funding necessary to begin construction in the U.S. Army Corps of Engineers' (Army Corps) Fiscal Year 2017 Work Plan. These actions would support the October 3, 2014 Mud Mountain Biological Opinion (BiOp), fulfill the Army Corps' Endangered Species Act (ESA) and tribal trust responsibilities, and mitigate the continued operation of Mud Mountain Dam for flood control.

The Consolidated Appropriations Act of 2017 (P.L. 115-31), which the President signed into law earlier this month, authorizes "six new construction starts to be distributed across the three main mission areas of the Corps"¹ and indicates that "one shall be for an environmental restoration project."² Congress further directs the Army Corps to consider "legal requirements, including responsibilities to Tribes"³ when selecting new construction starts. We firmly believe the Mud Mountain Dam project fulfills both of these requirements. The Muckleshoot Indian Tribe and Puyallup Tribe of Indians have usual and accustomed fishing rights on White River stocks, making this project essential to fulfilling tribal trust responsibilities to both tribes. Further, the Army Corps settled a lawsuit brought forth by Earthjustice based upon agreements in the BiOp. In addition, this project meets the requirement for the Army Corps to only select new construction starts that can execute a project cost sharing agreement by September 30, 2017.⁴

Mud Mountain Dam is an Army Corps owned flood control dam that protects the lower White and Puyallup River valleys, and the City of Tacoma, Washington. It includes an existing fish passage facility located six miles downstream of Mud Mountain Dam. The fish passage facility consists of a barrier structure built in the early 1900s to prevent upstream fish passage, an aging fish trap and haul facility that does not meet today's fish trap criteria, and a fish release site

¹ Consolidated Appropriations Act of 2017 (P.L. 115-31); Division D – Energy and Water Development and Related Agencies Appropriations Act, 2016; Page 4

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³ Consolidated Appropriations Act of 2017 (P.L. 115-31); Division D – Energy and Water Development and Related Agencies Appropriations Act, 2016; Page 5

⁴ Consolidated Appropriations Act of 2017 (P.L. 115-31); Division D – Energy and Water Development and Related Agencies Appropriations Act, 2016; Page 5

above Mud Mountain Dam. This outdated system allows both ESA-listed species and non-ESA listed species to pass Mud Mountain Dam and supports tribal treaty obligations.

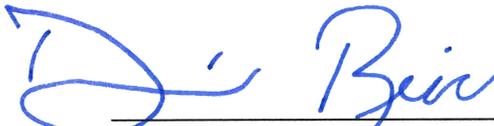
Under the BiOp, the Army Corps agreed to replace the barrier structure and build a new, larger fish passage facility at Mud Mountain Dam. The new fish passage facility must be operational by 2020. These improvements will better support both ESA-listed and non-ESA listed species and tribal trust responsibilities. There is strong community agreement and regional support for the path outlined in the BiOp, including the Muckleshoot Indian Tribe, Puyallup Tribe of Indians, Washington Department of Fish and Wildlife, local cities and counties, environmental groups, and other stakeholders.

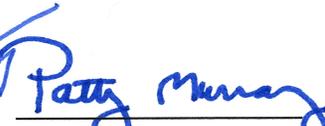
We commend the Army Corps and Office of Management and Budget (OMB) on their work to date to support engineering and design work through \$4.9 million in Fiscal Year 2015 through a reprogramming, \$10 million in Fiscal Year 2016 through the Work Plan and a reprogramming, and approximately \$6 million in Fiscal Year 2017 through Continuing Resolutions. This funding will support the completion of design work, however, a new start designation is necessary to begin construction. Therefore, we urge you to work together to provide a new construction start designation to Mud Mountain Dam and allocate funding to begin construction through the Army Corps' Fiscal Year 2017 Work Plan.

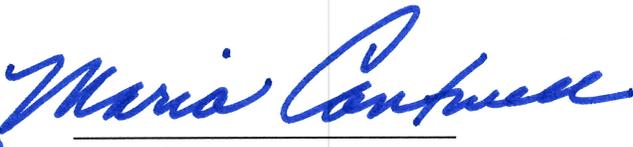
A strong commitment from the Army Corps and OMB is needed to ensure this project can meet the 2020 timeline mandated by the BiOp.

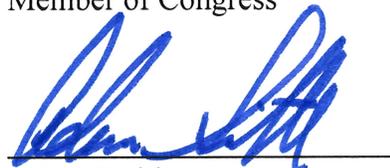
Thank you for your consideration of our request.

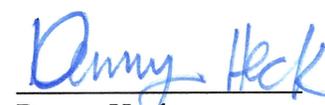
Sincerely,

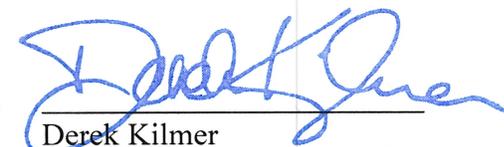

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