

size from 18-inch riprap to gravel, at the base of the eroding bankline and sloping outward onto the beach area. Atop the rockfill will be placed a covering of topsoil and vegetation to anchor the soil and offer a natural appearance. This work must be completed by April 15, 1998, in order to comply with environmental restrictions imposed by other agencies. Both the Washington State Historical Preservation Office and the U.S. Advisory Council on Historic Preservation reviewed the proposed plan and indicated that they do not expect that it will result in any substantial damage to any significant cultural deposits in the vicinity of the proposed stabilization actions. (Letter attached as Exhibit 1).

As Plaintiffs Bonnichsen reported to the Court in their Second Supplement to Plaintiffs' Second Quarterly Status Report, Senate Bill S1768 was introduced and passed by the Senate to prohibit the Corps from implementing its site protection plan without express approval of the Court. On March 27, 1998, House Bill H.R. 3575, containing similar language, was introduced in and later passed by the House. (S1768 and H.R. 3575 are attached as Exhibit 2). Upon review of these Bills, and objections previously presented by the Plaintiffs, Defendants have determined that the work is still reasonable and necessary in order to protect any significant cultural resources in that area from loss by erosion. See Declarations of Paul Rubenstein, Ph.D. and Dr. Paul Nickens, Ph.D. (Exhibits 3 & 4, respectively¹). In light of concerns expressed by Congress through its Senate and House Appropriations Bills, Defendants have decided to delay implementation of its site protection plan until April 6, 1998, to allow Plaintiffs and the public to again review the work which Defendants propose. This is the latest date upon which the site

¹Due to time and distance constraints, facsimile copies of Dr. Rubenstein's and Dr. Nickens' declarations are attached. The originals will be filed with the Court as soon as they are received.