CAPITOL LAKE – DESCHUTES ESTUARY

Long-Term Management Project Environmental Impact Statement

Meeting Notes Summary

Date:	November 22, 2019	Time:	9:00-11:00 am
Location:	1500 Jefferson St., Olympia, WA, Presentation Room 1213	Topic:	Executive Work Group

Meeting Participants

Executive Work Group Members

- Jeff Dickison, Squaxin Island Tribe
- Pete Kmet, City of Tumwater
- Ann Larson (for Chris Liu), Department of Enterprise Services
- Tye Menser (for Commissioner Hutchings), Thurston County
- E.J. Zita, Port of Olympia
- Cheryl Selby, City of Olympia
- Michael Strub, LOTT Clean Water Alliance

Department of Enterprise Services

- Carrie Martin

EIS Consultants/Facilitators

- Tessa Gardner-Brown, Floyd|Snider
- Steven Gray, Moffatt & Nichol
- Jessi Massingale, Floyd|Snider

Observers

- Sue Patnude
- Steve Shanewise

Meeting Notes Summary

Welcome and Introductions

Jessi Massingale welcomed attendees to the Nov. 22 Executive Work Group (EWG) meeting and thanked them for their attendance. Jessi welcomed new participants with LOTT and Thurston County. She then reviewed the agenda.

Environmental Impact Statement (EIS) Schedule Update

Jessi began the meeting referencing the updated process map, which shows a schedule adjustment since it was last presented to the work groups. The schedule now targets issuance of the draft EIS in mid-2021. The original target was December 2020. The final EIS is now expected in 2022. The delay is due to the Olympia Brewery oil spill, which resulted in a delay in the ability to complete the bathymetric survey that was originally planned for April 2019.

Between April and when the EIS project team was able to access the site in July, vegetation bloomed and prevented survey work. The survey data are very important for many analyses, therefore several key EIS analyses, such as the sediment transport and hydrodynamic modeling cannot begin until after the bathymetric survey is complete. The bathymetric survey contractor did reconnaissance last week to assess vegetation; conditions have improved but it is still an issue for data quality. The survey is targeted for the end of 2019 or early 2020.

Question: Is the die-down of the vegetation seasonal or related to the spill?

Jessi confirmed the anticipated change in vegetation is a seasonal, natural occurrence. Tessa added that crews attempted to go earlier in the season to complete the surveys and are monitoring the vegetation so the work can be completed as soon as possible.

Comment: It is ironic that the water quality is so poor and the water body so unhealthy that you cannot take successful measurements.

Jessi added that the technical analyses that can proceed independent of the bathymetric data are moving forward. Since the bathymetric data are so critical to many disciplines, its projected completion has driven the shift in the timeline.

Question: How are we going to convey this delay to the Legislature? This means that the final EIS would be delivered in the next biennium?

Enterprise Services is in the process of articulating the impact of the delay to the Legislature and is working with the Governor's office to understand and resolve any potential impacts of the delay on the funding/costs.

Comment: Regardless of the timing of work, it is better to receive full funding now.

Enterprise Services confirmed that the team continues to work towards full funding regardless of the timeline.

Jessi noted the schedule update was also communicated to the Funding and Governance Work Group (FGWG) and the Community Sounding Board (CSB). She added that the FGWG work is continuing in parallel but separately in alignment with the updated schedule.

Meeting Notes Summary

Date:	November 22, 2019	Time:	9:00-11:00 am
Location:	1500 Jefferson St., Olympia, WA, Presentation Room 1213	Topic:	Executive Work Group

Jessi recapped the Nov. 21 FGWG meeting, which included a summary of updates made to the funding options tables (see presentation and summary). Most of the meeting was spent on a dot exercise that asked the workgroup members, from their organizational perspectives, to help identify the key benefits of the long-term management options. The exercise also asked similar questions in reference to the costs / contribution to costs.

The goal of the exercise was to aid in understanding the components and the outcomes of the different shared funding approaches. All member organizations and agencies were represented, except the Port of Olympia (Port). Jessi will work to ensure the Port has an opportunity to participate and incorporate their feedback.

Jessi said the discussions were effective in helping understand the differences between capitol construction and operations and maintenance, and what that means to the different organizations. Jessi added that this topic will be discussed in more detail in the next set of meetings (likely spring 2020).

Question: Can you summarize the schedule shift again?

The issuance of draft EIS, originally scheduled for December 2020, has been moved to mid-2021. There is a roughly 9-month delay with the bathymetric survey, but the project team is working to reduce that impact on the overall schedule by moving forward with work not dependent on bathymetric data.

Tessa noted the process map is a living document that will continue to evolve in real-time to reflect the progress and next steps. The team will provide additional detail of activities leading up to the draft EIS. There will be an additional round of meetings with each stakeholder group. The team will work with each group to understand the exact frequency of those meetings, but they will likely be less frequent as the project team moves into writing the EIS.

Tessa noted definitions for key milestones from the FGWG have been updated to reflect the draft framework for shared funding and governance to be represented in the draft EIS. This update is consistent with what was discussed in September.

Question: What will you get from the bathymetric survey?

The last bathymetric survey was done in 2013. This new survey will help us understand the sediment elevations in the basin now and how this has changed over time. This information will be important in and of itself, but it will be a primary input parameter into the sediment transport and hydrodynamic modeling.

That modeling and assessment will help us understand how sediment will travel and be deposited under the different alternatives. It will also help the team determine the location of the different habitat zones (resulting in differences in sediment deposition under the different alternatives) and to evaluate potential impacts of each alternative. Steven Gray added that the bathymetric data is the foundation for planning and predictions.

Question: Will you review how the funding and governance options will be included in the EIS?

Tessa said the goal is to create a draft funding and governance framework that could serve as a baseline for all three alternatives. This would be the first key milestone and would be reflected in the Draft EIS. That draft framework would be subsequently amended for the preferred alternative identified in the Final EIS.

Comment: This approach is problematic because the nature of a funding and governance model is incumbent on the option chosen. For example, if the preferred alternative is an estuary, the tribe would be very supportive in funding and governance, but if the preferred alternative is a lake, the tribe would not participate (which would impact funding substantially).

Jessi acknowledged this concern and noted the team is very aware that the alternative selected will impact the approach to funding and governance. We are still evaluating the best path forward given those considerations.

Comment: This approach does not capture the situation where if one option is not selected the tribes may be categorically opposed to the project moving forward and as a result may significantly impact the funding and governance structure or ability to move forward the project.

Jessi confirmed the team understands this concern and is considering this moving forward.

EIS Technical Analyses - Methodology Review and Discussion

Jessi explained that when the team met in June with the EWG, they reviewed some of the EIS technical methodologies, including water quality and sediment transport. During the Nov. 22 Technical Work Group meeting the team will go into more detail about the methodologies and ask for technical and regulatory perspectives.

Comment: Please reach out to Commissioner Zita if Port of Olympia staff is not present at that upcoming TWG meeting.

Aquatic Invasive Species

Tessa described the parameters of the aquatic invasive species study which extends approximately 100 feet from the water's edge from Boston Harbor to Tumwater Falls. It also includes Percival Creek up to US 101. This is consistent with the Fish and Wildlife study area.

Comment: The area indicated on the map does not extend to Boston Harbor.

Tessa confirmed this and will make sure the map is updated.

Tessa continued to explain that the anticipated methodology, which would rely on existing data (on the type and density of aquatic invasive species) to describe current conditions. This analysis will be evaluated by the project's technical lead. The team will also leverage existing data from other agencies. Based on these data, the team will create a map that will summarize the most up-to-date understanding of the aquatic invasive species distribution and status in the project area.

Question: Will this report include information about where these species exist in other waterways and how they are being managed?

The team will be looking at other sites if they directly pertain to this project.

Question: Does the team have a list of invasive species that they will consider? Are any invasive fish species being considered?

Tessa said the focus in water will be on aquatic plant species.

Comment: I would expect this work to be thorough of virtually all invasive species. It is important to consider more than just plant species and recommend that the assessment include fish and amphibians. I would hope this would be more than just select headline species.

Comment: I would suggest thinking about current and potential invasive species when considering the alternatives.

Tessa will provide the group with the list of species that are being considered.

Question: Will the study area extend up the river to the falls? Why is there a break in the line under Highway 101 displayed on the map?

Yes, regarding the falls. The break in the line depicts the location where water salinity will change. She added that the two disciplines technical leads spoke and felt this location for the break would be most suitable to accommodate study goals.

Comment: Percival Creek splits just west of Highway 101 and this is an important point to consider as a potential source of aquatic invasive species. This point has not been addressed to date.

Tessa reminded the group about the basis for determining the project area and noted these comments will be discussed with discipline leads.

Once the team has evaluated the available data and understands how these species move, the team will be looking at various methods of control and eradication. This is a big opportunity to control invasive species, but the magnitude of which control measures will be able to be implemented will vary based on the option chosen (open vs. closed system).

Analysis of impacts will be focused on aquatic ecosystem and recreation impacts and benefits.

Potential impacts and benefits will be described based on:

- Estimated change in abundance and aerial coverage for each species
- Relative potential for transport and establishment within and outside study area
- Control priority, eradication potential, and potential management options for each species
- Relative effectiveness and non-target species impacts of control measures
- Potential for short- and long-term recreational use restrictions

Analysis will be informed by:

- Hydrologic and sediment transport modeling
- Specific design components associated with each alternative
- Habitat and control zone maps

Historic and Cultural Resources

Jessi outlined the factors to be considered.

- Traditional Cultural Properties: properties eligible for inclusion in the National Register of Historic Places (NRHP) based on associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community
- Archaeological resources: encompass features and deposits located on or below the ground surface that are evidence of prior human occupation or use in a particular area can be precontact or historic
- Historic: elements of the built environment, such as buildings, structures, or human made objects or landscapes).

Primary information sources typically include (meetings with Tribes, DAHP, and other stakeholders), desktop (existing data), and fieldwork (includes a windshield survey and walkthrough).

The analysis of impacts will include: Traditional Cultural Properties (TCPs), archaeological resources and historic resources.

She added that within the EIS team there are leads that represent the archeological and built environment perspectives. To date, the team has been able to meet with the Squaxin Island Tribe, City of Olympia, and Department of Archaeology and Historic Preservation (DAHP) to establish primary sources of information that will be used for this study. No exploratory borings are included in this EIS work.

Question: Could you explain what we could learn from exploratory borings?

Jessi said that future borings could allow for the assessment of the sediment underlying recently deposited sediment to potentially obtain additional information about native conditions. While this type of work is not planned for the EIS process, it would be expected to occur further into the design work, once an alternative is selected.

Comment: You are using "tribe" (singular) and "tribes" (plural), where are you going with that?

In a typical EIS the sources of information are the tribes in the project area along with DAHP. The team has not reached out to other tribes with requests for information other than the Squaxin Island Tribe. The Nisqually Tribe was notified, more generally, during the scoping process.

Comment: This should be approached carefully to avoid complication.

Jessi explained how impacts will be analyzed for each type of resource.

Traditional Cultural Properties

- Engage with Tribes to determine presence and potential impacts of construction and operations on TCP's

Archaeological Resources

- Impacts will be determined by evaluating if construction and operations will affect recorded archaeological sites
- Evaluate potential impacts for ground compaction from filling

Historic Resources

- Develop the historic context specific to Capitol Lake
- Evaluate the connection between the historic design of the Capitol Campus and Capitol Lake and the role of Wilder & White, Olmsted Brothers, etc.
- Evaluate resources to provide recommendations on eligibility for listing in the NRHP
- Utilize the historic context and survey findings to conduct the impact analysis of the alternatives (impacts will be determined by evaluating if construction and operations would alter any characteristic of a historic resource that qualifies for inclusion in the NRHP)

Jessi added that the team has met with DAHP and the Squaxin Island Tribe. Those meetings have been helpful in understanding perspectives, past documentation and findings, and available data and information. Engagement with TWG representatives around each respective methodology within their purview is a similar approach used for other methodologies.

Jessi added the team plans to go deeper into this topic at the Nov. 22 TWG meeting and will have a discipline lead and DAHP as resources at the meeting.

Comment: Have you accessed anything that Emmett O'Connell has done? He is an amateur historian and writes about Olympia, including Capitol Lake. He may maintain a blog and may be useful resource.

Jessi will check with the team and collect any additional information the EWG can provide.

Comment: One resource that has not been mentioned are Washington State Department of Transportation records, which were created during freeway expansion in the late-70s/early-80s. There may be additional records prior to the expansion dating back to the 1950s. These may include archeological information.

Comment: You should consider the current request for an I-5/Highway 101 interchange study. There is likely to be significant overlap between the two work areas and there may be some potential for collaboration, sharing of analysis, and/or funding.

Transportation

Jessi explained that the transportation methodology is underway in coordination with the City of Olympia; more information will be shared at the next meeting in the spring.

EIS Technical Analyses – Overview of Optimized Alternatives

Tessa introduced Steven Gray, Design Lead, and explained that they collaborated with the full EIS project team to develop the optimized alternatives as presented.

Tessa reminded attendees about the Measurable Evaluation Process used to develop the optimized alternatives, which was discussed at the June EWG meeting. She explained how the team looked at all components proposed to date and evaluated them against technical and regulatory feasibility, and economic and environmental sustainability. The environmental sustainability review included their ability to meet the four pillars of the project purpose and need (improving water quality, managing sediment, enhancing ecological functions, restoring community use), with the goal of selecting components that best meet those goals.

Tessa highlighted that these alternatives may evolve as the analysis moves forward and noted the icons represent specific project goals. She explained that not all elements of the alternatives are represented on the maps, just those that relate to project goals.

Managed Lake Alternative (see map)

- Initial and maintenance dredging in North Basin only
- Adaptive Management Plan to improve water quality
- Restoration of boating and fishing
- Transition to freshwater wetlands in South and Middle Basins
- Boardwalk adjacent to ecological improvements in the Middle Basin
- Adaptive Management Plan to maintain ecological functions

Jessi explained that the team has reached back out to the Dredge Material Management Program (DMMP) to understand if the Agency position from 2012, which was that Capitol Lake dredged material would not be suitable/or allowed to be disposed of at an open water disposal site due to the presence of invasive species, has changed.

The DMMP confirmed there has been no new or different information that would result in a change in their previous determination. Therefore, the EIS will include the assumption that dredged material from the Capitol Lake Basins cannot go to open water disposal and would have to either be disposed of at an uplands landfill with significant costs or beneficially reused within the lake basins. It is more environmentally and economically sustainable to reuse the sediment within the basins to build out the habitat islands associated with all the optimized alternatives (described below).

Question: Boating regulations prevent people from using the basins currently because of the risk of spreading the New Zealand mud snails (NZMS); however, if boating use is allowed under this alternative, how is the potential risk of invasive species spread and the creation of new sources of spread being addressed.

This level of detail will be the focus on the discussion this afternoon with the Technical Work Group and their invasive species specialist. Part of the EIS analysis process includes possible eradication or control of NZMS in the absence of eradication.

Question: Would moving the sediment from the North Basin into the other two basins increase the density of the snails in those basins and further amplify the problem?

That is part of the analysis to be completed for the EIS but based on preliminary assessment we do not expect snail density to change with the transfer of the dredged material within the basin.

Question: Are there other ways to deal with the sediment?

Steven said that one way is to dry it out and haul it out to a landfill. Given the presence of invasive species and high proportion of silt in the sediment it is not suitable for use as upland fill (in

construction). Disposal of the dredged material in a way that is cost effective would be challenging.

Comment: The map text boxes seem to imply some value statements that should be re-evaluated as they imply some partial analysis has been completed.

Comment: Some headings are goals, and some are actions, these need to be consistent throughout the document. Language should be structured to not pre-suppose the results of the EIS technical analysis but make the connection to the project goals.

Question: What is the purpose of these maps? How will they be used?

Tessa said the goal is to be transparent about what will be evaluated in the EIS because these alternatives are different from some past proposals. The maps are an interim tool to communicate what resulted from the measurable evaluation process with stakeholders.

Comment: Theoretically the information on these maps will be discarded when you get to the EIS. The term optimized suggests analysis that is not yet complete.

Jessi explained the use of "optimized" is only in the context of the myriad of components proposed for each alternative. It is an interim step that would not typically be public within the EIS process. These alternatives will now be analyzed in the EIS and they will not be referred to as "optimized" in the EIS. Tessa added that there is documentation of what has been eliminated based on the established criteria.

Comment: This seems to be jumping into the EIS analysis without all the available information.

Question: Do the maps represent complete descriptions of the alternatives.

These are the best representation of the fundamental components that help achieve project goals, but other things may be added (e.g. if the analysis indicates impacts due to sediment transport, we may add a sediment trap as part of sediment management). The analysis will tell us how to modify the alternatives, while starting with these fundamental components.

Comment: Keep the factors being analyzed in the EIS descriptive and focus on outlining the features of each alternative but refrain from extrapolating into the potential outcomes of the alternatives (to avoid pre-supposing a particular outcome).

Jessi confirmed the team will use this feedback to consider how the maps are updated.

Comment: Impacts of downstream water quality are not conveyed on the map.

Jessi said that is information that will be captured in the EIS after the analysis is complete.

Estuary Alternative (see map)

- Maintenance dredging to remove accumulated sediment

- Removal of the Fifth Avenue Dam
- Initial dredging in the Middle and North Basin channels
- Restoration of boating and fishing in Middle and North Basins
- Establish shoreline habitat within the Middle and North Basins
- Boardwalk adjacent to ecological improvement in the South and Middle Basins
- Adaptive Management Plan(s) to maintain ecological functions

Comment: The depicted location of the opening on the map, (indicated by a point on the figure) is too specific. The opening location should be depicted more broadly, like a shaded oval.

Tessa referenced the map inset that illustrates how this alternative might look under high tide based on the resulting elevations of the basin topography. The EIS will use modelling and include visual simulations to illustrate this.

Question: What is mean higher high-water?

It's a technical term that generally means high tide.

Question: How does sea level rise due to climate change factor into this work?

Sea level rise (SLR) will be evaluated for all alternatives, including the no action alternative as part of the EIS.

Comment: SLR is very important to consider particularly in the estuary alternative.

Hybrid Alternative (see map)

- Maintenance dredging to remove accumulated sediment
- Removal of the Fifth Avenue Dam
- Initial dredging in the Middle and North Basin channels
- Adaptive Management Plan to improve water quality in the reflecting pool
- Multi-modal trail on the retaining wall at the reflecting pool
- Restoration of boating and fishing in Middle and North Basins
- Boardwalk adjacent to ecological improvement in South and Middle Basins
- Establish shoreline habitat within the Middle and North Basins
- Adaptive Management Plan(s) to maintain ecological functions

Question: What is the circumference of the multi-modal trail?

It would be about one mile and 14 feet wide.

Question: What is the current circumference of the managed lake?

The lake (North Basin) circumference is approximately 1.5 miles.

Question: How much control will you have in the reflecting pool using the tide gates?

There will be a lot of flexibility in the amount of water that could be allowed in and out of the system; it could allow periodic flushing and seasonal control of water exchange in the system.

Comment: The purpose of water movement would be to improve water quality of the reflecting pool but flushing organic matter downstream may be detrimental to exterior water quality, so the design should be mindful of this.

Comment: It is important to indicate that there will be a mixing of fresh and saltwater as a result of flushing the reflecting pool.

Question: Can you describe the exchange of fresh water from the river and the process of mixing with saltwater.

The design would include tide valves in the retaining wall. They will operate using gravity; at low tide these valves will be open. Since the bottom of the valve is the lowest point of the structure, under low tide conditions, this design will allow water from the pool to flow into the estuary. Once the tide rises past that low point, water will begin entering the pool. Once the water level inside the pool reaches a specific level, it will lift floats and shut the tide gate, the water pressure would hold that valve closed preventing additional flow into the pool. In this design, the number of valves would determine the velocity of the water movement and the elevation difference would determine the volume. This design allows for a lot of control of the amounts of water exchanged and how the exchange will occur between the water bodies.

Question: Where would the gates be located?

The gates will be along the wall, but their specific location has not been determined yet.

Question: Can you explain the connection between the fresh and saltwater sides.

The connection indicates where the current basin is naturally deep and does not necessarily indicate a future design element that would manage water exchange. There is nothing planned to intentionally capture river water specifically for use in the reflecting pool.

Question: What does the refresh rate need to be on the reflecting pool? How much water needs to flow through per day to keep it at its desired height?

This would need to be analyzed.

Comment: It is important that this is going to be a saltwater lake, which will take care of some of the key issues that currently exist in the North Basin. It is important to ensure that the project does not create a freshwater lake which would just be a miniature version of the North Basin and consequently perpetuate the existing problems. It is also important that everyone understands this distinction.

The team acknowledged the significant feedback provided during this meeting and stated that these will be noted and assessed in more detail during the EIS process.

Next EWG Meeting and Community Sounding Board Update

Jessi explained that the next meeting will likely be in April – a doodle poll will be shared to identify the best time to meet.

She added that a draft of the meeting summary and an overview of the CSB (Community Sounding Board meeting) will also be shared.

Public Comment

Comment: I would like to address the issue of DELI not being the Hybrid Alternative. This is completely unfair and unfounded. The Hybrid Alternative being put forth was not put forth in the Scoping process, nor was it presented or backed by any citizens. It's a made-up idea devised to fill the requirement for a Hybrid Alternative in the EIS. DELI, on the other hand, has been involved with this process from the beginning and was fully entered into the public record during the Scoping process. DELI also addresses every major aspect being reviewed in the EIS including fish and wildlife benefits, water quality improvements, public recreation, sediment management and sea level rise. DELI also is supported by a large and growing portion of the public; the email list has over a thousand names and increases weekly while many times more people than that have given verbal support. Now, I don't mean this as a threat, it's really a heads-up. The people I talk to about DELI often become passionate when they finally hear an idea that makes sense to them. They are sick and tired of this endless chant of all lake or all estuary that has gotten us nowhere,

forever, and the compromise of DELI makes sense to them. If DELI is not the Hybrid Alternative put forth in the Draft EIS, DES will be fending off people storming their front door with pitch forks and torches. Finally, I feel I have put in the time and should have the credibility to where someone owes me a response as to why DELI should not be the Hybrid Alternative.

Question: Why was the hybrid estuary model not included in the original plan?

Carrie will follow-up with the commenter to schedule a meeting. Tessa requested the comment be submitted in writing.

Comment: The river is indicated as being channelized, but it is meandering – this distinction should be indicated in the figures the team shared. The costs of different alternatives should also include the long-term management costs and the use benefits. Is the estuary considered to be a historic resource? If so, how does that fit into the EIS process?

Adjourn

Jessi thanked the group for taking the time to meet and adjourned the meeting.