



CAPITOL LAKE — DESCHUTES ESTUARY

Long-Term Management Project Environmental Impact Statement

Meeting Notes Summary

Date: June 15, 2020

Time: 1:00 – 3:00 p.m.

Location: Zoom

Topic: Executive Work Group

Meeting Participants

Executive Work Group Members

- Jeff Dickison, Squaxin Island Tribe
- Joe Downing, Port of Olympia
- John Hutchings, Thurston County
- Pete Kmet, City of Tumwater
- Chris Liu, Department of Enterprise Services
- Cynthia Pratt, City of Lacey
- Cheryl Selby, City of Olympia

Department of Enterprise Services

- Ann Larson

- Carrie Martin

EIS Consultants/Facilitators

- Jennifer Barnes, Heffron Transportation
- Tessa Gardner-Brown, Floyd|Snider
- Karmen Martin, ESA
- Jessi Massingale, Floyd|Snider
- Nicole Lobodzinski, EnviroIssues
- Ray Outlaw, EnviroIssues
- Tim Sturtz, Ramboll

Observers

- Marcia Justis
- Allen Miller
- David Palazzi
- Drew Phillips
- Emily Ray
- Steve Shanewise
- Kristin Swenddal
- Bob Wubben
- EJ Zita

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Welcome and Introductions

Jessi Massingale welcomed attendees to the June 15, 2020 Executive Work Group (EWG) meeting and thanked them for their attendance. Jessi noted the meeting would be recorded. Ray explained how to participate in the meeting via Zoom. Jessi then reviewed the agenda.

Environmental Impact Statement (EIS) Schedule Update

Jessi began the meeting referencing the updated process map ([see presentation page 4](#)) and described recent revisions. She provided a schedule update, and noted the state allocated supplemental funding for the EIS and stipulated the Draft Environmental Impact Statement (DEIS) be completed by June 30, 2021. She noted the plan is to connect with the Funding and Governance Work Group (FGWG) and Technical Work Group (TWG) again in the summer. Jessi explained the team doesn't envision another EWG meeting in 2020 but will continue to provide quarterly updates as needed. There may be a joint FGWG/EWG meeting in late 2020/early 2021.

Jessi provided a fieldwork update stating the bathymetric survey and sediment sampling are complete. She noted the results from both the survey and sediment sampling are being incorporated in the discipline reports and EIS analysis.

EIS Technical Analyses - Methodology Review and Discussion

Transportation

Jennifer Barnes introduced herself and her role as the EIS lead for the project's Transportation analysis. Jennifer explained the transportation study area includes multi-modal surface transportation facilities, as well as streets that could be affected by construction or long-term operations trips as part of the project alternatives. She noted what is included in the transportation technical analysis and methodology, including:

- Reviewing existing transportation plans, reports, and policy documents
- Taking inventory of the multimodal transportation network in the study area
- Conducting planning-level assessment of construction impacts to the transportation network and parking facilities

She explained this is a planning-level analysis to determine transportation impacts and benefits tradeoffs between the different alternatives, and there is a more detailed assessment around the potential impacts of the removal of the 5th Avenue Bridge.

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She also explained the analysis of impacts ([see presentation page 8](#)). She explained that they are looking primarily at truck trips that would be generated by construction activities and are also exploring rail and barge as potential mitigation to provide relief to traffic impacts by trucks.

Comment: Glad to hear you're considering rail versus heavy trucks around the area.

Response: Jennifer noted her team is analyzing potential modes for hauling as part of the analysis but won't identify what the tradeoffs and advantages vs. disadvantages of options are. That decision would be considered after an alternative is chosen.

Question: Are you looking at both sediment removal as well as bringing in construction materials by rail?

Response: Jennifer noted that the larger impact of transportation is sediment removal in general, but rail could be considered for either hauling in or hauling out.

Comment: Would rail also be used for bringing in materials for the impoundment wall?

Response: Jennifer explained that all materials identified at the construction level for hauling in and out would be evaluated for potential impacts.

Comment: Would the rail line need to be reconstructed or changed in any way? Has that been analyzed?

Response: Jennifer explained that the area is served by rail so it is an option. She noted her team is looking at existing rail, and the viability of using it depends on where materials are coming from and going to, and whether an agreement can be made with the owner of rail. There are many factors. She noted her team is evaluating the effects of that option with regards to reduction of truck trips.

Air Quality and Odor

Tim Sturtz introduced himself and his role as the EIS lead for the project's air quality and odor analysis and noted he would talk about air quality and odor separately. Tim described the study area where emissions are being studied. He explained that air quality includes construction related emissions, like equipment and dredging activities. Odor is more about estuary exposure related to the action alternatives.

Tim walked through the analysis of existing conditions and impacts ([see presentation pages 10 and 11](#)). Tim explained that his team is not anticipating emissions associated with current conditions, and both are tied to action alternatives. He noted it is important to understand the current state of the atmosphere and whether they are meeting current national standards.

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Tim explained his team will use the typical EPA models to estimate emissions. Tim noted impacts for odor are more vague, but most studies focus on intensity (i.e., how strong are odors being generated and emitted). He noted they use literature to come up with emission estimates to attempt to quantify odors in the project area.

Comment: Will you say that odor has a certain weight in decision making, and how will you actually assign a weight to odor as you come up with a preferred alternative?

Response: Tim noted that in other cases people do dispersion modeling, but this isn't the case for this scenario because average odor emission rates aren't available.

Comment: As an example, you have an existing state of affairs in Capitol Lake and downtown. People in East Bay don't complain about low tides because it's an existing condition, however this is an addition. I could smell the mushroom farm before I knew where it was which is a way to quantify odor emission. This is a good example of how odor can have an impact on the community.

Response: Tim noted one of the questions that might arise is whether it is enough to talk to Olympic Region Clean Air Agency (ORCAA) about Olympia complaints or should we seek geographically wider odor complaint data.

Question: Even though there may be occasional odor, if it's not very frequent, would it be counted?

Response: Tim responded that it will have to be considered, and one of the key criteria is frequency. In this case his team isn't looking to do dispersion modeling, so they won't have a quantitative assessment of frequency. There are many biological components that will be impacting odors that can't be measured easily for such modeling.

Comment: Is there conflict with ORCAA impact and oversight?

Response: Tim replied ORCAA plays a role in fielding any odor complaints that come in.

Comment: If there are complaints ORCAA would check out the complaints, but I don't know if they would have short-term monitoring of odor complaints.

Question: Are you thinking about the analysis in terms of the actual dredging or when the project is complete? Historically Capitol Lake has been dredged so there may be information available. It seems a more reasonable comparison is East Bay or Lower Budd Inlet in general, or other nearby bays, as comparative situations rather than a wastewater treatment plant or compost facility.

Response: Tim explained that the focus is primarily on configuration once the project is completed and less on short term. He noted this is a question about level of intensity. He

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explained that when discussing actual impact and influence on the population, there may be more value in looking at complaints.

Visual Resources

Karmen introduced herself and her role. She explained that the study area for visual resources includes the project area and adjacent parks and roadways that could experience visible changes from onsite or offsite areas ([see presentation page 12](#)).

Karmen reviewed the analysis of existing conditions ([see presentation page 13](#)). She noted the team will use data from numerous sources. She explained that they will be distinguishing between different viewer types who will have different sensitivities.

She walked through the possible types of changes – the character of water views and availability of views. She explained the three locations in the North and Middle basins where simulations will be developed were selected based on sites that would have the most visible change. Karmen noted the team recognizes there are other areas of interest for the community, and photos of other locations will be included in the EIS with annotations about what changes could be expected under the alternatives.

Karmen explained the analysis of impacts ([see presentation pages 14 and 15](#)).

Comment: Everything I've seen from historical photos and personal experience shows that in a saltwater interface, there tend to be less trees blocking the view.

Response: Karmen noted she is talking more about the planted habitat areas and how those could change views under any of the alternatives. It wouldn't necessarily be a large-scale change but views to the water could change as plants grow up in those areas. She added the team is looking at changes based on salinity reaching different areas and vegetation types.

Question: Can you define "block views"?

Response: Karmen explained this is related to any changes, growth or vegetation from new habitat areas being established. She noted there likely wouldn't be other elements considered as blocking views.

Jessi clarified this is change related to open water. Karmen confirmed it's better characterized as a change rather than blocking views.

Question: Why is there a location in the middle of I-5? I think that Deschutes Parkway is heavily traveled by local cars and pedestrians. I would love to see a visual analysis from that side of the main basin because most people care about the main view of the basin.

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Response: Karmen replied that the location is actually at the southern end of Interpretive Park at the dock. She noted the reason is because there will be notable visible changes in the Middle Basin to have a visual simulation to show the new habitat areas and boardwalks, as well as the change and tidal fluctuations. She explained there was a lot of discussion around potential viewpoints and the team considered input from the CSB to determine these three. She recognized that views from Deschutes Parkway are important, and it's one area where there will likely be a lot of photos in the EIS to describe what those changes would look like. She added that the southern end of Middle Basin provides the best visibility to show how things will change in the Middle Basin.

Question: Why are we only choosing three? From an aesthetic standpoint, 5th Avenue and Deschutes Parkway are more critical to traffic and the vast majority of the community.

Response: Karmen explained it is a matter of available budget and what is reasonable for an EIS analysis. She noted from a SEPA perspective, it is a reasonable number.

Tessa added that the team noted a list of changes that would occur in the basins under the alternatives and made sure each of those was captured in some way. She noted they looked at a potential fourth simulation but it didn't show anything not included in the first 3 simulations.

Question: You will look at the entire area, but these are simulations of ground level view points?

Response: Karmen replied that yes, these simulations do not represent the extent of the analysis, they are provided as examples of what the system might look like once alternatives are constructed and established. She noted they will support the analysis but aren't the only thing that will be evaluated.

Sea Level Rise (SLR) and Climate Change

Karmen explained the sea level rise and climate change study area is defined as the project area. She noted the team evaluated best available science, including consistency with the City of Olympia SLR response plan to determine modeling of two-foot sea level rise. She explained that two feet was the high-end scenario modeled by Olympia, and at that level it was assumed large scale mitigation measures would already be implemented. She noted that the analysis will describe a range of years and how it interacts with project horizon. Karmen added they are looking at how resilient or vulnerable the built alternatives are to the effects of SLR.

She walked through the methodology and analysis ([see presentation page 17](#)). Karmen also explained the analysis of impacts between the natural environmental and built environment ([see presentation page 18](#)). Karmen noted they are looking at how the alternatives would change under elements of climate change.

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Question: Is the impoundment wall included in the City's plan? Will the EIS include benefits to a hybrid impoundment wall?

Tessa explained that the impoundment wall or berm is the additional material that would be included in Heritage Park, and the team evaluated whether the project would be compatible or conflict with what the City of Olympia may consider as a response action in Heritage Park. She noted they determined there would not be a conflict.

Tessa confirmed that the question asked was regarding how the hybrid may perform with the barrier wall separating the estuary from the reflecting pool. The commenter replied yes. Karmen responded that yes, the team would be looking at that.

Comment: It seems like as you develop the EIS, each possible outcome considered may have different sea level rise response characteristics. If we did nothing, we would still have to include sea level rise planning for the eastern side of Capitol Lake. Somehow you need to accommodate additional response planning with what's going to happen anyways over the next 40-50 years.

Question: Is this EIS projecting as far out as 50 years? Or is it just the moment of the study?

Response: Karmen explained that in general, the project time horizon is 30 years in the EIS however the SLR analysis is different because the team is basing it on the two-foot sea level rise scenario. She noted the team would be looking at a further time horizon to account for the fact that we don't know when the two-level rise could occur.

Question: Should we say that climate change impacts exacerbate the Build Alternative rather than that the Build Alternative exacerbates sea level rise? Because sea level rise will happen regardless.

Jessi noted SLR will occur, climate change is forecasted to occur, and the team is looking at whether the Build Alternative will contribute to the impacts of sea level rise. Karmen noted depending on the alternative there could be a difference in how sea level rise effects could be exacerbated. Jessi noted it may be helpful to include the words "exacerbating the effects" to acknowledge that the assumption is that sea level rise will occur but the question is if build alternatives will make the affects worse or different.

Public Services & Utilities

Karmen reviewed the study area for Public Services and Utilities. Karmen explained the first step is to confirm the public services and utilities within the study area. She noted there will be a high-level analysis given the conceptual nature of the EIS and that construction impacts will be the focus. She explained the methodology and analysis of impacts ([see presentation pages 20 and 21](#)).

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Question: Can you define the build alternative?

Response: Karmen explained this is sometimes called the “action alternatives,” but means any of the alternatives except the no action alternative.

Question: Is the analysis of impacts at the micro or macro level? Does the utility study go as far as Percival Creek? Does the analysis include raw sewage potentially getting into the lake?

Response: Karmen noted utilities that are directly impacted by the project construction or operations are being studied, so unless the Percival Creek was directly impacted, it would likely not be studied in the EIS.

Recreation Assumptions in the EIS

Tessa explained the recreation assumptions. She explained that current regulations allow for motorized boating in the Middle Basin of Capitol lake, but given the focus of habitat enhancements, motorized boating will not be supported in any project alternatives. She noted the assumption is to support non-motorized boating throughout the project area, and a hand-carried boat launch would be established at Marathon Park. She described how boating is restricted today, and the project would restore the ability to boat in the basin by providing decontamination stations at points of entry and exit to prevent the spread of the New Zealand mud snail. She explained these assumptions were discussed with the Department of Fish and Wildlife.

She noted that recreational fishing is assumed, and the project would rebuild the pier near Interpretative Park for fishing and include a decontamination station.

Question: Shouldn't we be saying “recreation assumptions to be evaluated in the EIS” so people don't assume these are things that are going to happen?

Response: Tessa agreed and said the team will update the slide.

Question: I believe there were restrictions on fishing within a certain distance of the lower falls. The pre-restrictive conditions may be a good baseline.

Comment: When you say non-motorized, it would be nice to be specific e.g., “non-motorized defined by kayaks, canoes, etc.” to be more specific so people understand.

Tessa explained that organized swimming facilities are not supported, because the basin is not considered to be suitable for swimming, as previously determined by Thurston County Public Health. She noted point and non-point discharges, periodic spills (oil, sewage), and other factors make Capitol Lake unsuitable for swimming and that will not change as part of the project. Tessa

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noted that in the future if water quality can be demonstrated as improved enough to support swimming and there is stakeholder interest, a separate environmental review could be conducted.

Comment: I asked our Parks department if they had ever been contacted regarding swimming, and they couldn't recall any conversation regarding this. I also don't remember any discussion about this from Tumwater's perspective. I'm not sure if saying there is no jurisdictional support is accurate.

Response: Tessa clarified this assumption was generated by jurisdictions in CLAMP and that has not changed since that time. She noted jurisdictions in Phase 1 discussed active community use within the project area and boating and fishing were represented in the project purpose and need statement, but swimming was not represented. She noted that during scoping the team did not receive jurisdictional interest for formal swimming facilities. Since that time, Enterprise Services has discussed the issue with City of Olympia administration and there hasn't been interest expressed at that level. She added that when the team discussed optimized alternatives with the work groups, they did not hear interest in swimming but specifically discussed boating and fishing. She emphasized that the project does not preclude an entity hosting swimming in the future if water quality is good and suitable.

Question: Could you point us to where in CLAMP materials that is noted? Thurston County determined that the lake was unsuitable for swimming as a freshwater lake. Did they also say that Budd Inlet is unsuitable for swimming in general, and if it were a saltwater lake would that change anything?

Response: Tessa noted she could pull the discussions from the CLAMP documents. Tessa stated the team can look further into whether Thurston County made any formal determination regarding Budd Inlet. She noted the team would need to evaluate what primary contact water quality standards were and whether they were achievable in an open system if swimming were considered.

Comment: There are some expectations that if there were a freshwater lake it would be suitable for swimming. There needs to be some discussion about it and not simply dismissing it. I would encourage you to gather historical information around that and talk about stormwater.

Comment: Are you saying the EIS team should designate fatal flaws, site things, etc.? Oil and sewage seem like fatal flaws to me.

Comment: I'm saying the analysis as I understand it is not going to include the option of a swimming facility and I don't believe it's accurate to say we're not doing it because nobody asked for it. We need further discussion about why swimming is prohibited from a historical perspective.

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Response: Tessa clarified the intention is to describe analysis and discussion of this issue in the EIS as needed.

Comment: We are working towards three different alternatives, and perhaps the hybrid alternative might have swimming as a possibility which may make it more attractive.

Comment: I remember swimming in the past. When I read the recreation assumptions, the first several bullets make it sound like swimming's not included, but there's a bullet that it could be included in the future. I would like it not to be such an afterthought.

Response: Ann noted the administration at the City of Olympia has communicated the City is not interested in taking on swimming and what it would entail.

Question: Are there public pools?

Comment: For the most part indoor swimming facilities are not open to the general public. I believe that's why Olympia is doing a feasibility study for a potential public swimming facility.

Response: Tessa noted that Tessa and Jessi report out to the full consultant environmental teams after these meetings.

Comment: I want to point out that despite many decades of tribes saying we need to improve water quality for fish, we've made little progress as jurisdictions dump their waste in the river and lake including WSDOT. I just want to point out how much time we've spent discussing how much water quality needs to improve to go swimming.

Feasibility of a Freshwater Reflecting Pool

Tessa explained the same information shared today was shared with the TWG and CSB. She reviewed the feasibility considerations associated with the Hybrid alternative including a freshwater reflecting pool ([see presentation page 24](#)). Tessa noted that after the November meeting when optimized alternatives were discussed, the team received more relevant information and took a closer look at the technical and regulatory feasibility. She explained that a saltwater reflecting pool had fewer technical feasibility issues and referred to the Measurable Evaluation Process the EIS team completed. She noted the freshwater from LOTT is already allocated and it is not technically feasible to use reclaimed water for a freshwater reflecting pool. Tessa said the use of well water from the aquifer was considered, however rights to that water cannot be guaranteed. Tessa noted that the feasibility review will be documented thoroughly in the DEIS. Carrie added that during the process Enterprise Services thought it was important to revisit this topic and share this evaluation.

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Question: What was the lake volume used to make the calculation? 30-38 million gallons of water is 2-3 times what LOTT discharges on a given day.

Response: Tessa noted that the team looked at the volume based on the size of the lake evaluated during scoping. She noted she didn't have that number to report out, but it would be provided in the EIS.

Question: How can you use a lot less water to create a reflecting pool? Do we have to have a deep lake?

Comment: I know when you do an EIS you have to look at other studies that are being done. Now there is a study that talks about trying to provide more water for the Deschutes. This part may be problematic. If you're worrying about pulling groundwater or trying to flush more water, we're looking at the lower Deschutes to determine whether there's enough water for wells. The EIS should look at that.

Response: Tessa noted this concern was cited by Ecology. Tessa explained that in the comparison of feasibility, saltwater was selected because it more feasible technically and from a regulatory perspective.

Question: How is reasonable flushing rate defined? I think "5 times the daily municipal water use in Olympia" may be an inaccurate representation. When we talk about ground water volumes, we don't know the flow rate without a test well. This would help determine the volume or flow rate of water going into the lake.

Response: Tessa explained that LOTT evaluated the artesian well within the downtown area and had estimates of flow rate and discharge patterns and identified that water does move into Capitol Lake. She noted the team's goal has been to identify which water type is more feasible and still meets projects goals. She elaborated that looking at a test well for an option that has already been screened due to other feasibility and regulatory issues would be counter to the goals.

Comment: 30-38 million gallons is a lot of water. If you were to start pumping that much water at the base of the Capitol that could reach to the Deschutes watershed you would have to do a detailed evaluation to determine that impact, and that would require more than a test well.

What is Pre-Decisional Information?

Tessa explained pre-decisional information such as the results of the modeling, fieldwork, technical analyses, draft documents, and other data that could contribute to the selection of a preferred alternative. She noted the team has provided the extent of information possible, and the remaining information will be shared in the DEIS. She noted that consistent with SEPA

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process, the next report out to this group is the DEIS because details are provided in the context of everything else that is being evaluated. Tessa mentioned the next phase will be to process data. Carrie noted she understands people are anxious to receive information; this process will ensure everyone can provide feedback at the same time and thanked everyone for their patience.

Jessi noted the team is planning to meet with the FGWG again in August. She explained there was a consensus to break apart initial funding of upfront construction and long-term governance of the preferred alternative. She noted the FGWG discussed a shared agreement of construction funding in the context of a legal agreement, and moving forward they will work on identifying the proportions of funding within each entity. She added this includes recognizing the state and legislative role for upfront funding, and the importance of continued collaboration to have a successful process. Jessi noted the FGWG will be reaching out to the EWG as they develop more details around a legal framework and how we move forward with upfront construction costs. She noted the team envisions a joint FGWG and EWG meeting, which may be at the end of the year or start of quarter 1 2021.

Public Comment

Comment: Thank you for the presentation. I feel more plugged in.

Comment: Appreciate all the background that has been provided, it's helpful to understand your thought process.

Comment: With transportation issues, the rail question was not presented to the technical committee and CSB. Someone asked if rail line could handle rock. The rail is a business and they would be more than happy to carry the rock by rail. Air quality, I think it would be useful to sample the restaurants that have decks that overhang over the lake. Recreation/swimming – it's been said here that Olympia doesn't have interest. In the scoping comments there were plenty of comments about getting swimming back in Capitol Lake, and it's not accurate to say there wasn't interest. Many CSB members shared an interest in swimming. The freshwater lake – what's the volume of the lake? The team refuses to give the volume, but if you know the 30-38 gallon figure than you have to know the volume. The volume is around 70 million gallons, which would require 72 hours to flush. They're still saying inaccurately that you need to show best use for a permit, but this is not a "take," it's a "borrow," so you do not need to prove best use. The team is saying what's the easiest thing to do, but not the best thing to do. A freshwater lake would be the best alternative for the citizens in the community.

Comment: I will submit an email to Carrie with my comment.

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Adjourn

Jessi noted the team will provide a draft meeting summary, then post it on the website. She thanked the participants and adjourned the meeting at 3:07 p.m.