



CAPITOL LAKE — DESCHUTES ESTUARY

Long-Term Management Project Environmental Impact Statement

Meeting Notes Summary

Date: November 8, 2021

Time: 9:00-10:00 am

Location: Zoom

Topic: Executive Work Group

Meeting Participants

Executive Work Group Members

- Jeff Dickison, Squaxin Island Tribe
- Pete Kmet, City of Tumwater
- Tye Menser, Thurston County
- Cheryl Selby, City of Olympia
- E. J. Zita, Port of Olympia

Department of Enterprise Services

- Tara Smith
- Ann Larson
- Carrie Martin
- Linda Kent

EIS Consultants/Facilitators

- Tessa Gardner-Brown, Floyd | Snider
- Ray Outlaw, Floyd | Snider
- Karmen Martin, ESA

Observers

- Jack DeMeyer
- Steve Finney
- Amy Hatch-Winecka
- Bill McGregor
- Steve Shanewise
- Kristen Swenddal
- Barb Tope

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Welcome and Introductions

Ann Larson welcomed and thanked the Executive Work Group (EWG) members for their attendance. She then introduced Tara Smith, who joined Enterprise Services in September as the new agency director.

Tara expressed excitement in the opportunity to meet the EWG members and participate in this meeting. She briefly described her process for and commitment to learning about the project, its history, and the work that is ongoing. She committed to being a steward of the process that delivers a Final EIS that meets regulatory requirements and reflects stakeholder feedback.

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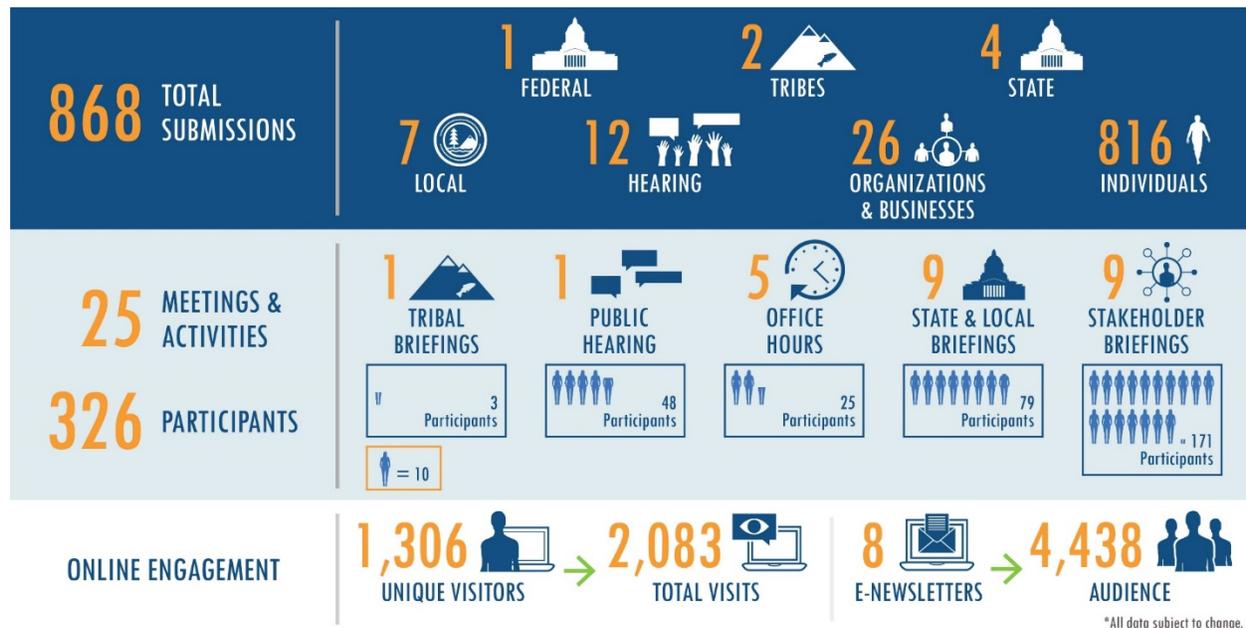
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Tessa Gardner-Brown reviewed the meeting agenda which included a recap of Draft EIS engagement, a summary of comment themes and preliminary Final EIS focus areas, review of the preferred alternative identification process including criteria weighting and stakeholder input, a schedule update, and an opportunity for public comment.

The presentation, with slide numbers referenced throughout this summary, is [available on the project website](#).

Draft EIS Engagement Outcomes

Ray Outlaw provided a brief summary of Draft Environmental Impact Statement (EIS) comments received, meetings and participants, and online engagement totals as illustrated below. Comment totals more than doubled the number of scoping comments and these efforts resulted in content rich comments that will help inform the Final EIS.



Comment Themes by Discipline/Topic

Karmen Martin reviewed the distribution of themes that are emerging from comment analysis. Water Quality received the largest number of comments followed by Funding & Governance and Project Costs, Cultural Resources, and Fish & Wildlife. The overall distribution is represented in the graphic below.

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Many comments stated an alternative preference. While all comments will be considered, alternative preferences will not be tallied because voting is not part of the State Environmental Policy Act (SEPA) process. The purpose of the SEPA comment process is to comment on the adequacy and completeness of the analysis so it can be improved in the Final EIS.



Preliminary Final EIS Focus Areas

Karmen noted the EIS Project Team is still in the process of reviewing comments so the list of Final EIS focus areas is preliminary. This list is subject to change as comments are further reviewed.

Water Quality

- Evaluate potential compliance with state water quality standards and anticipated total maximum daily load (TMDL) allocations.
- Karmen noted that Ecology has weighed in on the ability of the alternatives to meet water quality standards and there is expected to be new information related to TMDL allocations that was not available prior to the Draft EIS release.

Funding and Governance

- Reconvene Funding and Governance Work Group to confirm long-term funding and governance approach.

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Transportation

- Consider opportunities to avoid long-term closure of the 5th Avenue Bridge during construction of an Estuary or Hybrid alternative.
- Karmen explained that the City of Olympia and other comments stated it is important to avoid traffic congestion and associated safety and economic impacts during construction from an extended 5th Avenue Bridge closure.

Cultural Resources

- Coordinate with Department of Archaeology and Historic Preservation (DAHP) regarding historic eligibility of resources in the project area.
- Note: The EIS Project Team has requested and received formal eligibility determinations as a result of this feedback.
- Better describe significance of project area to tribes.

Navigation

- Discuss potential impacts to navigation if funding is not available for long-term maintenance dredging.

Public Services and Utilities

- Consider potential regulatory and financial impacts to LOTT and ratepayers given additional information provided by LOTT, under future discharge allocations related to Ecology's TMDL.
- There were also comments related to costs and economics that are anticipated to result in revisions and/or supplementary information in the Final EIS.

Inter-Agency Coordination

- Coordinate with regulatory agencies as needed to confirm assumptions (e.g., U.S. Army Corps of Engineers, Department of Ecology, Department of Fish and Wildlife, Department of Natural Resources)
- NOTE: Formal engagement with US Army Corps of Engineers (USACE) will occur when a permit application is submitted following the Final EIS and identification of a preferred alternative

Alternative Design

- Hybrid Alternative is likely to include a freshwater reflecting pool.

Question: Have you already done some consultation with USACE for the Draft EIS?

Response: Yes, that is correct. They attended some of the Technical Work Group meetings. We also had conversations with them regarding maintenance dredging in the navigation channel.

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Question: We had a robust discussion around what qualifies as historic, how did DAHP respond? Is the 5th Avenue Dam a historic property?

Response: In the Draft EIS, it included an evaluation of structures that met basic historic criteria for listing. These were structures that had not yet been evaluated by DAHP for eligibility for being listed on the historic register. They provided feedback to the project on which structures do and don't meet these criteria. The Final EIS will be updated to reflect those determinations. Some resources meet the criteria and others do not.

Question: At what point will the EWG be briefed on the eligibility determinations?

Response: The next step is to work with the technical leads and then we can report out to the EWG.

Question: For transportation, you focused above only on the closure of 5th Avenue, but there were other transportation related comments such as the trail system? Will you be addressing those as well?

Response: For this presentation we focused on the primary or main focus areas, but there are other areas that will be addressed – including the trail information you referenced.

What to Expect From the Final EIS

Karmen explained that work on the Final EIS includes considering all comments received on the Draft EIS. The Final EIS will provide responses to substantive comments from the public, tribes, agencies, and organizations, and include revisions based on public comments and new information. The Final EIS will identify any additional mitigation plans and measures that would be needed to avoid, minimize, or compensate for significant impacts at a high level, recognizing that detailed design and mitigation measures will be developed during the design and permitting process. The Final EIS will also identify a preferred alternative and proposed funding and governance approach.

Preferred Alternative Identification Process

Tessa presented a graphic describing the process Enterprise Services will use to identify a preferred alternative (see [presentation slide 8](#)). This graphic was first presented to the EWG during the May 2021 meeting, and it was included in the Draft EIS for public comment. Ultimately there were not many comments on the process during the Draft EIS comment period. As a result, Enterprise Services will continue to follow this approach for identifying the preferred alternative as described previously.

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The concept behind this approach is to ensure that the preferred alternative is identified based on the technical analysis in the Draft EIS, stakeholder input, and other important factors (e.g., cost). The selection criteria help to ensure these elements are considered as the alternatives are evaluated. Each alternative will be scored numerically as to their performance against these criteria.

The preferred alternative selection criteria are as follows:

- Performance Against Project Goals
- Other Environmental Disciplines
- Environmental Sustainability
- Economic Sustainability
- Construction Impacts
- Decision Durability

Tessa reviewed the steps to be completed as Enterprise Services evaluates the alternatives.

1. Share Draft EIS comment themes and Final EIS focus areas with Work Groups and Community Sounding Board so that stakeholders understand what may have changed since the Draft EIS was issued. A good example of this is that the Hybrid Alternative may now include a freshwater rather than saltwater reflecting pool.
2. Confirm preferred alternative selection criteria. The EIS Project Team has confirmed the criteria have not substantively changed from the Draft EIS. Tribal treaty rights have been added as an element to be considered specifically and uniquely under Other Environmental Disciplines as a result of Draft EIS public comments. The EWG members were offered a final opportunity to provide feedback on the criteria (see below).
3. Ask the EWG and CSB to provide input on the Decision Durability selection criteria. Tessa restated that Decision Durability refers to the ability of each alternative to achieve long-term support from local tribes, stakeholders, and the community. The process to solicit input from the EWG is described below.
4. Enterprise Services will continue the process to identify a preferred alternative using the the Decision Durability feedback provided by the EWG and CSB.
5. Enterprise Services will reconvene the Funding & Governance Work Group to confirm the approach for long-term funding and governance. We know from Draft EIS comments that this is a critical piece of information that still needs to be developed.

Question: Is this slide deck available online?

Response: We will send it out after the meeting with a PDF of the graphic; we will also post it on the project website.

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Question: What is the CSB, how many members does it have, who do they represent, and how do you interact with them?

Response: In early 2019, Enterprise Services invited people interested in engaging with the project to apply for membership. All of the engaged organizations (e.g., CLIPA, DERT, and Thurston County Chamber), have representatives. Others stated their top areas of interest in the application response, for example recreational boating, development, and water quality. This allowed us to identify members that represent a wide range of interests. The CSB started with 25 members and there are 24 now. They meet on roughly the same schedule as the EWG and TWG. They have provided great feedback throughout the process, such as what types of recreation are most important to them, and which viewpoints are most important for visual simulations. They weighed in on the preferred alternative identification process as well.

The CSB roster is [available on the project website](#).

Question: Some comments could substantially change the EIS. Are you updating the EIS or just providing comments and responses?

Response: We know that comment responses are an important component of the Final EIS, and we will also update the body of the EIS where needed.

When Can a Preferred Alternative Be Identified?

Tessa explained that one of the key goals of this process has always been to identify a preferred alternative. She described the components Enterprise Services feels are needed to make a durable decision as follows.

- The Draft EIS as the body of technical work that adequately discloses impacts and benefits.
- Comments on the Draft EIS that inform whether additional technical work is needed, and an understanding of whether additional technical work may substantively change findings in the EIS.
- Input from engaged stakeholders on which alternative could be supported as the preferred.

Tessa noted that Enterprise Services has completed the first bullet and is continuing to work through the second and third. She then described that the State Environmental Policy Act gives the lead agency wide discretion with regard to when and how to identify the preferred alternative.

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Criteria Weighting Results from May 2021

Ray revisited the process completed in May with the EWG, TWG, and CSB where members compared selection criteria individually using a pairwise process. He shared the collective results of the exercise as illustrated in the table below (see [presentation slides 10-11](#)). Ray noted the ranked order on average (Average Ranking in the table below) was identical to the EWG ranked order. He then reviewed the percentages, noting that while the ranked order varied among groups, the difference in percentage scores were often very small. Ray noted strong consensus at the top and bottom ends of the rankings, Performance Against Project Goals ranked highest and Construction ranked lowest, while the other four criteria were more similarly valued.

Comment: It looks like the biggest difference in the rankings is that CSB ranked Other Environmental Disciplines last whereas other groups ranked it high.

Response: Ray noted that some of that difference may be a reflection of the wide range of interests within the CSB, as opposed to the technical and regulatory focus of the TWG.

Criteria	EWG (%)	TWG (%)	CSB (%)	Average Rank (%)
Performance Against Project Goals	1 (33%)	2 (23%)	1 (27%)	1 (28%)
Other Environmental Disciplines	2 (26%)	1 (24%)	6 (10%)	2 (20%)
Environmental Sustainability	3 (20%)	4 (20%)	3 (18%)	3 (19%)
Decision Durability	4 (13%)	3 (21%)	4 (16%)	4 (16%)
Economic Sustainability	5 (8%)	5 (12%)	2 (19%)	5 (13%)
Construction	6 (0%)	6 (0%)	5 (11%)	6 (4%)

Discussion: Criteria Weighting Feedback

Tessa explained the final criteria weighting for the process to identify a preferred alternative should reflect the outcomes of the exercise but not be a direct output of the numbers when a single percentage point can result in a change in the ranking. It is also important to have a dialogue with each of the groups who participated.

Tessa asked the EWG members to consider these results and any compelling reasons to change the order of prioritization or adjust the weighting.

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Question: Last week you asked us to complete Decision Durability spreadsheets, which is ranked 4 of 6. Do you still want more input?

Response: We are creating a linkage back to the May exercise to understand how the criteria should be weighted. Does this reflect how you feel the ratings should be prioritized and/or weighted? For example, should Decision Durability be weighted more heavily? Is the prioritization and weighting consistent with what you feel it should be?

Question: I appreciate that the original goals have been expanded in this process. Are the original goals to improve water quality, improve ecological function, manage sediment, enhance community use?

Response: Yes, those are the original goals, and they remain consistent today.

Comment: This looks good, you have done a great job.

Question: Similarly, have you defined Other Environmental Disciplines, what is encompassed in those terms?

Response: Other Environmental Disciplines are the disciplines with significant impacts or benefits, such as cultural resources, wetlands, fish and wildlife, and environmental health. This is our opportunity to consider those significant impacts or benefits.

Question: How do you define Environmental Sustainability?

Response: Environmental Sustainability is the net environmental benefit from the alternatives over a 30-year timeframe and the level of active management that would be required in the project area to achieve project goals.

Question: Where do cultural and historic resources fit in?

Response: They are reflected in Other Environmental Disciplines and the addition of tribal treaty rights. Some disciplines, such as water quality, are already reflected in project goals.

Comment: Focusing on Decision Durability is important. Part of this is how the legislature is going to react. We know the legislature will likely push back if the Hybrid is selected because of cost. This prioritization is about right, but there might be an increased weighting of Decision Durability because of its importance with the legislature.

Comment: I agree that Decision Durability is important. Environmental Sustainability will contribute to Decision Durability, and I think the rankings are appropriate as they are.

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Tessa noted that EWG members could consider this further and provide feedback in writing to Carrie Martin (carrie.martin@des.wa.gov) on or before Nov. 19. She explained that the City of Olympia and other stakeholders requested a last opportunity to provide feedback on the criteria weighting in their Draft EIS comments.

Question: When are you meeting with the CSB and TWG?

Response: We will meet with them on Nov. 17. We will complete the same exercise but they will have a more compressed timeline because written feedback for those groups will also be due Nov. 19.

Themes from Executive Work Group Comments

Tessa reviews excerpted quotes from Draft EIS comments submitted by the EWG entities. She explained that four of the six entities expressed a preference for the Estuary Alternative while two did not indicate a preference (see [presentation slide 13](#)). The purpose of this slide is to acknowledge this feedback which will prove helpful for the Decision Durability exercise.

Decision Durability Preview

Enterprise Services is formally asking each of the EWG member entities to provide input on the Decision Durability criterion by December 17, 2021. Each EWG member has received a one-page questionnaire that will help entities to provide input that plugs directly into the preferred alternative identification process.

There are two key components to that input.

1. Numerical scores of each of the alternatives on a scale of 1-10. Numerical scores are direct inputs into the preferred alternative identification process.
2. Narrative responses about what increases and decreases support for each alternative. Narrative responses provide the rationale for the scoring and become a key part of the documentation

It is critical that each entity submits numerical scores and narrative responses for each alternative so that Enterprise Services has scoring for each. The narrative will become a component of the documentation that goes into the Final EIS. Some entities will be able to draw from their Draft EIS comments, but we are asking for narrative responses for each.

Tessa noted the reasoning and rationale for why something is NOT supported is just as important as why it IS supported.

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The request is for each entity to provide a single response representing your internal coordination and your constituents. Enterprise Services has also scheduled meetings with each entity in December to answer clarifying questions and support you through this process.

Question: When did the pivot from a saltwater to freshwater reflecting pool happen for the Hybrid Alternative?

Response: That change is the result of Draft EIS comments which described potential additional water quality and fish entrapment concerns, and an overall lack of support for the saltwater reflecting pool.

Question: How would we get freshwater? Would it be from the artesian wells?

Response: At this point we are assuming groundwater would be the source.

Question: Do you want Decision Durability responses from boards/commissions/councils or staff?

Response: The goal is to have as much coordination internally so that a single response reflects your entity's collective input. If a single response is not possible then we can coordinate with you so that we get one package of responses.

Comment: Our earlier response was drafted by staff, and I expect staff would be happy to do that again. The Board perspectives may vary.

Response: We understand that may be a challenge for some entities – that there are varying opinions. Having that range of perspectives documented will increase defensibility of the process recognizing that you can submit varying opinions.

Question: During the EWG pre-meeting it sounded like there was polarization toward the Managed Lake and Estuary Alternatives without a lot of support for the Hybrid. We are also hearing that there was significant enough feedback to make a change to the Hybrid alternative. How do we reconcile that apparent difference?

Response: The comments on the Hybrid Alternative that supported the change from a saltwater to freshwater reflecting pool were specific to the water type or environmental concerns. This is a great example of quality of comments over quantity of comments. While we did not receive a large volume of comments on the Hybrid Alternative, the ones that informed this change provided details on why this change in water type is important.

Question: In addition to the challenge of describing differing opinions in our feedback, there is also resistance to completing this exercise because we do not know how it's going in terms of funding and governance. Those concerns are around both the magnitude of costs and the type of

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funding and governance that may be applied to each of the alternatives. If we don't know who is paying and through what mechanism how can we respond?

Response: There are preliminary recommendations from the Funding & Governance Work Group (FGWG) relative to what long-term funding and governance might look like. The recommendation for the Managed Lake Alternative is that the responsibility stays with state. For the Estuary Alternative there is interest in potential shared funding and governance across members of the FGWG. The potential approach for a Hybrid Alternative is unclear. We don't have a mechanism or allocation at this time. The FGWG has said they are not interested in continuing that work until a likely preferred alternative is identified.

The goal is to solicit input that will help reach a durable decision. If your feedback is based on a set of assumptions, that is helpful for Enterprise Services to consider.

The FGWG recommended that the majority of construction funding be the responsibility of the state regardless of the alternatives.

The more input, even if varied, that we can get into this process the more defensible it is. It is better if there is a unified position from each entity that reflects internal coordination. If your entity cannot get to consensus, input from each entity is still valuable and will support a defensible decision.

Comment: We have a transportation bill that just passed in Washington DC. The sooner we can get to a preferred outcome the better. The 5th Avenue Bridge needs to be replaced regardless. We need to get in the queue for funding and I want to expedite this so we can get in line and make this happen. That would mean it won't land entirely on the state or stakeholders.

Response: Enterprise Services is tracking that and the sooner we have some indication of where support is the better. Enterprise Services are talking with legislators and will continue those discussions. We suspect the FGWG will be looking at mechanisms and we anticipate, depending on the alternative, there maybe be a range of federal funding sources.

Decision Durability Timeline

Tessa reviewed the Decision Durability timeline, with feedback due from each EWG entity on or before Dec. 17, 2021. She explained that Enterprise Services and the EIS Project Team are available for clarifying questions and support.

Question: Some of these conversations will be one on one. Will you be meeting with boards/commissions/councils publicly also?

Response: We are not anticipating that, but we can consider those requests if there is a need.

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Question: Something that needs to be addressed is that two EWG members will be leaving their positions. Are there plans to bring those new people on board?

Response: Yes, when new EWG members join we have always found value in a briefing and will plan for that. We also think this timing of soliciting input relative to Decision Durability does align with the remaining tenure of members holding institutional knowledge that they can bring to internal discussions and to their successors.

Approach to Complete Final EIS

Tessa reviewed the timeline for completing the Final EIS (see [presentation slide 16](#)) as described below.

October 2021

- Analyze comments on Draft EIS
- Develop scope and focus areas for Final EIS

November 2021

- Work Group meetings to review comment themes and Final EIS focus areas
- Begin ongoing agency-specific coordination to support Final EIS

December 2021

- Continue steps in preferred alternative identification process
- Solicit input from EWG on decision durability

Early to mid-2022

- Reconvene FGWG to identify long-term funding and governance
- Prepare Final EIS, including findings from FGWG

Mid-2022

- Issue Final EIS with preferred alternative and approach to funding and governance

Public Comment

Comment: This is a very aggressive timeline. My big concern is that financial evaluations would have a significant impact on the priority. It seems backwards to not have an understanding of how the funding would work before a decision is made. That information should be part of the preferred alternative decision instead of afterwards.

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Response: The decision on a preferred alternative will not be final until the final EIS. We anticipate working with the FGWG until the Final EIS and it is possible the work of the FGWG or additional Final EIS analysis could result in a change in the evaluation of alternatives.

Adjourn

Tessa thanked the members for participating and for their commitment to the Draft EIS process and adjourned the meeting.