



# CAPITOL LAKE – DESCHUTES ESTUARY

Long-Term Management Project Environmental Impact Statement

## Meeting Summary

Date: June 2, 2020

Time: 6:00 – 8:00 p.m.

Location: Zoom

Topic: Community Sounding Board Meeting

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### Meeting Participants

#### *Community Sounding Board Members in Attendance*

- Sandy Cashman
- Clara Hard
- Bob Holman (alternate)
- Doug Mah
- Alanna Matteson
- Allen Miller
- Cory Miller
- Jack Mongin
- David Nicandri
- Gretchen Nicholas
- Drew Phillips
- Kathi Rafferty
- Steve Shanewise
- Nancy Stevenson
- Meg Vanschoorl
- Jenny Wilson
- Bruce York
- Nancy Zabel

#### *Community Sounding Board Members not in Attendance*

- Ali Johnson
- Joel Hansen
- Jeanette Lafoon
- Stuart Reed
- Alicia Rose
- Richard Wadley
- Robyn Wagoner
- Bob Wubbena

#### *Department of Enterprise Services*

- Carrie Martin

#### *EIS Project Team Consultants*

- Tessa Gardner-Brown, Floyd|Snider
- Nicole Lobodzinski, EnviroIssues
- Ray Outlaw, EnviroIssues

#### *Facilitator*

- Susan Hayman, EnviroIssues

## Meeting Summary

### *Opening Comments and Review of Agenda*

Susan Hayman, facilitator, welcomed the participants to the Community Sounding Board (CSB) meeting. Susan reviewed the agenda and walked participants through how to participate via Zoom.

### *EIS Project Schedule Update*

Tessa Gardner-Brown began the discussion by reviewing the updated [process map](#) for the Environmental Impact Statement (EIS) development process, and walked through the updates noted in red on the [presentation slide 4](#). The project is still progressing on schedule. The legislature authorized the remaining project work budget through the EIS, and the target date for issuing the Draft EIS (DEIS) in June 2021. The project team may need to meet again with the Funding and Governance Work Group (FGWG) and Technical Work Group (TWG) before the DEIS is completed.

*Question: Is it worth keeping an eye on the budget moving forward?*

Carrie responded that the Legislature provided the funding the project needs to continue moving forward. Part of the funding is for a future biennium, so Enterprise Services will continue to monitor it.

### *Reflecting on CSB Input to Date*

Tessa provided a summary of how the project team has used CSB input so far.

## Recreation

The CSB will see the information they provided reflected in the DEIS next year. CSB feedback on recreation uses will help paint a picture of the existing conditions within the project area. Existing conditions provide a baseline understanding to support the impact analysis of the build alternatives, and for the decision-making process.

### *Recreation Assumptions in the EIS*

Tessa provided an overview of baseline recreation assumptions to be evaluated in the EIS. Boating would be restored. Current regulations allow for motorized boating in the Middle Basin, however, given the ecologic improvements that would be made in the basin as part of this project, motorized boating would not be supported. The project would support non-motorized boating, and a hand-carried boat launch is proposed at Marathon Park. The project would provide decontamination stations at the entrance and exits to control New Zealand mud snail. A fishing pier would be rebuilt at Interpretive Park, and recreational fishing would be assumed to reopen; a decontamination station would also be provided for fishing equipment.

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---

Tessa noted that formal swimming facilities are not included under any alternative, consistent with previous Capitol Lake Adaptive Management Plan (CLAMP) stakeholder and community coordination. There are continued discharges of contaminants into the system that cannot be effectively controlled, including periodic spills. Though some project actions would improve water quality and ecological function, these improvements would not address all conditions, such as ongoing discharges, that make Capitol Lake unsuitable for swimming. Thurston County Public Health has maintained its position that Capitol Lake is not suitable for swimming.

*Comment: My understanding is that shellfish gathering is not allowed within 5 miles of a wastewater treatment plant. Is that true of fishing? Could fish be taken within that boundary, and how does that coordinate with lack of fishing that occurs above the falls?*

*Question:* Tessa responded that the team will look into it.

*Question: I'm concerned that there's an assumption that swimming won't be allowed. We've asked for regular water-monitoring. We have evidence that the lake is currently swimmable. Why is the assumption that swimming won't be allowed?*

*Response:* Tessa responded that a water-quality management plan would be in place to improve water quality conditions from current conditions. Though bacteria is potentially not an everyday issue, the periodic spills make the conditions unsafe. In addition, Thurston County has cited other conditions that maintains its determination that swimming is not suitable. Tessa noted that if water quality conditions are demonstrated to improve and an entity wanted to host formal swimming facilities, this project wouldn't preclude future swimming in the basin.

*Question: I'm concerned about the statement that there is lack of stakeholder support for swimming.*

*Response:* Carrie noted the team hasn't received jurisdictional support for swimming, and reiterated that swimming isn't precluded in the future, but formal facilities won't be included in the EIS.

*Question: Can we presume that small sailboats are allowed as a non-motorized use? And if a sailboat had a motor but the motor wasn't being used?*

*Response:* Tessa replied that yes, as long as there is no motor, the assumption is that the boat would be allowed. Tessa noted she didn't think the EIS would go into that level of detail.

*Question: What can you share about the spills?*

*Response:* Tessa explained that in 2019 there was a spill that reached up to 200,000 gallons of sewage a day that had an impact on bacterial levels during water quality monitoring. Doug Mah added that the spills are not frequent, and this particular incident was associated with a construction project on the adjacent college campus.

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---

*Comment: I support the question about swimming, and I'm happy to hear that if a jurisdiction wanted to take it on, swimming might be possible. Shell fishing is not allowed in Budd Inlet. I could see a time when salmon fishing in the estuary may be desirable. I don't think we have contamination issues that would prevent harvesting fish.*

*Comment: How would decontamination be different for fishing vs. using a boat in the lake?*

*Response:* Tessa explained that decontamination has been discussed with the Washington Department of Fish and Wildlife (WDFW). The baseline assumption for decontamination is that any equipment that touches the water needs to be decontaminated, so for fishing it might be a bucket, and for boating, it may be the underside of a kayak. It's most often accomplished with pressurized hot water, but can also use a chemical treatment, in accordance with WDFW protocol.

*Comment: I sense there is a strong community interest in freshwater swimming in Capitol Lake. When you say there is no jurisdictional support – does that mean you asked, and someone said no? Or no one came forward to express interest?*

*Response:* Carrie noted that she believed the conversation was brought up and there wasn't much interest from a jurisdiction to take on swimming at this point. Tessa noted this summary will be provided to the Executives on June 15, where Mayor Selby will be present and can react.

*Comment: When you did the recreation survey, how many people on the survey expressed interest in swimming in the lake again? I have talked to thousands of people who are interested. I don't feel this is a genuine attempt to address this issue.*

*Response:* Carrie noted she doesn't have the survey numbers at hand. Tessa responded that the information would be best shared in the DEIS.

*Comment: Was the CSB input and the public survey the only two efforts at assessing swimming interest?*

*Response:* Tessa noted that all available information would be considered when DES makes the final decision; the CSB input and public survey cited here would be considered data points.

## Visual simulations

Tessa noted the top recommendations for visual simulations, and noted the team decided to use locations 2, 3, and 6 in the EIS. These locations were presented to the TWG, and the team will explain to the EWG that the CSB was consulted for these locations.

The team will simulate high and low tide because there will be a difference in what that looks like for different alternatives. In locations where visual simulations are not developed, the EIS will include high resolution images of existing conditions with a narrative description of how these

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---

areas may change. This will be done for Marathon Park and South Basin, which the CSB had interest in.

*Comments: Site #6 is remote for everyday traffic – what’s the rationale for its inclusion, as opposed to the obvious counterpoints 4 or 5?*

*Response:* Tessa noted that #6 was ranked the third highest among the CSB, and explained along the shoreline there would be constructed habitat areas, which would change the Middle Basin. Middle Basin would have a more dramatic change than at location 5.

*Comment: During one of the key exercises we talked about the view from the freeway and many people remember looking down on the lake from that view.*

*Response:* Tessa noted the team is considering whether there is a way to safely get a high-resolution image from the freeway shoulder.

*Comment: In what direction will the photo at Marathon Park be directed?*

*Response:* South, since there are two simulations in the North Basin.

## Why is the EIS Evaluating a Saltwater Reflecting Pool for the Hybrid Alternative?

Tessa explained that the saltwater pool doesn’t have the same technical and regulatory challenges as the freshwater pool. From a technical perspective, drawing freshwater from LOTT is not feasible because that water is already allocated. From a regulatory perspective, water rights for groundwater are not guaranteed, so the feasibility is unknown. There would need to be an extensive draw down test for it to even be considered. Carrie added that during the process DES thought it was important to revisit this topic and do additional evaluation, and now feels they’ve taken it as far as is reasonable.

*Comments: I always assumed the freshwater reflecting pool would be fed from the river. Is it too far from the Deschutes to fill the water need?*

*Response:* Tessa noted that the team did look at a potential draw from the Deschutes River. From a technical standpoint, there were feasibility issues around pumping from the river, too.

*Comment: Using LOTT water has already been dropped and it’s full of nutrients that would probably cause algal blooms. I am concerned that the reasonable flushing rate of 30-38 million gallons is an overestimate.*

*Response:* Tessa explained that the volume of the lake is consistent with the Dual Estuary/Lake Idea (DELI) concept put forward during scoping, and other concepts that support project goals, like a walking path. The sizing of the reflecting pool and volume of water has not changed. The

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---

technical team needed to evaluate how much water was needed to flush to maintain water quality, and the number was determined by consulting with the team's technical experts.

*Comment: My earlier comment was around swimming. I don't think it matters that there isn't jurisdictional support. One of the goals of this effort is to make this area swimmable, it should be up to the people of the State of Washington.*

*Comment: I wanted to revisit comments about swimming and where that lands within the objectives.*

*Response:* Tessa noted there were four goals identified in Phase 1 which were conveyed in a draft purpose and need statement. There were similar work groups convened and meetings with the community, during which four goals were identified by the stakeholders and agreed to by DES: 1) improving water quality, 2) addressing sediment management 3) improving ecological functions, 4) restoring active community use.

*Comment: I understand that swimming doesn't show up in restoring active community use, but fishing and boating do.*

*Comment: A lot of the conversation around goals was decided early on, and I understand how through subsequent conversations, many folks reflected back on when swimming was possible.*

## ***EIS Expectations***

Tessa noted the team is moving forward into the phase when the team will be writing parts of the EIS and wanted to help set expectations.

### **What will be in the EIS?**

Tessa walked through the elements of the EIS. The project objectives were developed in Phase 1 in 2016 and are an expression of common goals to be achieved by the project alternatives. The EIS will include a description of the proposed alternatives. Existing conditions are about what things are like today, including what resources are available and how they are used. She noted the range of disciplines that are being evaluated, and noted the purpose is to evaluate the potential impacts and benefits. The team is drawing on the results of field work.

Impacts are broken into short term during construction, and long-term during operation of the alternatives. The team will disclose the potential severity of impacts and potential planning-level mitigation measure to offset impacts. Disciplines being analyzed include:

- Sediment transport and geomorphology
- Water resources
- Land use, shorelines and recreation
- Historic and cultural resources

# Meeting Summary

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---

- Wetlands and vegetation
- Fish and wildlife
- Sea level rise and climate change
- Air quality and odor
- Visual quality
- Environmental health
- Transportation
- Public services and utilities
- Economics

The EIS will also include:

- Process to screen concepts and alternatives
- Anticipated construction means and methods
- Planning-level cost estimates for build alternatives
- Cumulative impacts
- Summary of coordination with Work Groups and Community Sounding
- Community Sounding Board, and other public involvement efforts
- Required permits and approvals

Pre-decisional information are the results of fieldwork, data collection, numerical models, and information that may contribute to the selection of a preferred alternative. The next substantive report-out and next opportunity to provide comment is during the DEIS. Tessa explained that pre-decisional information cannot be shared, and sticking to the guidelines helps keep the integrity of the process. Carrie added that this process will ensure that everyone gets the same information at the same time.

## Round Robin - What Lingered Questions about the EIS Do you Have?

*Comment: Is swimming feasible in the saltwater scenario? Who do you mean when you talk about stakeholder comments on the Draft EIS?*

Response: Tessa noted that the project doesn't include organized swimming facilities. The Draft EIS is available to anyone who wants to comment.

*Comment: Is there anything holding us to the three alternatives and no-action alternative?*

Response: Tessa explained that an EIS typically evaluates a range of alternatives especially those that are feasible and meet the project goals. Those that aren't feasible are often screened out. There's a finite budget that also limits the scope of the analysis.

*Comment: I understand the need to process and share this information. I had not anticipated a swimming beach, but I was anticipating the water would be swimmable for recreational activities like boating and paddling.*

# Meeting Summary

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---

*Comment: I wonder if anyone is considering safety around swimming, e.g., water visibility, bottom sediment standards. I think this is getting overlooked with the focus on water quality.*

**Response:** Tessa noted that in Thurston County's determination, they did also note sediment quality as not suitable for safety and operations for swimming.

*Comment: Because swimming was not specifically mentioned, I didn't realize it wasn't encompassed in water quality. If we feel that we're too far down the road to add swimming in, will there be opportunity to address to the community why swimming wasn't included? Is it too late to open the door to swimming?*

**Response:** Tessa reiterated that this project doesn't preclude swimming, so if another entity is interested, they can take on formal swimming facilities, following environmental review and lease negotiations.

*Comment: What's the assumption for location of decontamination stations?*

**Response:** Tessa noted the project assumes there would be decontamination at both boat ramps and the Interpretative Park for fishing. The best way to mitigate is to decontaminate at entry and exit points.

*Comment: What do you anticipate needing from us in the next year?*

**Response:** Tessa noted this would be discussed at the end of the meeting.

*Comment: On the areas of impact there was a broad range, in the EIS do those carry different weights? Or are they all treated equally?*

**Response:** Tessa explained they are treated equally. The decision makers may see a great impact of one discipline or another, but the EIS team presents the information equally.

*Comment: Do planning level cost impacts include operations and maintenance?*

**Response:** Tessa replied yes.

*Comment: Why do you need to decontaminate in an open system?*

**Response:** Tessa explained that there are still freshwater inputs into the system, so the team doesn't anticipate that all the New Zealand mud snails would be eradicated.

*Comment: Are you going to adjust your water-quality analysis based on new studies released by Ecology?*

**Response:** Tessa noted she needed to check on that.

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---

Susan noted that DES and the project team will be meeting mostly about updates moving forward. Susan asked the CSB what topics they'd be interested in discussing into the future.

*Comment: We as a group could be helpful in terms of EIS outreach activities. It'd be nice to have reviews of methodologies to help understand the analysis more. For future meetings, the Zoom option is nice to participate if you're out of town.*

*Comment: Could this group be more involved in defining what "active community use" means?*

*Response:* Tessa noted that she would take this back to the team to talk about this further.

*Comment: I see the CSB ending when the DEIS comes out because at that point all stakeholders can be involved.*

Susan explained that the team would send a link with the meeting summary and include a [survey](#) about methodologies and other topics to understand what the group is interested in.

Tessa noted that there could still be topics post-DEIS that would benefit from CSB input and feedback.

## ***Closing Remarks***

Susan, Tessa, and Carrie provided closing remarks and thanked the group for attending and the great discussion.

## ***Adjourn***

Susan adjourned the meeting at 8:10 p.m.