



CAPITOL LAKE EXECUTIVE WORK GROUP

**Jefferson Building
Presentation Room 1213
1500 Jefferson Street
Olympia, Washington 98504
July 22, 2016
9:30 a.m.**

(Approved September 30, 2016)

JURISDICTIONAL MEMBERS PRESENT:

Cathy Wolfe, Thurston County
Pete Kmet, City of Tumwater
Cheryl Selby, City of Olympia
Julie Hankins, City of Olympia
Jeff Dickison, Squaxin Island Tribe
Joe Downing, Port of Olympia
Neil McClanahan, City of Tumwater

DES STAFF MEMBERS PRESENT:

Bob Covington, Department of Enterprise Services
Carrie Martin, Department of Enterprise Services
Ann Sweeney, Department of Enterprise Services
Nouk Leap, Department of Enterprise Services

PRESENTERS/FACILITATORS:

Paul Dziedzic, Meeting Facilitator
Tessa Gardner-Brown, Floyd|Snider

OTHERS PRESENT:

Steve Shanewise, DELI	Rachel Newmann, SCN
Jerilyn Walley, SPSSEG	Andy Haub, City of Olympia
Joli Sanchaz, Citizen	Wendy Steffensen, LOTT Clean Water Alliance
Tom Gow, Puget Sound Meeting Services	Sue Patnude, DERT
Bob Holman, CLIPA	Bob Wubbena, CLIPA
Myra Downing, Citizen	Dave Peeler, DERT
Jim Hotwedt, Citizen	Chris Conklin, WDFW
Ed Crawford, Citizen	Brad Murphy, Thurston County

Opening Comments and Review of Agenda

Paul Dziedzic, Facilitator, called the meeting to order at 9:34 a.m. He welcomed everyone to the meeting.

Members of the Executive Work Group and meeting presenters provided self-introduction.

The agenda includes a review of a revised draft Purpose and Need Statement; a discussion on the feedback provided by the community on the June materials on Identification of Hybrid Options and revised materials for a second touch review; completion of a first touch review on consistency of existing and hybrid options with goals for long-term management of Capitol Lake; and identification of potential components of and data gaps for existing and hybrid options.

Approval of June 24, 2016 Minutes

By consensus, members approved the June 24, 2016 meeting minutes with several edits previously submitted by Mayor Kmet.

Second Touch on Review of Existing and Hybrid Options & Overview of Input Received – Group Discussion

Mr. Dziedzic introduced Tessa Gardner-Brown with Floyd|Snider.

Ms. Gardner-Brown reported the Purpose and Need Statement is an important accomplishment for the process to determine the approach for long-term management of Capitol Lake. The statement affords an opportunity to determine the set of goals and objectives, as well as demonstrate forward momentum for completion of a future Environmental Impact Statement (EIS).

Feedback on the initial draft Purpose and Need Statement was received from the Technical Committee, Executive Work Group, and the community last month. Based on that input, the draft was revised to reflect some suggested edits. Three primary edits included reflecting sediment management as one of the major goals, further highlighting the watershed approach in the statement, and that the statement should reflect the importance of an environmentally and economically sustainable approach.

Feedback from the Technical Committee was positive with some minor editorial comments surrounding the watershed approach in terms of the interface between freshwater and saltwater and that the context of the statement should reflect that the estuary is highlighted when describing the pre-construction era. The draft will be revised to reflect the feedback, as well as from the Executive Work Group. Ms. Gardner-Brown encouraged members to offer additional comments prior to July 28.

The initial draft of the Purpose and Need Statement was submitted in June with a primary focus on improving water quality and managing invasive species to improve community use. The draft was revised based on feedback with more emphasis on an environmentally and economically sustainable approach for improving water quality, ecological functions, and sediment management.

The second paragraph was originally included to describe the context, significance and use of the resource, and to recognize that it's an important part of the community and long-standing fixture in the area. Feedback suggested this focus was not necessarily as important and could be refined to just focus on the problem and proposed fix. Much of the context in the paragraph was replaced with new language while retaining one sentence that speaks to the long-standing history and the continued use of the resource.

Changes to the third paragraph focused on environmental goals, water quality, fish and wildlife, and sediment management.

Ms. Gardner-Brown read the revised Draft Purpose and Need Statement.

Mr. Dziedzic invited comments from members.

Commissioner Wolfe said she noticed the revised draft is thorough in describing sediment, environmental concerns, and benefits to the watershed, but doesn't address a managed lake or retaining the existing lake. The statement appears to eliminate the Managed Lake option. Ms. Gardner-Brown responded that the prior draft included a paragraph that spoke to the use of the lake since 1951 and recreational activities, such as marathons and Capital Lakefair to describe a picture of the resource. During prior reviews, feedback recommended not clouding the issue when the statement could focus more on the environmental problems

the lake is experiencing today regardless of a management scenario. Consequently, the paragraph was deleted with the first sentence in the second paragraph retained, which refers to the resource having significance. Commissioner Wolfe disagreed with the removal of the paragraph because it appears the statement doesn't mention a managed lake or continuing with its present status. She acknowledged other feedback is important while also preferring to retain rather than remove the paragraph.

Ms. Gardner-Brown added that when the team revised the statement, the intent was to remove any connotation to any one management option. Commissioner Wolfe suggested the draft doesn't reflect that intent because the draft now leans heavily towards removal of the dam and returning the lake to an estuary.

Commissioner Downing asked about the final decision-maker for the Propose and Need Statement.

Mr. Dziejdzic said any feedback shared during this review would be shared with the Technical Committee and the community with a new draft developed incorporating suggestions and presented at the September meeting.

Ms. Gardner-Brown said the decision and direction for advancing the first version to the current draft was collectively from all stakeholders. Based on feedback repeated the most, the team revised the draft. That same approach would occur this month. The final draft and Purpose Need Statement included in the Proviso Report will be reflective of all input from the collective review of the Technical Committee, Executive Work Group, and the community. At that point, it would not be considered the final version for the EIS because it would likely be updated during Phase II. She encouraged members to provide additional written feedback.

Commissioner Downing acknowledged that the draft of the statement includes input from many stakeholders and that the Executive Work Group is not necessarily responsible for the final draft of the Purpose and Need Statement. Ms. Gardner-Brown explained that the stakeholders for this process include three defined groups comprised of the Technical Committee represented by members of state and local resource agencies, the Executive Work Group comprised of policymakers/elected officials, and community members with each group offering different perspectives. Feedback from each group is considered.

Mr. Dziejdzic noted that the Executive Work Group is responsible to provide the final touch prior to inclusion of the statement within the Proviso Report. The Executive Work Group hasn't determined whether voting would be the preferred method for approvals, but rather the process would afford discussion with the work group attaining agreement.

Commissioner Wolfe said that although the information is useful, it did not answer whether the Executive Work Group could override and make the final decision on the draft statement.

Mayor Kmet noted that members have never addressed the issue of how decisions would be rendered by the group. Commissioner Wolfe agreed members have never discussed how they would achieve consensus; however, her question pertains to whether the Executive Work Group's decision trumps other stakeholders.

Deputy Director Covington answered that as it pertains to this process, it is critical to receive public feedback, as well as feedback from the Technical Committee whose members have the technical expertise. Feedback from those experts is shared with the Executive Work Group. DES looks to the Executive Work Group to develop a consensus opinion on the proposed body of work while not ignoring or dismissing input from the community or the Technical Committee.

Commissioner Wolfe acknowledged the importance of public input and her desire to receive input from all three groups; however, she also doesn't believe all three groups are equal and following review of all information, the Executive Work Group is the final decision-maker.

Councilmember Hankins pointed out that there is also the Funding and Governance Committee, which will also be an important contributor.

Deputy Director Covington replied that the Funding and Governance Committee is responsible for completing the body of work to present to the Executive Work Group. DES anticipates Executive Work Group members are engaged with their respective members on the committee on a regular basis to review options and provide feedback.

Mr. Dziejczak said the process updates from DES is to inform the Executive Work Group's reaction. His understanding at the onset was that the Executive Work Group was the responsible entity for final decisions.

Mayor Kmet referred to the last paragraph including a statement that presupposes a basin would remain. The sentence states, "The project would additionally include elements to manage sediment within the Capitol Lake basin and in adjacent Budd Inlet." The statement also ignores sediment management activities occurring in the upper watershed to stabilize some of the areas that are contributing sediment. He recommended substituting the following as the watershed includes the river: "...manage sediment within the upper watershed and the area currently occupied by Capitol Lake and adjacent Budd Inlet." Many significant areas of erosion are occurring along the river. Controlling sediment in those areas would significantly reduce the amount of sediment loading in the lower basin.

Ms. Gardner-Brown shared information on the dilemma the team faced while framing the language to capture the watershed approach while also ensuring that the scope is within the geographical area of the Capitol Lake basin. To assist in defining that area, the team "drew a line" at the southern portion of the project area, at Tumwater Falls, in respect to active sediment management. As a project containing active sediment management, upstream efforts would require coordination with other entities, such as the Department of Ecology. However, current feedback is recommending that the scope should be expanded to consider other disciplines on a wider scale. Mayor Kmet replied that the team should consider the watershed as a whole to manage water quality within the basin. It is unfortunate that the TMDL separated the two systems because both are so interrelated. For example, improved management of nutrients upstream creates less nutrient impacts to the lower system. The total package would have to include upper watershed elements that would need to be evaluated as part of the EIS.

Deputy Director Covington asked whether it is possible to address the issue by considering a defined scope within the existing governance or authorities acknowledging the importance of recognizing the impacts of other upstream areas. A tie might be possible in that approach; however, existing authorities and evaluation of that authority may not enable extension to include the upper watershed.

Mayor Kmet recommended an alternative of including a sentence acknowledging the separate process underway to manage nutrients and sediment upstream and within all tributaries to the Capitol Lake basin.

Ms. Gardner-Brown agreed and offered to revise the last paragraph with the inclusion of downstream and upstream efforts or the larger efforts, as well as addressing consistency with agency implemented actions. Mayor Kmet emphasized that the sentence that speaks to being managed within the Capitol Lake basin presumes Capitol Lake will exist. He recommended rephrasing the sentence to reflect the area currently occupied by Capitol Lake.

Commissioner Wolfe added that it is important the statements do not reflect any definite action, as the efforts are a work in progress.

Mayor Selby referred to previous discussions to narrow some choices for the EIS to be effective. She understood that the draft of the statement was the point of that process. Within the narrative defining a Purpose and Need Statement, one statement speaks to Phase II as used to compare and select a long-term management option. She asked whether this effort was intended to scope and narrow those options in the EIS. Ms. Gardner-Brown explained that the Purpose and Need Statement is used as a tool to consider options for long-term management. The statement will be part of a larger analysis and serves to encapsulate the intent of the project. The statement is weighed against EIS options as a representation of the goals a long-term management option should achieve. During the initiation of the EIS, the statement would be evaluated against the options identified during the EIS in Phase II.

Mr. Dzedzic added that the Purpose and Need Statement serves to compare a range of EIS options to gauge how those options would solve the problems as described in the Purpose and Need Statement.

Commissioner Wolfe cautioned against narrowing any range of options within the Purpose and Need Statement.

Mayor Selby referred to Mayor Kmet's comments regarding the Deschutes watershed and indicated the Funding and Governance Committee is including the upper Deschutes entities in terms of potential governance stakeholders. She cited language in a prior draft of the Purpose and Need Statement reflecting, "The trail system and nearby parks provide continued passive recreational opportunities that maintain the lake edges as an important recreational center and a valued amenity in the Olympia and Tumwater area." The section was removed and replaced with, "Capitol Lake continues to be an important regional and recreational resource." She prefers retaining language that speaks to passive enjoyment regardless of the long-term management outcome because it's an important estuary/urban watershed.

Commissioner Downing said he is aligned with Mayor Kmet's previous suggestion that the first paragraph should focus on three main themes of equal importance. He suggested revising the paragraph to reflect three bullets:

- Implement an environmentally and economical sustainable management approach that improves water quality and other ecological functions with the watershed.
- The work proposed as part of this project is also needed to address existing sediment accumulation and manage future sediment deposition.

Commissioner Downing said the last sentence of "restore and enhance community use of the resource" is indicative of restoration, which speaks to removal of the dam and returning the system to an estuary. Many people use the lake each day. He often drives by the lake and is amazed at the number of people who are recreating. No other park in the region has the same amount of density of people using pathways. He suggested eliminating "restore" and rephrasing the third bullet to reflect, "And to enhance the community use of the resource."

Commissioner Wolfe supported the suggestion.

Mr. Dickison offered that the consolidation of the second paragraph created an awkward grammatical structure that should be corrected because the language links tribal history and use of the area to something

that was subsequently constructed. The sentence should not link the pre-construction and post-construction use.

Mayor Selby commented on the proposal to eliminate “restore.” Her interpretation of the sentence is indicative of a resource that can’t be used in any capacity other than walking around the lake. Restoring speaks to the ability for accessing the water for uses.

Deputy Director Covington noted that much community feedback was offered regarding lake uses and “restore” appears to be the appropriate perspective of the intent.

Commissioner Wolfe agreed Mayor Selby has a point. She initially agreed, “restore” should be removed because during the recent past, “restore” has continually been associated with an estuary, which is why she reacted to the suggestion. Technically, restore could imply restoring the lake’s water quality enabling lake uses.

Second Touch on Identification of Hybrid Options and Overview of Community Input – Group Discussion

Ms. Gardner-Brown referred to several pages of graphics pertaining to hybrid options. The overview of hybrid options for Capitol Lake was revised since the first touch. A new graphic was developed adding a Managed Lake option, a Sub-option to the Managed Lake option, and a Restored Estuary option. When the team prepared the graphic, the intent was to provide an at-a-glance summary of the options. The basic structure and high level key to understand the options is provided in a brief summary paragraph and graphic describing each option. As part of the development of the materials and in response to the Proviso directing the Department to conduct its information gathering and report preparation with a pro-active approach to public engagement and identify multiple hybrid options for future management of Capitol Lake, the consultant team recognized the opportunity to engage stakeholders who have offered different long-term options. The consultant team invited interested stakeholders involved in the process to submit other hybrid proposals. The overview materials provide information on the additional hybrid options.

Last month, members reviewed the Dual Basin option generated from the Capitol Lake Adaptive Management Plan (CLAMP) process, the Dual Estuary/Lake Idea option and a Managed Lake Sub-Option Percival Creek Rechanneling and Salmon Habitat Rehabilitation Plan option. Through working with CLIPA, the primary entity proposing the Percival Creek Rechanneling option, it might be best represented as a sub-option to a managed lake by increasing fish and wildlife habitat to the managed lake scenario.

The consultant team continues outreach to the community to obtain more information on what other hybrid options might be revealed. New notes were added to the graphic (5 and 6) of conceptual high level ideas from the community. The first concept (5) is a hybrid option similar to the DELI option with the primary difference of retaining infrastructure at 5th Avenue avoiding some of the costs associated with reconstruction, and expanding the reflective pool by modifying the configuration of the berm to separate the freshwater reflecting pool and the restored estuary. The second concept (6) focuses on the protection and expansion of freshwater habitat near Capitol Lake Interpretive Center once tidal hydrology is restored throughout the basin. These additional concepts haven’t been graphically illustrated as the other options.

Ms. Gardner-Brown reviewed a revised table of existing long-term management options and sub-option to compare all long-term management options against the goals. The table includes additional notes (3 and 4). Note 3 refers to a conceptual variation to the restored estuary and includes active sediment management through installation of an adjustable weir at the north end of the South Basin. The intent of the weir is to

actively manage sediment to capture sediment loading as it travels downstream. It could be coupled with maintenance dredging or additional installation of infrastructure, such as a jetty to minimize sediment deposition near Port facilities.

Councilmember McClanahan asked about the difficulty associated with obtaining permits to dredge. The consultant team hasn't reviewed the permitting feasibility for any of the options. Councilmember McClanahan said permits are easier to obtain for a saltwater basin versus a river basin.

Ms. Gardner-Brown reviewed note 4, which reflects another sub-option to a managed lake by expanding park use of existing facilities by filling east and west portions of the lake and allowing expanded recreational use.

Commissioner Downing questioned whether the #4 option speaks to dredging Capitol Lake and moving the fill to create an expanded Heritage Park. Ms. Gardner-Brown said the option was submitted as a comment without expanded details or technical analysis and she is unable to verify that dredge spoils would be used as fill or whether fill would be exported. However, the team did not want to exclude the option because it was lacking details. Commissioner Downing recommended contacting the contributor for additional information because the costs could vary greatly if the dredge spoils must be trucked and disposed offsite rather than reused.

Mayor Kmet pointed out that another alternative for disposal of sediment is possible by using railroad cars to transport sediment rather than trucking sediment. Additionally, the graphic illustrations of the Restored Estuary and the Hybrid Option depict low tides. From pictures taken in the past when the dam was open at low tide, water remained for the most part in the northern basin and in a large area of the middle basin. The diagrams should reflect actual conditions. The narrative basically captures the condition by indicating that 75% of the time, a reflecting lake would be present. Mayor Kmet recommended developing illustrations of the options described within the notes even if they are highly conceptualized illustrations because the options are buried in the fine print of the notes making it difficult to visualize. For example, the option for expanding Heritage Park is unclear calling for a need for additional clarification. He offered to prepare a sketch of his suggested option involving the weir.

Ms. Gardner-Brown expressed appreciation for the feedback, as the two graphics do not necessarily reflect conditions that were consistent with the analysis in terms of the water level for most of a 24-hour period. The team researched the availability of other diagrams or planned views reflecting the condition of water in that area for 75% of the time. The team was only able to locate the conclusion of the analysis and photos of the drawdown reflecting those scenarios. Engineering designs and cost estimates were found in the Deschutes Estuary Feasibility Study of the results of the analysis and how the percentage of time the reflecting pool would be present from tidal elevation. When the consultant team reconsiders the visualizations, the team will consider the feedback. Mayor Kmet recommended selecting a picture from one of the drawdown events to illustrate his recommendation.

Mayor Selby said the Hybrid Option and the Restored Estuary illustrations would benefit from illustrating how the flows would be different by incorporating different colors where the flows would be different levels (50% or 75%). She asked whether the location of dredging for any of the options has been identified and how it might be reflected in the illustrations. She asked whether the CLAMP process documented the location of the channel after a dredging operation. Ms. Gardner-Brown said that based on her research of the CLAMP materials, the location was not defined other than in the North and Middle Basins. A dredge plan hasn't been developed and that analysis would be required. Some of the assumptions of the disposal locations for dredge materials are also not viable because of the presence of the New Zealand mudsnail.

Mayor Selby said it would help as a visual to reflect how a restored estuary would look like with a dredge plan versus a dredge plan for the Managed Lake option.

Councilmember McClanahan said that during the CLAMP process, the committee agreed dredging would be required regardless of the long-term management option. In terms of the disposal of sediment today, the issue has become complicated because the presence of the New Zealand mudsnail. One concept was to dredge and transport by barge to dispose sediment in a Puget Sound basin. Today, that option is likely not possible.

Deputy Director Covington commented on presenting the material with so many unknowns with respect to the issue of dredging and where it might be located in any of the options. Consequently, it can become somewhat of a slippery slope to attempt to create graphics that represent conditions at certain points in time because so many answers are unknown for many of the questions creating a risk of unrealistic expectations.

Councilmember McClanahan pointed out that as the process progresses, dredging will be an issue that cannot be ignored and would be required regardless of the management scenario.

Mayor Selby replied that the dredging patterns would likely be different for each option.

Mr. Dickison affirmed the dredging patterns would be different.

Deputy Director Covington reminded members that the body of work would not be accomplished in Phase I and would occur during the EIS in Phase II.

Mr. Dickison disagreed. Deputy Director responded that he understands the difference in terms of the Proviso and scope of the work for the project. An agenda item is scheduled later in the meeting to discuss sediment management, which pertains to this conversation.

Mr. Dziedzic invited additional comment on the second touch of the second touch on Hybrid Options.

The consultant team is charged with consideration of identification of hybrid options as one task. The options are the Dual Basin Hybrid Option from CLAMP and the DELI proposal. It appears the intent is to reclassify one of the options. This part of the task is to evaluate the hybrid options. The material includes an overview of existing long-term management options; however, the Percival Creek Rechanneling Option is not an existing management option; rather, it is a new proposal. The existing management options include the original Dual Basin design proposal. The material is misrepresenting new and existing options, as well as mixing the hybrid with other management options.

Mayor Kmet cited another issue associated with value statements about improving water quality and habitat, which are often inconsistent in the scope of each statement for each option. It appears that if the intent of the graphic is to describe the options with positives and negatives described in an accompanying table, his recommendation is to revise the narrative to address the features of each particular design rather than describing what the option would accomplish. Additionally, the differences are not unique between the Dual Basin and the Estuary (DELI) options, as they appear to be the same. However, one option is a saltwater reflecting pool while the other option is a freshwater reflecting pool. He questioned the differences between the two options. Ms. Gardner-Brown said the DELI Option includes a larger reflecting pool and the sediment approach is different whereby a pumping station would be installed south of the Middle Basin and includes maintenance dredging while the Dual Basin has a 39 acre reflecting pool and

annual maintenance dredging. Mayor Kmet said he is unsure whether the CLAMP option was definitive in terms of the placement of the wall. Ms. Gardner-Brown said the intent was for a centerline wall down the middle. Mayor Kmet asked whether the CLAMP process analyzed a rock containment wall for stability. Ms. Gardner-Brown advised that the Deschutes Estuary Feasibility Study included a review of the difference between material for a retaining wall and for reasons excluded the rock and recommended sheet piling.

Mr. Dickison said the sheet pile was included in the final report of the feasibility study because of the analysis of what was feasible. Different materials were considered but selected sheet pile based on feasibility.

Mayor Kmet added that dependent on the softness of the mud, adding more weight would compromise the wall, as there is not sufficient strength in the sediment unless reinforced. It would be interesting to learn if there was some analysis completed. Ms. Gardner-Brown offered to follow up with information from the study. Mayor Kmet said it appears the real difference between the options is freshwater versus saltwater.

Commissioner Downing agreed that both options are quite similar except for the pumping station and the size of the lake. The largest difference is saltwater versus freshwater systems. Ultimately, the decision could depend on which option pencils out better, as the cost will be the determining factor. The information fails to mention community preferences in terms of freshwater versus saltwater. He suggested combining the two options for the EIS to address cost and benefit of saltwater versus freshwater.

Ms. Gardner-Brown agreed water systems are the primary difference between the options. The consultant team does not have the resources to complete a technical analysis on the feasibility of the various design components. The Proviso directs the process to identify multiple hybrid options and those options must include substantial improvement to fish and wildlife habitat and ecosystem functions, maintain an historic reflecting pool at the north end of the lake or estuary, and adaptive management strategies. If the materials are not helpful and key differences should be called out, the team will revise the materials to identify the key differences.

Mayor Kmet said it would be helpful to have the two options separately illustrated, as there are major differences between the two. Additionally, Steve Shanewise expended much effort in developing the DELI Option.

Mr. Dziejczak invited additional comments on the identification of hybrid options.

Commissioner Downing commented that under the Dual Basin Hybrid Option, the second bullet speaks to initial dredging in Capitol Lake and maintenance dredging in Budd Inlet. He asked whether the bullet should be changed to, "ongoing dredging" because the lack of dredging essentially created today's problem. Another alternative is changing "initial" to reflect "one-time." The same language is replicated in the Restored Estuary Option. He suggested revising the second bullet to reflect "Dredge Capitol Lake before estuary is restored" as Capitol Lake would be eliminated under the Restored Estuary Option. He questioned the need for ongoing dredging in Capitol Lake if it's a dual basin under the Hybrid Option of Dual Basin.

Mayor Kmet said when CLAMP evaluated the Lake and Estuary Options, one-time dredging was recommended of the lake and that future management of sediment would occur within the navigational channel in Budd Inlet, which speaks to the difference between the two options and Mr. Shanewise's proposal under the DELI Option as that option speaks to some sediment management within the lake.

Ms. Gardner-Brown said the CLAMP proposal speaks to removing all accumulated sediment in the lake prior to constructing the 500-foot opening as the first stage. After the opening is constructed and sediment moves through the system, the first two to three years would entail active dredging in Budd Inlet with continued maintenance dredging in Budd Inlet to reduce or avoid potential impact to Port facilities.

Mr. Dickison commented that the accumulated sediment in Capitol Lake would be removed is not an accurate depiction as the intent under the Estuary option or the dual Basin option recognized that within a tidal environment, channels would be created. The intent was to remove sediment initially in the process of channel creation to avoid removing the sediment load in Budd Bay. The goal was performing a dredge to help define a channel structure that would hopefully reduce subsequent maintenance dredging.

Mayor Kmet requested clarification as to whether the Percival Creek Rechanneling Option involves separating Percival Creek from Capitol Lake creating a mini estuary in the cove area. Ms. Gardner-Brown replied that there is input and connection between Percival Cove and the Middle Basin. She offered to follow up with additional information.

Commissioner Downing mentioned that Percival Creek is located near Black River and is not near the Deschutes River. Mayor Kmet replied that Percival Creek eventually joins the river; however, the illustration appears to reflect that the lake would remain at a consistent high level. Tidal action could influence fluctuations, which speaks to a separation at the Deschutes Parkway, which would need to be clarified.

First Touch on Review of Existing and Hybrid Option and Overview of Feedback from Technical Committee – Group Discussion

Ms. Gardner-Brown reported the intent of the tables was to compare hybrid options that have been proposed against or in alignment with the goals and objectives identified by stakeholders for the project. For example, the information examines what each option proposes to accomplish to improve water quality, which has been identified as a goal. The intent is not to compare the options to one another but rather the tables should be used as an initial review of what each option can do to satisfy the goals established for the project.

At the top of the tables, a red disclaimer was added stating, *“The information included within this table has been provided by the option proponents, or has been populated based on existing analyses completed as part of the CLAMP process (for the Dual Basin and Managed Lake options). The information provided by the option proponents has not been verified by DES, and has been included on this table without substantive change. Without design and additional technical evaluation, DES cannot confirm the accuracy, feasibility, and validity of this information and the conclusions, and recognizes that some information presented here conflicts with existing analyses.”*

Ms. Gardner-Brown said the intent is to work with the proponents of the new hybrid options and understand what those options entail and how the options would satisfy goals, which meets the intent of the directives in the Proviso to proactively engage stakeholders.

Feedback from the Technical Committee included caution around ideas or conclusions that may not have received a full analysis or preliminary analysis similar to those completed during the CLAMP process. The three options of the Dual Basin, Managed Lake, and Restored Estuary were generated from the CLAMP process. It is possible to include some language or caveat indicators on a revised set of graphics identifying those options, as they are based on the technical analyses while the other options of the DELI and Percival Creek would be annotated to reflect that they are based on the opinions of the proponents. The red

disclaimer alludes to a mix of opinions and ideas populated by the proponents and information generated through the CLAMP process.

Under the Dual Basin option, the table was populated based on information from the Deschutes Estuary Feasibility Study. All information is at a consistent level. The study is the source document for additional details. For the Dual Estuary/Lake option (DELI), the source is Steve Shanewise as the proponent. The consultant team worked with Mr. Shanewise to populate the table with information. Information in the table for the Managed Lake is from the CLAMP Alternatives Analysis. For the Managed Lake Sub-Option: Percival Creek Rechannelization, the team worked with CLIPA to populate the table. The team worked with DERT for the Restored Estuary option. The information provided by DERT was consistent with the analyses completed by CLAMP. Ms. Gardner-Brown acknowledged the table could be revised to reflect the CLAMP analyses as a source because the information is consistent. While DERT is the primary project proponent, the information was derived from the CLAMP analyses. She suggested some discussion around whether it's helpful to compare the information against the goals. The team believes that to understand each hybrid option, it's necessary to undertake that process.

Mr. Dickison referred to his earlier comments and said the table should be reorganized. He objected to the way the information was presented. The introduction seems to characterize a potential need to reorganize and re-label the table. The issue is an attempt to normalize all the options as if they are equal and have received an equal level of analysis, which is not true. The table needs to reflect the CLAMP feasibility options of the Dual Basin, Restored Estuary, and the Managed Lake based on the Feasibility Study. The CLAMP process expended hundreds of thousands of dollars on technical analysis of those options, which generated good information. In contrast, the two remaining proposals from the hybrid provision of the Proviso directive have not had similar analysis and should not be treated as equal or consistent with the three options studied under the CLAMP process. The table should be changed. It is also improper to characterize the Restored Estuary option as different from the CLAMP analysis because the characterization of DERT does not reveal the group was formed following the completion of the CLAMP Feasibility Study Analysis. Adding a red disclaimer does not offset what he believes is a gross mischaracterization of the options.

Mayor Selby agreed with Mr. Dickison's observations after reviewing the table with Andy Haub, who worked on the CLAMP process. The CLAMP reports were highly vetted than the other options and should be noted and held to a different standard.

Commissioner Wolfe reminded the group that the formation of the Executive Work Group was not intended to repeat the CLAMP process, but rather to generate new ideas. She would prefer not to entirely refer to CLAMP although she supports including information that speaks to CLAMP's vetting, she prefers a process that does not automatically defer to CLAMP.

Commissioner Downing commented that if the five options are to be included in the Proviso Report, then the table is valuable in terms of stakeholder feedback as the long-term management goals are important and the table attempts to identify how each option addresses those goals. The EIS can agree or disagree but at least the options were considered by the stakeholders.

Mr. Dzedzic pointed out that there are distinctions between the information based on CLAMP's analyses while other information is based on what proponents believe can be accomplished. Distinguishing those differences is the important principle so the reader understands and does not confuse the information as accepted and equal as it moves forward. The EIS will assess all options in greater depth. The table is not intended to equalize the options.

Commissioner Downing referred to the Restored Estuary option and asked whether the information is reflective of CLAMP or DERT input. Ms. Gardner-Brown said the team worked with DERT to populate the table. As part of that effort, the team cross-checked the information with the CLAMP information. The two are consistent although the language isn't reflective from the CLAMP report but provided by DERT. She agreed the table could be improved to reflect CLAMP, which would meet the request of Mr. Dickison.

Mayor Kmet expressed concerns surrounding some statements, particularly for the Managed Lake Sub-Option, because some of the information is simply not true. For instance, the option speaks to sustaining oxygen levels in Budd Inlet, which directly conflicts to the information the Executive Work Group received at the last meeting. He questioned why the consultant team didn't complete an independent analysis of the options. Ms. Gardner-Brown explained that since the consultant team was not tasked with analyzing or completing technical studies on any of the options through the directives of the Proviso, and that work would occur in Phase II, so in this effort, the team identified those areas where there is conflicting information. The configuration of the table prevented inclusion of all information, which speaks to the addition of notes. Note #2 corresponds to the Managed Lake option, which speaks to the CLAMP Alternative Analysis concluding that with a Managed Lake Alternative, there were no predictive changes in dissolved oxygen in current conditions and that there would be no measurable improvement in water quality associated with the dredging of sediments containing phosphorous as the majority of the phosphorous supply to the lake basins would still be generated by the Deschutes River/watershed source. The information provided to the team and included under the Managed Lake Sub-Option conflict. To call out that conflict, Note #3 was added. Dissolved oxygen in Budd Inlet conflicts with published findings by the Washington State Department of Ecology and the analyses performed as part of previous CLAMP processes (which are the basis of findings related to water quality for the Managed Lake Option); however, the stated conclusion is supported by findings from Dr. David Milne.

Mr. Dickison said the language pertaining to Dr. Milne should be changed to, "...however, the stated conclusion is supported by the opinion of Dr. David Milne" because Mr. Milne presented no findings.

Mayor Kmet expressed doubts because the information is buried in a footnote that would be taken out of context. Another example is the selective harvesting of aquatic plants to improve water quality and the lack of any analysis that would indicate the removal would improve water quality. Removal of aquatic plants might improve aesthetics, but the statement that it would improve water quality has not been proven. Language that speaks to the intervening berm for the hybrid options to prevent flood damage regardless of the existence or non-existence of the dam is also problematic as the flooding would be from sea level rise from the sea rather than from the lake. It is misleading to indicate that any of the options would provide protection from sea level rise. The options could offer protection from floods from the river. Other language speaking to minimizing public expenditures might be true for the initial capital expenditure, but at some point, the dam would need to be replaced or upgraded. None of the options address secondary impacts caused by eliminating the discharge from the LOTT Treatment Plant to offset water quality impacts. It appears that several statements are misleading at best and he's concerned with including the information in a report. The table should have an independent technical analysis to be useful; otherwise, it's only a statement of opinions.

Ms. Gardner-Brown replied it appears the concerns surround issues with the conclusions not substantiated or technically reviewed. She asked for feedback on potential revisions as the team strived to identify and footnote issues. She questioned whether the request is not including the information until technical analysis is completed, or if it was the way that the information was presented. She invited comments on how the

information should be captured. Mayor Kmet responded that he could offer no suggestions on how to convey the information other than pointing out his concerns.

Mr. Dziejdzic commented that the concerns raise a fundamental question on how the information not vetted through the CLAMP process is included.

Commissioner Wolfe said she perceives value in including all the information while acknowledging some of the information was not vetted, and there are some inaccuracies. She offered a suggestion to change the format of the table by including the notes as an addendum and highlighting and re-titling the vetted options and referring to the addendum for additional information. She agreed the notes are small and likely would be overlooked by readers.

Deputy Director Covington offered to have the team rework the information to provide a clear indication of the level of technical work or evaluation completed for each option. One comment spoke to the possibility of separating the options and placing them on different tables. They also could be represented as components or completely different reference points in the report with separate figures to describe the activities. The report could include language that speaks to and references those figures. Information could be included surrounding the concerns by the Executive Work Group as to the reliability and lack of technical detail to clearly separate the level of work of each option.

Commissioner Wolfe supported the recommendation but added that as previously conveyed, she would not want the process to only assume CLAMP is the only viable option, as she wants to consider all options while ensuring the information is clear as to what has or has not been vetted.

Councilmember Hankins asked about the intended audience for the tables or the intent of the document in terms of what the document is trying to accomplish. Knowing the audience or the intent of the document might help guide how the information is presented, as the present form is difficult to read. Most people do not read footnotes and it is important for the document to be clear so that people understand the information.

Mayor Kmet remarked that he is unsure of the answer but believes it would be a report to the Legislature ultimately.

Councilmember Hankins reiterated her question as to who will receive the information and what is the intent.

Mr. Dickison said when the information is delivered it will be delivered to a former Senator.

Deputy Director Covington responded that the information is a report required by the Proviso for the Legislature. This body of work is intended to be the launching point to secure funds to complete an EIS. The intent of the work is to support DES as it moves to the next process.

Mr. Dziejdzic suggested brainstorming options and/or components of conceptual long-term management options.

Ms. Gardner-Brown referred to a table to help brainstorm ideas based on the Executive Work Group's recommendation to provide some time for brainstorming. The table provides a forum for different components, such as sediment management and enables more discussion on other options, sub-options, or components for managing sediment. The information also reflects feedback received from WDFW for any option to include efforts to eradicate the New Zealand mudsnail. Those efforts would be different between

the management options. The table includes a mix of potential components that should be applied to all options and additional components that could be applied to an option to increase consistency with project goals, as well as serve as launching the group's discussion.

Councilmember McClanahan asked whether there are methods to eradicate the mudsnail, such as natural predators. Staff and members responded with uncertainty.

Commissioner Downing said he preferred the freezing option by draining down the lake during winter months. Councilmember McClanahan added that another option is saltwater to kill the snails. Ms. Gardner-Brown added that the previous efforts to eradicate the mudsnail from saltwater input was insufficient. Councilmember McClanahan noted the effort wasn't adequately sustained over a sufficient period.

Mayor Kmet offered some organizational suggestions for the table by revising the information and including the options for controlling invasive species, including the options for management of sediment, including options for improving water quality, and including elements of different components that have been identified to address the identified goals. He asked about the expectations of the Executive Work Group with respect to the table.

Ms. Gardner-Brown explained that the request is to mine more ideas or components, such as the suggestion for the installation of a weir for sediment accumulation. The report would include information on the goal of sediment management for example, and identify the components that could be appropriate. The intent is to generate more ideas.

Mayor Kmet suggested the table might be a good tool to generate ideas from the public and could serve as a better avenue for capturing concepts to analyze in more detail in the EIS process. The table could be the most useful way to solicit public input if reorganized appropriately.

Ms. Gardner-Brown encouraged members to forward any ideas or comment.

Process Update from DES – Information

Deputy Director Covington reported on the Funding and Governance Committee worksession. The committee continues to refine and develop attributes for conceptual options for funding and governance models. DES is refining the attributes based on the direction by the committee, as well as identifying a draft chapter that would be included in the Proviso Report for review by the committee prior to its next worksession. He anticipates that following the next worksession, a good product would be drafted for presentation to the Executive Work Group to receive feedback. He asked members to meet with their representatives of the Funding and Governance Committee to ensure alignment between the two meeting bodies as the process proceeds.

Mayor Selby commented on standing meetings between herself, Councilmember Hankins, and Olympia City Manager Steve Hall on Thursdays before the Friday meeting to receive an update prior to the Executive Work Group meeting.

Mayor Kmet said that during his follow-up with Tumwater City Administrator John Doan, the City's representative on the committee, he understands that other than identifying potential options, the committee cannot proceed because of the uncertainty of the funding need.

Deputy Director Covington affirmed it is similar to some of the objectives the Executive Work Group reviewed and approved for the project, as many of the attributes identified for funding and governance are

essentially attributes of a funding or governance model and could be applicable to any of the alternatives that could be selected. There is recognition that any recommendation would lead to legislation for creating the model. The effort is setting the stage for the EIS. As more information is developed from the EIS process, the committee will continue to work and refine the model and include more specifics.

The Sediment Management Panel is not an element of the Proviso. Consequently, DES is not funded to complete the work, which has created some disappointment and frustration. DES also recognizes how sediment management is a critical aspect of moving forward. The EIS will be an important piece, which DES supports. DES understands there is interest by some members of the Executive Work Group, specifically, interest by the Squaxin Island Tribe and the Port of Olympia to engage and discuss a parallel path and the potential to scope and identify a body of work that could occur.

Councilmember Hankins asked about existing sediment analysis from the CLAMP process. Deputy Director Covington replied that the analysis from CLAMP is high level. Councilmember Hankins inquired about the process to complete a gap analysis to determine missing information. Ms. Gardner-Brown affirmed it would be part of the Phase II process but is unsure whether previous efforts on sediment management had properly defined the next step.

Deputy Director Covington said the conversation with the Squaxin Island Tribe is about scoping and identifying those with the technical expertise to help shape the scope of a parallel path.

Mr. Dickson said the Tribe has not agreed that it is an acceptable path forward. The Tribe has had the conversation, and at this point, it is only a discussion and highly frustrating to the Tribe that all the parties to this process have met and committed to a path forward that included understanding further analysis of sediment management. Mr. Dickson thought DES committed to the analysis, which was before the Proviso existed. There was an expectation that some work would be completed on sediment management. As clearly pointed out, he questioned how the Funding and Governance Committee could complete its work if there are so many uncertainties surrounding sediment management. No resolution has been achieved for the issue and it is extremely problematic. The report to the Legislature will resemble very little progress on addressing the issue resulting in a process stymied in its existing position despite efforts to overcome a need that was identified to complete the work.

Next Steps – Information

Mr. Dziejdzic advised members to expect more follow-up on the Draft Purpose and Need Statement as well as on the identification of Hybrid Options. He encouraged members to submit comments.

Commissioner Downing asked about the remaining meetings. Mr. Dziejdzic said the next meetings are in September, October, and December.

Ms. Gardner-Brown added that the draft Proviso Report would be provided to the Executive Work Group in October, for review prior to submittal to the Legislature.

Mayor Kmet inquired about the topics scheduled for the next meeting. Ms. Gardner-Brown said the topics include cost estimates, an update on the Funding and Governance Committee, and a review of next steps. The draft Proviso Report will be presented to the Executive Work Group in October. The next meeting is on September 30, 2016.

Adjournment

With there being no further business, Mr. Dziejdzic adjourned the meeting at 11:34 a.m.

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Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net