

SEPA Revised DEIS for the Proposed Chehalis River Basin Flood Damage Reduction Project - Cowlitz Indian Tribe Comments

Comment #	Document	Section or Table, Page Number	Excerpt if Applicable	CIT Department	Comment Type	Comment
1	DEIS	Fact Sheet, Description of Proposed Project and Alternatives, unnumbered page (p. 6 of 327 in PDF)	"The proposed Flood Retention Expandable (FRE) facility is considered expandable because it would be built with a foundation and hydraulic structure extents capable of supporting the future construction of a larger facility that could expand the water storage from its maximum design capacity of 62,000 acre-feet to up to 130,000 acre-feet. This expansion may or may not occur and, if pursued in the future, it would be subject to a separate environmental review and permitting process."	Natural Resources	Critical	While the Flood Retention Expandable (FRE) facility is part of the Proposed Action, its expanded state is not analyzed. Impacts of expansion would presumably be much greater than what is described in the current Revised Draft Environmental Impact Statement (DEIS). The proposal by the Applicant to construct and operate an "expandable facility" gives some indication that an expanded facility is contemplated in the future, so we recommend that Ecology provide at least some analysis of this possible future expansion in the EIS for greater transparency.
2	DEIS	Fact Sheet, Authors and Principal Contributors, unnumbered page (p. 10 of 327 in the PDF)		Cultural Resources	Suggestion	The Fact Sheet includes the Washington Department of Archaeology and Historic Preservation (DAHP) as one of a number of "Key Authors and Principal Contributors." It would be helpful to clarify here the role of DAHP in the preparation of this document, as their current inclusion here makes it look like they were part of the team writing the document. Are they listed here because they provided information about recorded archaeological resources and elements of the built environment, or did they have a more significant role? If they only supplied data, please indicate that, because their inclusion as an author or principal contributor implies a level of participation in (and potentially approval of) this document that we're not sure they had.
3	DEIS	Summary, What Would Be Impacted by the Proposed Project? p. S-9	"Construction and operation of the proposed project would have significant adverse impacts on fish, wildlife, aquatic and terrestrial habitat, recreation, earth, water, transportation, wetlands, land use, Tribal resources, cultural resources, environmental health and safety, environmental justice, and public services and utilities."	Natural Resources	Critical	We appreciate that the DEIS unequivocally acknowledges numerous significant adverse impacts of the proposed project. The should serve as major red flags about the perils of proceeding with the proposal. The Cowlitz Indian Tribe opposes the proposed project and believes more time and investment should be given to non-dam alternatives to reduce flood damage risks to Chehalis Basin communities.
4	DEIS	Summary, What Would Be Impacted by the Proposed Project? p. S-9	"Based on information available to date, Tribal resources and cultural resources would be significantly impacted by the proposed project. Determinations of impacts and mitigation for these resources will be made in Government-to-Government consultation with state and federal governments and through the federal National Historic Preservation Act Section 106 process, which is currently in progress. New information from this process will be integrated into the Final EIS, if available."	Cultural Resources	Critical	Throughout the DEIS, the preparers are forced to find a way to address the lack of a completed traditional cultural places (TCP) study for the proposed project. Like this section, they typically say, "New information from this process will be integrated into the Final EIS, if available," or something similar. This means that, while studies of archaeological resources and elements of the built environment were completed prior to publication of the DEIS, the work on Tribal traditional cultural places was not. It is important to recognize that the Washington Department of Ecology (Ecology) is relying on the U.S. Army Corps of Engineers (USACE), their federal partner, for completion of this study, so the lack of the information does not fall entirely to Ecology. That said, it was Ecology's decision to move forward with an incomplete analysis of the impacts of the project in their DEIS, a problem that could have been solved through more thorough coordination with their federal partner. There will be additional comments on this same basic point regarding other statements in the DEIS, especially the ability of the Applicant to mitigate adverse effects to TCPs. Please do not finalize the EIS or use it as the basis for agency decision-making until the TCP study has been completed and fully incorporated into the EIS.
5	DEIS	Summary, How Does the Proposed Project Affect Flooding? p. S-11	"The Chehalis area would still experience flooding with the FRE in operation, and some areas would still have more than 10 feet of inundation during catastrophic flood events in the late-century.... During operations, the Proposed Action would reduce flood depths and durations for roads, airports, and railroads, including along the I-5 main line and interchanges, State Route 6 as well as roadways within Chehalis, Centralia, and Napavine, compared to the No Action Alternative. However, many roads and areas would remain flooded for 24 hours or more, depending on the flood event, timeframe, and climate change scenario. The Proposed Action would reduce the flood depth and duration at the airport, but it would still be flooded for more than 24 hours in some modeled flood events."	Natural Resources	Critical	Statements like these in the DEIS highlight the limited effectiveness of the proposed project. Achieving marginal flood control benefits while exacting major ecological, social, and cultural costs is an irresponsible tradeoff. Many of the impacts of the proposed project would be permanent and irreversible, and Tribes would be disproportionately affected. We are also concerned that a dam could create a false sense of security, leading to more development in flood-prone areas and putting even more people and infrastructure in harm's way.
6	DEIS	Exhibit S-6. Summary of Significant Impacts and Proposed Mitigation for the Proposed Action, p. S-14	Cultural Resources Summary of Proposed Mitigation: "Mitigation measures are not proposed as part of the Revised Draft EIS."	Cultural Resources	Critical	The fact that Ecology cannot discuss mitigations in the DEIS is directly related to the decision to move forward with the publication of the DEIS before the TCP study had been completed. It also leaves open the possibility that there will be unmitigable negative effects to TCPs, a fact that should be disclosed in the DEIS so the public can have a fuller understanding of project impacts. Please revise this section before publication of the FEIS. Please do not move forward with publication of the FEIS or an agency decision until USACE has completed its Section 106 compliance process, which will require consultation with the Cowlitz Indian Tribe.

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7	DEIS	Exhibit S-6. Summary of Significant Impacts and Proposed Mitigation for the Proposed Action, p. S-14		Natural Resources	Critical	The table provides "impact findings" of "significant and unavoidable, unless mitigation is feasible" for multiple elements of the environment including earth; fish, aquatic species, and habitat; land use; recreation; water; wetlands; and wildlife species and habitats. While potential mitigation for many impacts remains unsettled and uncertain, the DEIS leaves no doubt that the proposed project would result in significant, irreparable harm to natural and cultural resources important to Tribes and the public.
8	DEIS	Summary, What are the Areas of Uncertainty and Controversy? p. S-20	"Areas of uncertainty or controversy associated with the Revised Draft EIS include the following: -There is uncertainty around whether the proposed mitigation is technically feasible or economically practicable.... -To date, there is no information available about mitigation proposed by or supported by the Tribes that would reduce the unique impacts on Tribal and cultural resources to a level that is less than significant. More detailed studies and review - including identification of specific impacts and mitigation measures and Government-to-Government consultation - would be conducted during the permitting processes, before implementation of the proposed project. -Federal NEPA evaluation, Section 106 consultation, and Endangered Species Act consultation timeframes and outcomes are unknown."	Cultural Resources	Critical	It's good to see Ecology recognize the lack of completion of critical cultural resources studies. That said, this could have been rectified by simply waiting to publish the DEIS until after the studies (which are already in progress) had been completed. Again, please do not finalize the EIS until the TCP study has been completed and USACE has completed its Section 106 compliance process.
9	DEIS	Summary, What are the Areas of Uncertainty and Controversy? p. S-20	"The long-term effectiveness of the Applicant's proposed fish passage facilities and their interactions with different life stages and species are unknown."	Natural Resources	Critical	The Applicant leaves many questions about future fish passage unaddressed. Nevertheless, recent history has clearly shown that dams and anadromous fish do not mix well, and to date, efforts to mitigate dam impacts have had limited success. As noted elsewhere in the DEIS, the Chehalis River Basin is one of the few watersheds in Washington that does not have Endangered Species Act-listed salmonid species (with the exception of bull trout). Construction and operation of a major dam on the mainstem Chehalis River, combined with climate change and other increasing threats and stressors, is certain to accelerate declines of already-vulnerable fish populations.
10	DEIS	Summary, What are the Areas of Uncertainty and Controversy? p. S-20	"There are differing perspectives regarding the underlying causes of flooding, flood damages, and solutions in the Chehalis Basin. These include discussions about the influence of forest practices, land use practices, and whether flood control infrastructure could alter development patterns or encourage building in flood-prone areas."	Cultural Resources	Critical	This is an important issue, especially when one considers the extent of intensively managed forestland in the Chehalis Basin. The DEIS does not adequately evaluate the connections between forest practices and hydrology. We believe that such information is relevant and important for decision-making around flood risk reduction, aquatic species protection and restoration, and design of project alternatives.
11	DEIS	Exhibit 1-1. Vicinity Map, p. 3		Cultural Resources	Suggestion	In the small inset map, please indicate the location of the Cowlitz Reservation with a dot or similar symbol and a label.
12	DEIS	2.3.3 FRE Facility Design, p. 13	"Temporary reservoir inundation periods longer than 32 days are possible in the event of spillway use for larger flood events or back-to-back larger storm events, whereby a second storm event triggers FRE facility closure prior to full drawdown from the previous closure."	Natural Resources	Critical	Potential for such lengthy inundation periods is especially concerning given that the Applicant would provide no downstream fish passage during major and catastrophic floods (i.e., when FRE facility outlets are closed). As shown in Appendix E, Figure E-4, many species and life stages could be adversely affected during these periods; juvenile fish need the ability to move year-round.
13	DEIS	2.3.3.1 FRE Facility Construction, p. 16	"If permitted, the Applicant expects construction of the FRE facility would occur between 2030 and 2035. Work in the river channel would take place in phased in-water work windows, which are the time periods approved by regulatory agencies that avoid fish migration periods. The Washington Department of Fish and Wildlife (WDFW) approved in-water work window for the upper Chehalis River includes the month of August and the Corps window is from July to August. To meet the schedule, the Applicant stated they would request extensions to these work windows to September 30."	Natural Resources	Critical	The construction timeline is estimated at 4-6 years (p. 23), which is tied to approval of the extended in-water work windows (IWWWs) from July 1-September 30. As noted in the DEIS, typical IWWWs are only 1-2 months to better protect fish. Appendix E, Figure E-4, shows how the proposed extended IWWWs will increase overlap with fish migration periods. How many years of FRE facility construction would be needed under the typical IWWWs? What effects would applying typical IWWWs have on project-related impacts, including to fish and other aquatic species?

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14	DEIS	Exhibit 2-6. Temporary Reservoir Changes During Operations, p. 19 and Exhibit 2-7. Water Flow Changes During FRE Flood Operation, p. 20; also discussion of the potential of landslides in Section 5.2.2.1	"Drawdown rate of 10 feet per day"	Cultural Resources	Critical	At issue is whether the FRE facility can be operated on a sustainable basis in the manner summarized in the two exhibits. In section 5.2.2.1, there is an extended discussion of the presence of landslides in the proposed reservoir area that would be created behind the FRE facility. In this section, we see that the proposed operational plan would call for a reservoir elevation drawdown rate of as much as 10 ft. per day. Experience in the operation of other reservoirs has shown that such high drawdown rates are likely to greatly exacerbate landslides, especially during the early years of the use of the reservoir. Landslide frequency tends to decline over time as the easily triggered landslides are activated and their potential for kinetic release is exhausted. Drawdown rates for other large reservoirs are typically much lower than this except in emergencies primarily because the operators know the relationship between quick drawdowns and landslides. At Grand Coulee Dam, the drawdown rate is limited to 1.5 ft. per day with only limited exceptions (Ecology 2008:pg. 3-5). At Swift Reservoir, the drawdown rate typically varies between 1 to 3 ft. per day if PacifiCorp is drawing down the reservoir to accommodate construction (PacifiCorp 2024). In this context, the 10 ft. per day maximum draw down rate seems excessive. Landslides, in and of themselves, will likely adversely affect the archaeological sites. Not only can the slides themselves erode sites, but the tsunamis generated by landslides can also damage sites. Please provide evidence indicating that the Applicant has considered the potential for the 10 ft./day drawdown rate to increase landslide risk. If the 10 ft. per day rate is not sustainable, please consider the reservoir elevation and river flow rate implications of the facility having to operate at lower drawdown rates and how that relates to the impacts on salmonids and other natural resources. Ecology (Washington State Department of Ecology). 2008. <i>Final Supplemental Environmental Impact Statement for the Lake Roosevelt Incremental Storage Releases Program</i>. Ecology Publication #08-11-0-34. Olympia, Washington. PacifiCorp. 2024. <i>Swift Reservoir boat ramp to be out of service beginning September 2024</i>. Public notification on the PacifiCorp website; https://www.pacifiCorp.com/about/newsroom/news-releases/boat-ramp-out-of-service.html#:~:text=Newsroom-.Swift%20Reservoir%20boat%20ramp%20to%20be%20out%20of%20service%20beginning,to%20safety%20in%20dam%20operations.
15	DEIS	2.3.5 Debris Management, p. 23	"Debris management and removal would occur during reservoir drawdown."	Cultural Resources	Suggestion	Debris management on a reservoir often calls for large numbers of logs to be trapped, hauled up on to the beach, trimmed (creating slash piles), and then loaded onto trucks for transportation or burned onsite. Please indicate on project maps where this heavily ground disturbing activity will take place and demonstrate that the Applicant has considered the potential for this to result in adverse effects to historic properties.
16	DEIS	2.3.6 Vegetation Management, p. 24	"No trees would be removed from the remaining reservoir area during construction."	Cultural Resources	Suggestion	Given the regular practice to clear vegetation from reservoirs prior to their filling, this statement by the Applicant seems odd, also seems odd in light of the fact that the passage way through the FRE facility needs to remain clear of logs and other debris that might result in blockage of fish passage. Please reevaluate this statement given the necessity for maintaining fish passage.
17	DEIS	2.3.8.1 Construction, p. 27	"Fill material would come from existing sources and would be brought in from off site."	Cultural Resources	Critical	Even if these sources of fill material are "existing," they are still locations that are going to be directly affected as a result of the authorization for this project to move forward, and therefore they need to be considered as a part of the area of impact or Area of Potential Effects (APE) under Section 106 of the National Historic Preservation Act. If the sources are "existing," please provide documentation showing that they have been assessed for the presence of historic properties. If the Applicant is proposing to use a "commercial source," please demonstrate that the fill materials have already been extracted prior to this project commencing and that the materials have been stockpiled and are available for sale without the need for additional extraction.
18	DEIS	2.5.1 Components of Chehalis Basin Strategy LAND Program, p. 29	"Project components of the LAND program are preliminary and conceptual, and there is a high level of uncertainty about the specific locations, extents, design, and associated impacts that would be expected from any of the project components. Therefore, impacts of components of the LAND program are not able to be examined with the same degree of detail in this EIS as the analysis of impacts of the Proposed Action."	Cultural Resources	Critical	This is a limitation of the current DEIS. It is important that the decision-making process move forward in the Chehalis Basin so that an appropriate balance between interests and concerns can be debated and hashed out. At the same time, the size of the investment in construction and the related costs in terms of impacts to cultural and natural resources means that the decision-making process should not be rushed, especially when there are other relevant alternatives under development and consideration. Please do not finalize this EIS until a study of the LAND program can be completed and evaluated.
19	DEIS	2.7 Alternatives Considered but Eliminated, p. 35	"I-5 Infrastructure Changes (re-routing, raising, building a business loop): WSDOT and the Ruckelshaus Center found these I-5 changes would not be economically feasible, would increase flood levels in Centralia, and would negatively impact the environment."	Cultural Resources	Suggestion	The impacts to the local, state, and regional economy from flooding-related effects to I-5 in the Chehalis Basin are frequently held up as being an important justification for this project. In that context, information about different ways that the State might deal with I-5 play an important part in the decision-making process. The Ruckelshaus Center has produced multiple reports regarding I-5. Please clearly cite the exact report being relied on here, and if possible, please provide a clear Uniform Resource Locator (URL or web address) for the study so readers can see whether or not the Ruckelshaus Center report lines up with this summary. Is this the 2012 Chehalis Basin Flood Hazard Mitigation Alternatives Report? If so, is it still relevant given that over a decade has passed?
20	DEIS	2.7 Alternatives Considered but Eliminated, p. 35	"Changes to Forest Practices: Some additional research was conducted in 2022 to evaluate the relationship between modern forest practices and streamflow in the Chehalis Basin. At this time there is not sufficient information to identify an alternative that could be carried forward."	Cultural Resources	Critical	Forest practices like timber harvest and road construction can affect surface flows and erosion. In fact, the DEIS (see Appendix 2, p. 5) acknowledges these relationships in the Chehalis Basin and cites multiple sources in support. We recommend that the DEIS discuss and cite the "additional research" conducted in 2022 and explain why there is insufficient information to carry forward such an alternative.

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21	DEIS	3.3 Climate Change Analysis in the EIS, p. 39	"Overall, the Pacific Northwest has warmed about 1.3° F during the past century and annual air and water temperatures are expected to continue to increase, with the largest increases projected to occur during the summer."	Cultural Resources	Suggestion	Please cite the source for this conclusion regarding the extent of warming and provide a URL for the study.
22	DEIS	3.3 Climate Change Analysis in the EIS, p. 39	"Data and models for predicted climate change conditions in this EIS are from the University of Washington Climate Impacts Group, the National Oceanic and Atmospheric Administration, and Portland State University."	Cultural Resources	Suggestion	Again, it is important that the DEIS authors provide appropriate citations for these studies so readers can evaluate the accuracy of this summary.
23	DEIS	4.4 Local and Regional, p. 45	"Comprehensive Plan Update and Rezone (Lewis County): Required to resolve inconsistency with the current Forest Resource Lands land use designation and zoning district for the construction and operation of the FRE facility. This could require a rezone for the affected area."	Cultural Resources	Suggestion	Because the change to the Comprehensive Plan will require its own compliance with SEPA, please explain the relationship between that process and the analysis conducted here. Please make clear that this current DEIS is insufficient in scope to provide the level of analysis needed to cover the County's separate SEPA responsibilities.
24	DEIS	5.1 Water, p. 48	"A water supply line for the Town of Pe Ell's water system would be affected by FRE construction, and the line could require relocation or improvement, potentially resulting in impacts to the Town of Pe Ell's water uses and rights. This could be a significant adverse impact. Mitigation is proposed through a study to assess relocation and redesign needs."	Cultural Resources	Suggestion	Please provide a short summary of the separate environmental compliance process that will be required for this project. This is a reasonably foreseeable effect of the proposed project, and therefore it should be considered part of the Area of Potential Effects (APE) for this undertaking. Even if the USACE insists that this relocation project is not within the "permit area" under 33 CFR 325, Appendix C, the potential for another federal nexus seems likely and it would be prudent for the Applicant to anticipate this need as they consider how to bring the project as a whole to completion.
25	DEIS	5.1.2.1 Impacts from Construction/Impacts on Water Uses and Rights, p. 55	"Water would need to be available for FRE facility construction activities, such as to produce concrete. Up to 2 million gallons of water per day would be needed, and the need is expected to be constant over the construction period. The impact of a water withdrawal from the Chehalis River of that amount would vary throughout the year, based on factors such as seasonal flow rates and water needs. For example, river flows are lower in the summer and minimum flows established in state law are already often not met during those months. Alternative water sources may also need to be used in addition to, or instead of, withdrawals from the Chehalis River."	Natural Resources	Critical	These multi-year water needs are extraordinary. It is unclear how they will be met. How are fish flows being considered, especially in the summer months? What alternative water sources has the Applicant identified and where are they located?
26	DEIS	5.1.4 Findings for the No Action Alternative, p. 67	"Differences in water surface elevations between the No Action Alternative and the Proposed Action would be greater closer to the FRE facility and smaller farther downstream. Near Doty, for example, the Proposed Action would reduce flood levels by approximately 10 feet for a major flood and 12 to 13 feet for a catastrophic flood for the mid- and late-century scenarios compared to the No Action Alternative. Downstream, near Chehalis and Centralia, flood reductions would generally be 1 to 5 feet, with the exception that greater flood reductions would be expected within the raised airport levee. At Porter, flood reductions range from around 1 foot for a mid-century major flood up to 1.7 feet for a late-century catastrophic flood. At the downstream end of the modeled reach of the Chehalis River, predicted flood reductions near Montesano range from approximately 0.6 foot for a mid-century major flood to about 1.2 feet for a late-century catastrophic flood. The modeling shows no areas downstream of the FRE facility where the No Action Alternative would result in lower water surface elevations than the Proposed Action for major or catastrophic floods."	Cultural Resources	Suggestion	This is an extremely dense narrative with lots of numerical data. Please consider presenting this data in a tabular format (perhaps in addition to the narrative) to help the readers understand the differences between the alternatives. Appropriate color coding that addresses color-blind readers could be used to help emphasize differences between the alternatives.
27	DEIS	5.2.2.2 Impacts From the Airport Levee Changes, p. 79	"A total of 114,500 cubic yards of fill would be used for construction at the airport levee."	Cultural Resources	Suggestion	First, as per our earlier comment, the source for this fill needs to be specified and evaluated as part of the area to be impacted by this project. Second, it would be helpful to lay readers to have this quantity converted into something more easily comprehended. For example, 114,500 cubic yards of material would cover an American football field to a depth of about 54 feet. This kind of comparison would help them understand how much material needs to be removed from another location. Will those locations then become low areas prone to flooding?
28	DEIS	Exhibit 5.3-2. Changes to Salmonid Abundance During Construction From Integrated Model (EDT and LCM) Results, p. 89		Natural Resources	Critical	The FRE facility would result in considerable adverse effects on salmonid abundance, productivity, spatial structure, and diversity. This table shows that all salmonid species would decrease by large percentages during FRE facility construction alone. Additional model results presented in Exhibits 5.3-3 and 5.3-4 and Appendix E indicate further declines during FRE facility operation (to the point of complete extirpation of some spring Chinook, coho, and steelhead runs). This is not an acceptable outcome. Other less damaging non-dam alternatives must be fully evaluated so that such impacts can be avoided in the first place.

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29	DEIS	5.3.3 Findings for the Local Actions Alternative, p. 97	"Construction activities associated with the Mellen Street Bridge relocation and excavation and daylighting China Creek could have significant adverse impacts on aquatic habitat if adequate minimization measures are not included in project designs."	Natural Resources	Critical	We will need additional information to comment on potential impacts from the Mellen Street Bridge relocation and excavation/daylighting of China Creek.
30	DEIS	5.6 Tribal Resources, p. 120	"Ecology solicited input from Tribes on the nature and severity of impacts during a 30-day review of an administrative draft Tribal Resources Discipline Report. Combined with statements provided by Tribes in comments on the 2020 Draft EIS, this input intends to reflect the experience of Tribes and Tribal members who use Tribal resources. The Tribal Resources Discipline Report focuses on probable significant adverse impacts if they are identified in communication with or through comments from Tribes and in related discipline reports. Ecology continues to engage with Tribes to better understand project impacts."	Cultural Resources	Critical	Again, it is the "experience" of the Cowlitz Indian Tribe that this DEIS is incomplete because of the lack of completion of the TCP study. Please do not finalize the EIS until the USACE completes its TCP analysis in consultation with the affected Tribes.
31	DEIS	5.6 Tribal Resources, p. 121	"Several Tribes within Washington state did not sign treaties with the United States."	Cultural Resources	Critical	After the statement from the Chehalis Tribe, please add the following: "Similarly, the Cowlitz Indian Tribe, which did not secure federal recognition until 2000 after having participated with the US Government in treaty negotiations in the 1850s, did not cede hunting, fishing, or gathering rights to lands throughout Cowlitz Territory."
32	DEIS	5.6.2.1 Impacts From the Flood Retention Facility/Fish Species and Habitat, p. 123	"Pacific lamprey ("eels") are likely to continue returning to areas upstream of Rainbow Falls, but the number of lamprey is likely to be reduced due to reduced spawning and rearing habitat."	Natural Resources	Critical	Lamprey, or "eels" as our Tribal members typically call them, are culturally significant species for the Cowlitz Indian Tribe, so such impacts that further reduce their habitat and numbers in the Rainbow Falls area are of great concern.
33	DEIS	5.6.2.1 Impacts From the Flood Retention Facility/Cultural Resources Associated with Tribal Use, p. 126	"Of the five recorded archaeological sites, one was recommended NRHP-eligible."	Cultural Resources	Critical	This conclusion is incomplete because of the failure to complete the TCP study prior to publication of this DEIS. Please do not finalize this EIS without the USACE's completion of the TCP analysis.
34	DEIS	5.6.2.2 Impacts From the Airport Levee Changes, p. 127	"Constructing the airport levee changes would be expected to have minimal direct impacts on Tribes and Tribal resources."	Cultural Resources	Critical	It is premature to reach this conclusion because of the lack of a completed TCP analysis. Please do not finalize this EIS without the USACE's completion of the TCP analysis.
35	DEIS	5.6.2.4 Significant and Unavoidable Adverse Environmental Impacts, p. 128	"There is uncertainty around whether mitigation is technically feasible or economically practicable, or would address impacts to Tribal resources."	Natural Resources	Critical	Tribes have already expressed concerns that impacts to Tribal resources from the FRE facility may be unmitigable.
36	DEIS	5.6.3 Findings for the Local Actions Alternative, p. 129	"Comments provided by Tribes to date indicate a general preference for the Local Actions Alternative."	Natural Resources	Critical	The Cowlitz Indian Tribe would like to see a solution that will better protect Chehalis Basin communities from damaging floods while recognizing the ecological, cultural, economic, and social values of healthy ecosystems. A holistic, integrated approach can achieve both goals. Additional time and investment are needed to fully develop the Local Actions and Local Actions Non-Dam (LAND) alternatives, which at a conceptual level, appear generally consistent with these goals.
37	DEIS	5.7.3 Findings for the Local Actions Alternative/Operation, p. 138	"There is currently uncertainty about how flooding may be reduced under the Local Actions Alternative; additional design and modeling is being separately evaluated for some elements of this alternative as part of the Chehalis Basin Strategy LAND analyses."	Natural Resources	Critical	When will the additional design and modeling be available? How will it be used to inform decision-making around the alternatives?
38	DEIS	5.9.1 How Impacts Were Analyzed, p. 150	List of 5 TCPs at the bottom of the page	Cultural Resources	Critical	When the Cowlitz Indian Tribe downloaded a copy of the DEIS shortly after its publication, the Tribe was dismayed to see a list of TCP locations in the publicly available document. While it is important to the Tribe that Ecology consider impacts to TCPs in this SEPA process, it is also important that locational information about these cultural resources be considered sensitive and treated with the same degree of respect as information about the location of archaeological resources. The location of both archaeological resources and traditional cultural places are both protected under RCW 42.56.300, and we were expecting to see them addressed similarly. Technical level staff from the Cowlitz Indian Tribe communicated their concerns about the handling of sensitive cultural resources information to Ecology during their pre-publication review of the Cultural Resources and Tribal Resources appendices, and the Tribe also expressed its concerns about this information being publicly disclosed in the DEIS. Technical level staff again contacted Ecology about the inclusion of this sensitive information in a publicly available document in late November, and Ecology consented to publishing a revised DEIS in early December 2025 that provided summary information about the number of TCPs that had been identified. The Cowlitz Indian Tribe considers this issue resolved, but it illustrates the consequences of a lack of completion of the TCP study and the lack of coordination between USACE and Ecology.

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39	DEIS	5.9.2.2 Traditional Cultural Places, p. 151	"If they are found to be eligible, potential impacts will be reviewed, significance determined, and mitigation discussed through the Section 106 process."	Cultural Resources	Critical	The Cowlitz Indian Tribe appreciates Ecology's understanding of the fact that Tribal consultation with USACE may not necessarily result in resolution of adverse effects to identified TCPs. Section 106, as the Tribe is often reminded by federal agencies, does not require mitigation of effects - it simply requires that they be considered. This further highlights the need for completion of the Section 106 process before finalization of not only the federal EIS, but also this state EIS, as that will provide Ecology with a better understanding of effects to TCPs and allow the agency to understand if they choose to move forward with a project that has unmitigable negative effects to TCPs.
40	DEIS	5.9.2.4 Changes in Inundation, p. 152	"149 archaeological sites, 28 historic register properties, and 16 cemeteries downstream of the FRE facility are susceptible to major and catastrophic floods. Operation of the Proposed Action would reduce the frequency and magnitudes of major and catastrophic floods and reduce bank erosion. This would reduce the likelihood of damage or destruction of these resources by flooding."	Cultural Resources	Critical	The Cowlitz Indian Tribe values archaeological resources and appreciates Ecology's effort to consider them. However, we strongly disagree with the argument that building the FRE facility and raising airport levees will "protect more sites than they damage." The Tribe does not consider damage to archaeological resources caused by natural flooding to be an adverse effect. Flooding has occurred in the Chehalis Basin since time immemorial and will continue even if the FRE facility and levees are built. Our ancestors understood this reality and still chose to place items in areas subject to flooding. We respect their decisions. The claim that construction will protect more sites lacks enforceable mechanisms. There is no binding plan or funding to ensure downstream sites are preserved. Ecology, USACE, and the Applicant do not have the authority to implement such protections. Without that authority, the argument is speculative and misleading. Ecology and the other involved parties need to adopt a holistic approach. Adding a dam and levee does not address the root causes of flood risk. A true solution requires basin-wide strategies, including land use management changes, reconsideration of major transportation corridors, zoning reforms to prevent development in flood-prone areas, strategic floodplain storage improvements, erosion management, habitat restoration, floodproofing, buyout of at-risk properties, and more. The authorizing legislation for the Office of the Chehalis Basin is to pursue an "integrated strategy," not isolated structural projects.
41	DEIS	5.9.2.5 Proposed Mitigation Measures, p. 153	"However, if significant adverse impacts to cultural resources within the study area are identified through either the Section 106 process, the SEPA process, through coordination with Tribes, during Government-to-Government consultation, and/or subsequent federal or state permitting, then additional mitigation measures could be included as part of the Final EIS, if available, or incorporated into permit conditions as appropriate."	Cultural Resources	Critical	This statement would be a big process commitment for Ecology and the other involved parties. Please provide details on how exactly Ecology would make this commitment and the ways in which Ecology might be held accountable. How would this relate to the commitments that the USACE made in their Record of Decision (ROD) for their forthcoming EIS covering much of the same ground? Would the State "adopt" the federal ROD? Would (or could) the USACE adopt the state ROD?
42	Appendix E	2.2.3 Climate Change, p. 64	"Changes in sea level would affect the extent of tidal influence and associated low-elevation areas. Sea level rise could result in the decline (in quality and extent) of coastal wetlands, tidal flats, and beaches (Mote et al. 2014). By 2025, sea level rise is predicted to result in habitat transitions from forested freshwater tidal swamp to brackish and freshwater marsh in lower river surge plain areas, where rising water levels and increased saltwater intrusion would cause trees to die. In the inner estuary and greater Grays Harbor areas, there would be a loss of low-elevation tidal mud and sand flats from sea level rise (ASEPTC 2014)."	Natural Resources	Suggestion	This paragraph relies on references dating from 2014 and identifies predictions for 2025. We recommend updating this excerpt if more current information is available.
43	Appendix P	Table P-19. Applicant-Proposed Mitigation for Wildlife Species and Habitat, p. 101	"If habitat is found, the 2003 Pacific Seabird Group Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research survey protocol will be used to identify marbled murrelet presence...."	Natural Resources	Critical	The Pacific Seabird Group Inland Survey Protocol was updated in 2024. The most current version of the protocol should be used when making determinations about Marbled Murrelet nesting habitat and occupancy (see WAC 222-12-090 (14) and https://www.fws.gov/story/2024-04/revised-marbled-murrelet-inland-survey-protocol for more information).