

**David E. Ortman**

The attached comments are submitted by David E. Ortman, Seattle, WA.

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RE: SEPA Revised Draft Environmental Impact Statement / Proposed Chehalis River Basin  
Flood Damage Reduction Project

General Comments

The Revised DEIS for the Chehalis River Basin Flood Control Zone District's (Applicant) proposal to construct a new flood-control dam on the Chehalis River, as well as raise the Chehalis-Centralia Airport levee should be withdrawn because it fails to include alternatives and fails to disclose significant adverse environmental impacts. The proposed projects are a subset of a greater Chehalis Basin Board "strategy" that itself was supposed to incorporate alternatives to the cheerleading of the Department of Ecology, the Corps of Engineers, the Chehalis Basin Board, and the Applicant for a new Chehalis River dam. As noted in the Revised DEIS, while the Chehalis River Dam project has been forging ahead, the Local Actions Non-Dam (LAND) Alternative has not been included as an alternative in this Revised DEIS. As a result, the Revised DEIS should be withdrawn until a LAND alternative is finalized.

The Revised DEIS also fails to take into account the recent December flooding events in the Chehalis River Basin to determine how much, if any, a Chehalis River dam would have accomplished had it been constructed and in place.

In addition, as a reminder, substantive comments received on a draft EIS must be responded to by the lead agency (Department of Ecology).

More specific comments are as follows:

**Revised DEIS, Sec. 2.5, page 28**, states that a Local Actions Non-Dam (LAND) alternative being evaluated in the Chehalis Basin Strategy is **not** included as an alternative in this revised DEIS. To review,

"In 2012, the Governor's Chehalis Basin Work Group was created to look at how to reduce flood damage and improve aquatic species habitat in the Chehalis Basin. The Work Group was made up of six representatives, including local elected officials, Tribal leaders, and citizens. They evaluated a variety of options, including both big and small projects. Following the efforts of the Work Group, the Chehalis Basin Strategy was created in 2014 to coordinate projects and efforts to reduce flood damage and improve aquatic habitat. In 2016 (effective July 1, 2017), the Washington Legislature created the Office of Chehalis

Basin within Ecology to administer funding to implement the Chehalis Basin Strategy. The Chehalis Basin Board was created to provide long-term oversight of the Strategy. The board is also responsible for developing budget recommendations to the Governor's office to implement the Strategy. The Chehalis Basin Board has seven members who represent the Chehalis River Basin Flood Authority, the Confederated Tribes of the Chehalis Reservation, the Quinault Indian Nation, as well as agricultural, environmental, and economic interests in the basin. There are also five non-voting board members representing state agencies" (Revised DEIS, Sec. 1.3, page 2).

While the Chehalis River Basin Flood Control Zone District is listed as the "Applicant", the Department of Ecology has been a supporter and funder of a Chehalis River dam since at least 2016 when the Legislature created the Office of the Chehalis Basin within the Department of Ecology. Since 2016, how much money has the Department of Ecology awarded for planning the proposed Chehalis River dam and Chehalis-Centralia Airport levee rise? Since 2016, how much private money has been spent on these two projects?

**Revised DEIS, Sec. 1.3, page 2**, states that the Chehalis Basin Board (CBB) has seven members who represent the Chehalis River Basin Flood Authority, the Confederated Tribes of the Chehalis Reservation, the Quinault Indian Nation, as well as agricultural, environmental, and economic interests in the basin. The CBB website of membership does not list any environmental interest on the CBB.

[https://www.ezview.wa.gov/site/alias\\_\\_1962/committees\\_chehalis\\_basin\\_board/37068/chehalis\\_basin\\_board.aspx](https://www.ezview.wa.gov/site/alias__1962/committees_chehalis_basin_board/37068/chehalis_basin_board.aspx)

It should be noted that Steve Malloch is listed as representing the Office of the Governor. Mr. Malloch was formerly a Yakima Workgroup member or alternate for similar pro-dam Ecology funded workgroup in the Yakima River Basin. During Mr. Malloch's re-nomination hearing before the Washington State Legislature last year, he strongly supported Ecology and Yakima Basin irrigation district's Yakima Plan's efforts to construct uneconomical and environmentally damaging new irrigation dams and water projects. Please delete the presence of "environmental" interests as one of the seven members of the CBB.

**Revised DEIS, Sec. 1.3, page 2**, also states: "There are also five non-voting board members representing state agencies," but does not disclose that the Ecology is one of these board members. This should be corrected.

**Revised DEIS, Sec. 1.3, page 4**, states, as summarized:

- In 2017, a Programmatic EIS was finalized which evaluated large projects that might be used for the Chehalis Basin Strategy to reduce damages from floods and restore degraded aquatic species habitat.
- After reviewing the Draft Programmatic EIS in the fall of 2016, the Governor's Work Group recommended a project-level EIS be completed to further identify the probable significant impacts of a flood retention facility.
- On October 13, 2017, the Chehalis River Basin Flood Control Zone District, as Applicant, proposed to build a flood retention facility and make changes to the Chehalis-Centralia Airport levee.

- On February 27, 2020, Ecology released a Draft EIS for the Chehalis River Basin Flood Damage Reduction Project.
- The U.S. Army Corps of Engineers (Corps) also published a Draft EIS under the National Environmental Policy Act (NEPA) in 2020 for the Applicant’s initial project proposal.
- After publication of the Draft EIS, the Applicant revised the Flood Retention Expandable (FRE) facility location, design, construction methods, and operational approach. Given the extent of the changes, Ecology determined that a Revised Draft EIS would be necessary.

While the above information is not entirely clear, in summary, from the start, the Department of Ecology was integral to the support for a Chehalis River dam. In addition, there is no mention of the Local Actions Non-Dam (LAND) Alternative, and only a passing reference in Sec. 2.5, page 28. Only at a later date was Ecology, the CBB, and the Applicant forced to recalibrate and consider a LAND Alternative. Why did Ecology support and fund planning for the Chehalis River dam proposal at its inception instead of requesting that a full range of alternatives be presented and considered?

In addition, rather than presenting a programmatic EIS covering all Chehalis Basin Strategy alternatives, Ecology, the CBB and the Applicant have left this half-finished and, instead, have gone cherry picking individual projects (such as the City of Hoquiam and Aberdeen levees) with an inadequate and incomplete Local Actions Non-Dam Alternative. This is a classic case of segmenting an environmentally damaging Chehalis River dam project from a larger Chehalis River Basin analysis. Therefore, the Revised DEIS must be withdrawn.

**Revised DEIS Sec. 2.1.1, page 29, states:**

“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.”

Rather than awaiting the completion of this alternative, Ecology, the CBB, and the Applicant have chosen to plunge ahead with a Chehalis River dam project and avoid addressing the LAND alternative. Because the Revised DEIS fails to set out this alternative, the Revised DEIS is inadequate and does not comply with SEPA (*RCW 43.21C.030(c)(iii)*). Therefore, the Revised DEIS must be withdrawn.

**Revised DEIS, Sec. 2.5, Local Actions Alternative, page 28,** is offered as a minimal alternative, “a local approach to reduce flood damage in the Chehalis-Centralia area.” As noted above, this is hardly a real LAND alternative and just injects confusion as the public has to differentiate between an extremely limited “Local Actions Alternative” and a basin-wide “Local Actions Non-Dam” Alternative. The Revised DEIS must be withdrawn until the LAND Alternative is available. Why has Ecology chosen to release the Revised DEIS without the LAND alternative?

**In addition, Revised DEIS, Sec. 2.5.2, Land Use Management, page 32, states:**

“This element involves land use management efforts by local governments mainly in Lewis County, and also in Grays Harbor and Thurston counties. Implementing existing land use management plans and actions and improved land use management could protect floodplain functions and reduce or prevent flood damage by minimizing future floodplain development. This could also include providing technical support and assistance to local jurisdictions and landowners for local land use management efforts that reduce flood damage. Planned or ongoing updates to Comprehensive Plans and other relevant local plans are considered part of the No Action Alternative.”

The impacted area of the project includes the Chehalis River below the proposed dam for the supposed purpose of reducing flood damages. The Revised DEIS and Appendix G are inadequate and do not address the following:

- Ecology must explain the dollars and work it invested in the late 1970s to early 1980s to produce a Grays Harbor Estuary special area management plan (SAMP) covering the entire Grays Harbor Estuary. This SAMP was supposed to resolve land use management conflicts in the estuary. It was adopted as part of the federally approved Washington State Coastal Zone Management Program. However, the SAMP was ultimately unable to resolve the fundamental need for “predictability” to protect estuary resources and the demands of local Grays Harbor governments and development interests for “flexibility,” their right to demand changes to the SAMP every time a new development proposal was proposed. Subsequently, Ecology requested that the Grays Harbor Estuary SAMP be removed from the Washington State Coastal Zone Management Program. Lessons learned (if any) from the Grays Harbor Estuary SAMP should be addressed. (See: *The Search for Predictability, Planning and conflict Resolution in Grays Harbor, Washington*, Nan Evans, Marc J. Hershman, George V. Blomberg, William B. Lawrence, Washinton Sea Grant Technical Report, WSG 80-5, October 1980.)
- Ecology must address the proposed Aberdeen-Hoquiam Flood Protection Project consisting of a North Shore Levee and a North Shore Levee – West Segment. If the proposed Chehalis River dam were constructed, why build these expensive levees? What would be the cumulative impacts of the proposed levees and the proposed dam? Ecology should also explain why, in 2025, then CBB chair and Chehalis River Basin Flood Authority member Vickie Raines was allowed to lobby the Washington State Legislature for levee funding on behalf of the CBB and CRBFA. Did she lobby the Washington State Legislature on behalf of funding for the proposed Chehalis River dam?
- Ecology must also address future decisions resulting in the possible removal of the Wynoochee and Skookumchuck dams. It is especially outrageous that in 2011 the State of Washington Legislature, with the support of Ecology, allowed TransAlta to operate a polluting Centralia, WA coal-fired plant for an additional 15 years, until the end of 2025. Even more outrageous, the TransAlta’s coal-fired plant’s water right to Skookumchuck water for cooling should have been returned to the state upon closure, rather than allowing TransAlta to retain this water right.
- Ecology should also disclose the Seattle District Corps’ advocacy for the proposed Chehalis River dam. An analysis of the Seattle District Corps’ Grays Harbor

- Navigation Channel Maintenance Dredging Program should also be included, as well as likely changes to upstream Chehalis River flow and sediment transport.
- Ecology should review and analysis the Comprehensive Plans, Zoning, and Shoreline Management Programs in Thurston, Pacific, Cowlitz, Mason, and Wahkiakum within the Chehalis River Basin and identify current plans, zoning, and SMP programs that allow and promote wetland and shoreline filling. In addition, information should be presented on the Cowlitz County Coleman wetland mitigation bank and proposed Thurston County Old Homestead wetland mitigation bank to determine what impact, if any, these have had on allowing non-water dependent that increase flooding.

**Revised DEIS, Sec. 2.7 Alternatives Considered but Eliminated, page 35,** states:

“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.”

This is unacceptable. Clearcut logging and construction of logging roads have been carried out in the Chehalis River Basin for over a century. Ecology must address forest land use mismanagement in the Chehalis River Basin from U.S. Forest Service, Department of Natural Resources, and private forest corporations such as Weyerhaeuser. Clearcuts, commercial “thinning,” and logging roads in the Chehalis River Basin result in greater and faster water runoff during storm events and also generate enormous amount of sediment. For example, after much questioning and prodding about the source of Chehalis River sediment required for Corps of Engineers Grays Harbor Estuary maintenance dredging (at taxpayer expense) the Seattle Corps District issued a study in 1979 that disclosed that the Wynoochee and Satsop subbasins, due to poor logging and logging road practices, were eroding at a rate ten times higher than the famous 350,000-acre Oregon Tillamook Burn area in the 1930s. Have similar studies been conducted on the other Chehalis River Basin watersheds? Weyerhaeuser’s refusal to allow logging practice studies to be conducted on its land above the proposed dam, and in other parts of the Chehalis Basin, including the Skookumchuck dam watershed, is particularly ironic given that the proposed dam would be constructed on Weyerhaeuser, as well as Panesko Tree Farm, and Hemphill-O’Neil Company property (Revised DEIS, Section 2.2, page 7). How much money, if any, would Weyerhaeuser and other landowners receive for the construction of the proposed dam on their property? Because the Revised DEIS fails to document or analyze the mismanagement of forest practices in the Chehalis River Basin and because Weyerhaeuser refuses to allow monitoring and sampling on its forest lands, the Revised DEIS should be withdrawn.

**Revised DEIS, Sec. 4, Required Permits and Approvals, page 43.** For each of the Federal, State, Regional and Local permits, licenses, and approvals listed on pages 43-46, please identify which ones require public notice and allow for public comments.

**Revised DEIS, Sec. 5.1, Water, page 47,** purports to describes the water resources in the study area but contains no mention of EPA’s 303(d) list of impaired water bodies. Why did Ecology choose to hide the poor water quality in the Chehalis River Basin and 303(d) list in Appendix N?

**Revised DEIS, Appendix N, Water Discipline Report, Sec. 2.2.2.4, Water Quality, page 29,** states:

“Ecology has assessed approximately 780 miles (of 9,257 miles) of streams in the upper Chehalis Basin and determined that approximately 30% of those waters are meeting water quality standards while 70% are not (Collyard 2017).

...

The current U.S. Environmental Protection Agency (EPA)-approved 303(d) list of impaired water bodies (Water Quality Assessment Category 5 waters; Ecology 2025a) identifies several portions of the Chehalis River (upper and lower) and tributaries to the Chehalis River as being impaired for one or more parameters, including turbidity, nutrients, fecal coliform, DO, pH, and temperature. Specifically, the lower Chehalis River (WRIA 22) has 303(d) listings for temperature, DO, and pH for water and has listings for PCBs and mercury in fish tissue (Table N-14). The upper Chehalis River (WRIA 23) has 303(d) listings for temperature, DO, and turbidity for water and has listings for PCBs and dioxins in fish tissue (Table N-14).”

Will any of the Sec. 303(d) impaired water bodies in the Chehalis River Basin be improved by construction of the proposed Chehalis River dam?

**Revised DEIS, Sec. 5.8, Recreation, page 140.** How would the public, including recreational users downstream, be alerted to any water releases from the proposed dam project?

**Revised DEIS, Sec. 5.11, Air Quality and Greenhouse Gases, page 161.** Reservoirs are methane generators, a potent greenhouse gas. The Revised DEIS fails to mention or disclose methane generation from the proposed dam reservoir. What are the projected life-time methane emissions from the proposed dam project?

**Revised DEIS, Sec. 5.17 Summary of Potential Mitigation, page 221,** is a hodge-podge of vague measures, which generally consist of statements that mitigation measures would be addressed through the permit process. **Or, as in Sec. 5.17.3, page 237,** Ecology merely “suggests that the Applicant implement the following measures to mitigate impacts.” This is inadequate as the public has no real opportunity to review actual mitigation (rather than suggested measures) for the proposed project. Therefore, the Revised DEIS should be withdrawn.

**Revised DEIS, Sec. 6.4, Cumulative Impacts by Resources, page 258,** states:

“New construction in the study area is expected to be concentrated in Urban Growth Areas and incorporated areas, such as Chehalis and Centralia. Potential for future expansion of agriculture, rural, residential, and commercial development could contribute to impacts. However, compliance with permit requirements would minimize these impacts. While the potential expansion of development would increase the intensity or density of land use, consistency with Comprehensive Plans and zoning would decrease the potential for adverse impacts.”

The Revised DEIS presents a limited picture of future development predominately in the incorporated areas of Chehalis and Centralia. The RDIES fails to address the likely cumulative impacts from the proposed Chehalis River dam from induced development throughout the entire Chehalis River basin downstream of the proposed dam.

In addition, the Revised DEIS implies that the Growth Management Act requires jurisdictions to plan for and accommodate additional growth, and that critical area impacts will be addressed in the future. However, the Growth Management Act requires local planners to identify critical areas in order to carry out proper planning. It makes no sense for local planners to approve residential or commercial development permits for wetland filling or in flood plains when upland areas remain available.

**The Revised DEIS Appendix 2, Cumulative Impacts** analysis is likewise vague and inadequate stating:

“The cumulative impacts study area is specific to each resource that would be adversely affected by construction and operation of the Proposed Action. The study area for cumulative impacts may extend beyond the study areas for direct and indirect impacts if necessary to assess the incremental contribution to impacts on each resource” (Appendix 2, page 2).

**Revised DEIS, Appendix 2, Section 3, Cumulative Impacts by Element of the Environment, page 15**, states: “This section includes a description of the following for each resource with the potential to have cumulative impacts. Appendix 2 goes on to conclude that the following individual elements listed below are all considered to have less than significant impacts:

- Water - surface quantity and groundwater quality and quantity (Sec 3.1.1)
- Earth – erosion and sedimentation from the realignment at the confluence of Crim Creek with the mainstem of Chehalis River (Sec. 3.2.1)
- Fish Species and Habitat – impacts to Southern Resident killer whales and other fish-eating marine mammals and birds due to reduced salmonid availability (Sec. 3.3.1)
- Wildlife Species and Habitat - construction of the airport levee changes from clearing, grubbing, fill placement, and noise in the vicinity of the levees (Sec. 3.4.1)
- Wetlands – from widening of quarry haul routes and constructing airport levee changes, from temporarily reduced flows from construction and functional changes from reduced tree cover, from impacts to waterbodies downstream of the confluence with the South Fork Chehalis River , and from loss in flood inundation that could alter vegetation communities and hydrology (Sec. 3.5.1)
- Land Use - related to short-term noise, dust, and disturbance (Sec. 3.7.1)
- Environmental Health and Safety (Sec. 3.10.1)
- Air Quality and Greenhouse Gases - air contaminant emissions, air pollutants, and diesel particulate matter, as well as emissions from construction and operational activities (Sec. 3.11.1)
- Visual Quality - visual quality, including changes in appearance of the Chehalis River downstream of the FRE facility, airport levee construction activities visible from the Riverside Golf Course and RV Park, vegetation transitions within the temporary

reservoir, the increase of the airport levee height, and the change in visual setting from construction of the FRE facility (Sec. 3.16.1)

Cumulative impact analysis is required (*WAC 197-11-792(2)(c)(iii)*) although “cumulative impacts” are not defined in SEPA. However, “cumulative impacts” are the impacts on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Here, Ecology has misapplied the cumulative impact analysis by segmenting separate elements individually, rather than presenting an analysis of cumulative impacts for the proposed project as a whole.

#### **SUMMARY**

In conclusion, the existing Revised DEIS is inadequate and should be withdrawn.

Please provide a copy of any decision made on the Revised DEIS. Thank you.