

# Deschutes Estuary Restoration Team (DERT) (David Monthie)

As a current Board member and past President of the Deschutes Estuary Restoration Team (DERT), I am submitting the following comments on the Draft Environmental Impact Statement (DEIS) on the Proposed Chehalis River Basin Flood Reduction Project (Project), also known as the FRE dam. To a large extent, these comments reiterate our comments submitted to the Department of Ecology (Ecology) in May, 2020, regarding the first iteration of Ecology's DEIS on a proposed dam on the Chehalis River. We are adding additional comments with regard to the most recent dam proposal, which suffers from the same deficiencies as the one that was evaluated six years ago, and for which the DEIS is significantly flawed.

## Background and Interests

DERT is a community-based organization dedicated to the restoration of the health of the Deschutes River estuary in Olympia, Washington, by removing the Fifth Avenue Dam constructed in 1951 to create Capitol Lake. DERT began organizing in 2009 as the health of Capitol Lake and adjacent habitats began to more obviously show declining environmental health, increasingly damaging consequences to dependent populations of fish and wildlife, and increasing restrictions on its recreational and community use.

For the past 20 years, a number of studies and reports have documented the worsening conditions in Capitol Lake and Budd Bay, including accumulations of toxic sediments, declining water quality, increasing water temperatures, increasing outbreaks of invasive species, and reducing populations of native fish and wildlife. These studies and reports have provided the scientifically demonstrated that continued operation and maintenance of the dam and Capitol Lake in its historic configuration cannot continue, and that the best alternative for improving the health of the entire estuarine area is the removal of the dam and restoration of the naturally flowing Deschutes River.

DERT engages in public outreach to educate the people of Olympia, and the state of Washington, about the benefits of a healthy restored estuary. For the past decade it has worked directly with key state agency leaders and legislators to encourage an honest and complete accounting of the costs of alternative plans. It participated in the development of an Environmental Impact Statement by the Washington Department of Enterprise Services (DES) that evaluated those alternative plans for the lake and estuary. The final EIS, completed in October 2022, concluded that the dam needed to be removed, and the estuary and river restored, because it was clearly the best alternative based on economic, environmental, and cultural values. The state is now developing plans for dam removal and estuarine restoration, and expects to deliver the 60% design for review within the next month. For more detailed information on this project--which is now managed by Ecology--please go to [deschutesestuaryproject.org](http://deschutesestuaryproject.org). The current schedule calls for the dam to be removed, and the Deschutes River to resume its flows into Budd Inlet, by 2032.

In our view, the Final EIS, and the related actions taken by state and local agencies, support DERT's view that the dam and lake should never have been constructed, and if proposed now would clearly not be able to be built. In our view, constructing a new dam on the Chehalis River is similarly short-sighted, and, if built, will no doubt generate substantial calls for its removal within a generation or two because of its negative impact on the natural landscape. At a time when ancient dams are being removed in Washington and across the country because of their deleterious effect

on the environment, it is hard to believe that a new, expensive, and destructive dam is being proposed.

DERT is a non-profit organization under state law, and a 501(c)(3) corporation under federal law. It is affiliated with the Puget Soundkeeper Alliance, one of a number of national and international groups dedicated to protection and preservation of the nation's waterways. Within that affiliation, it has responsibilities for monitoring and ensuring watershed health in the South Puget Sound geographic region. It will have a mission similar to that of Twin Harbors Waterskeeper, which monitors the health of the Chehalis River, Grays Harbor, and Willapa Bay watersheds, and has been substantially engaged in the development of the Chehalis River Basin Strategy.

DERT is dedicated to the goal of restoration, preservation, and protection of natural resources, including healthy watersheds and fish and wildlife populations. It is firmly committed to the principle that maintenance of natural conditions and processes are the most effective and efficient means for achieving this goal, particularly in view of development pressures and the increasing impacts of climate change. And having witnessed the negative long-term effects of damming a river, while at the same time allowing destructive forest practices and land use developments, we believe that the proposed dam Project on the Chehalis River is a destructive and short-sighted "solution" to flooding in parts of the Chehalis Basin. It would avoid addressing the most significant causes of the flooding, and flood damage, while at the same time creating acknowledged environmental and cultural harm that cannot be mitigated.

DERT has reviewed, agrees with, and supports comments that have already been submitted in opposition to the dam, and with heavy and detailed criticism of the current DEIS. Those comments spell out with great depth and specificity the legal, scientific, and economic flaws in the DEIS.

DERT offers the following additional comments from its perspective and history.

### Dams Historically Are Short-Term Solutions with Long-Term Negative Consequences

It is hard to believe that a new, large dam is being proposed in this era, when it is clear that removal of existing dams has become a high priority in the set of solutions for remedying environmental harm to rivers, streams, and watersheds. This is true in the South Puget Sound and the State of Washington, where removals of small dams (such as on Goldsborough Creek in Mason County) or larger ones (such as the Condit Dam on the White Salmon River, or the Elwha Dam in the Olympic National Park) have become the order of the day.

In the case of the Deschutes River and the Fifth Avenue Dam, there is little doubt that it would be allowed to be built today. Even in 1951, when it was constructed, its purported benefits consisted principally of aesthetic (the "reflecting pool"), recreational (swimming, boating), and minimal (if any) flood protection ones. Built before the State Environmental Protection Act (SEPA) required analyses of the environmental impacts of such projects, it did not account for accumulation of toxic sediments gathering behind the dam from stormwater runoff and sediments delivered from upstream areas that were deforested by timber activities—accumulations that could only be remedied by periodic dredging, and which now have created a shallow sediment basin with high water temperatures, water quality and dissolved oxygen contamination, invasive species (snails), and large algae blooms. Nor did it have to address issues of declining fisheries and the Endangered

Species Act, and tribal treaty and reserved rights.

Many dams that have been removed in Washington were originally built for hydropower purposes, and whose construction predated modern and current protections for the environment and fish. Their devastating environmental effects have become increasingly apparent, and uncontested. And as more efficient and sustainable sources of power have become available, retention of the dams has become untenable. Where they have come down, the restored rivers have shown a remarkable ability to come back, and healthy fish and wildlife habitats and populations have been recreated.

The proposed dam reflects a discredited and ultimately unworkable philosophy that interferes with natural processes, minimizes forecasted environmental damage, and puts off to the future the ultimate costs of rectifying such gigantic mistakes. The State of Washington, the Cities of Olympia and Tumwater, the Port of Olympia, the LOTT Alliance, and surrounding communities, and their residents are now going to have to address the costs of such a remedial necessity.

### The Project Does Not Adequately Address Likely Impacts of Climate Change

As the comments of the Quinault Nation eloquently show, the Project as proposed—with a spillway that remains open for the flows of the Chehalis River unless forecasted flows on occasion exceed a certain predicted flood level—is actually a stalking horse for larger facility with a reservoir that will be routinely filled. The proposed project would be constructed to a larger scale so that conversion to a near-permanent reservoir would be quicker and less costly.

The DEIS acknowledges the increasing likelihood over the 100-year life of the dam of major rain events, and resulting floods, because of climate change. As the past several decades of intensive scientific attention to climate change have shown, long-term forecasts of severe climate change—such as frequency and magnitude of rain events—have repeatedly underestimated those changes. That appears to be the case with the DEIS. Rather than recognizing those trends, and accounting for them, the DEIS appears not to be using the most current science, and assumes more modest forecasts, and bases the design and planning for the Project on those more modest impacts. It identifies environmental impacts that substantially understate the likely full range and extent of those impacts. For a state that purports to be in the vanguard of realistically addressing climate change impacts, particularly for large scale public works projects with an investment of billions of dollars of taxpayer money.

With regard to the Deschutes Estuary and the Fifth Avenue Dam, forecasts of increased rainfall in the Deschutes River Basin will likely result in increased sediment deposit in the river and in Capitol Lake, increased flood flows along the river and in downtown Olympia, and increased carriage of flood debris all along the rivercourse—all of which will overwhelm whatever flood control benefits the dam and lake now provide. When coupled with sea level rise, which will ultimately overtop the dam and inundate much of Olympia, the value of retaining the dam is virtually nil. Restoring the estuary will, however, allow the river channel to carry higher flows, and create adjacent habitat that will mitigate those same future impacts.

It would be highly imprudent for the State, or local agencies, to construct a dam that minimizes these impacts, and simply defers their costs to future generations.

### The DEIS and Proposed Dam Fail to Address the Causes of Flooding and Flood Damage

While historically the Chehalis River Basin has flooded over at least the past 100 years, those floods, and resulting damage, are becoming more severe. The two issues—flooding, and the resulting damage—are connected, but separate issues.

The flooding itself is caused by the heavy rainfall, and the inability of rivers, streams, and floodplains to carry and accommodate the higher flows. The state has no ability to control the rainfalls, either where they occur, or when, or in what amount—each of which determine the location, extent, and duration of the flooding. However, the state—and other levels of government—have played a role in directing those flows, most importantly by levees, dikes, and the elimination of floodplains. This was most striking during the major 2007 flood, when I-5 acted as a dike and actually retained water in the urban sides of the freeway. At the same time, the major construction along the other side of I-5 on floodplains where the building sites were constructed on fill above natural elevations reduced the size of the floodplains, and prevented the floodwaters from draining away along their natural courses.

These factors in and of themselves caused substantial flood damage to properties near the river or constructed on floodplains. However, another major contributing factor was the heavy cutting of timber on steep slopes in thin soils on the hillsides in the areas of heavy rain. As a result, roughly 1200 landslides occurred on those hills, resulting in large amounts of soil being deposited in rivers and streams, as well as untold numbers of trees. The result of all this was clogging of streams with logjams, resulting in flooding of adjacent properties, as well as destruction of bridges and other facilities crossing or adjacent to the streams.

Rather than substantively looking at solutions to these flood and flood damage causes, the proposed Project and DEIS focus simply on retaining flood waters in a portion of the upper mainstem Chehalis River. Although the DEIS identifies a "Local Actions" alternative that includes land use changes, property buyouts, and the like, that alternative is inadequately described, and the analysis is incomplete. Under SEPA, the alternatives have to be sufficiently described in order to provide a proper evaluation. The DEIS is totally deficient in that regard, and largely provides only a choice between a new dam and "no action." For that reason, it does not meet the requirements of state law.

As has been shown on the Deschutes River, with the construction of the Fifth Avenue Dam and Capitol Lake, major manipulation of natural processes invariably creates unforeseen and nearly intractable problems for which remedies ultimately must be sought. And as the number of dams removed in this country has shown repeatedly, restoration of natural processes almost certainly remedies many if not all of the problems caused by those same dams, as well as benefiting society from the recreation of natural habitat in which fish, wildlife and other species flourish.

At a time when those natural habitats are increasing stressed, and those fish and wildlife resources are being reduced or eliminated, considering construction of this major dam on the Chehalis River is antithetical to our commitments in the Puget Sound to honoring tribal rights, and restoring historic and sustainable levels of fish and wildlife.

The DEIS identifies significant unmitigated impacts--which would generate a literal unmitigated disaster

Based on the DEIS, the project would cause significant and unavoidable harm to salmon and

steelhead, including major losses of Spring Chinook, Coho, Fall Chinook, and Steelhead populations. This stretch of the river is one of the Basin's key spawning areas, and once damaged, these habitats cannot be replaced.

In addition, the scale and cost of the proposed structure, as well as the unresolved safety and geotechnical risks identified in the DEIS should be major concerns. At an estimated \$1.3–\$2.3 billion, the dam would offer limited benefits while putting the river's ecological health—and the communities that rely on it—at long-term risk

Specifically the DEIS notes significant impacts that cannot be mitigated:

- The proposed dam would cause irreparable harms to Chehalis and Grays Harbor fish runs, especially the increasingly scarce Spring Chinook run, as well as Fall Chinook, and steelhead.
- The dam would significantly degrade water quality, wildlife habitat, and recreation both above and below the proposed site area.
- The proposed dam would cause irreparable harm to the Chehalis Basin water supply, since dam construction will require an immense water expenditure and river dewatering during construction, as well as impacting water rights holders downstream.
- The proposed dam would cause irreparable harm to tribal, cultural, fish, and livelihood interests above and below the site, including all the way down to Grays Harbor.

For some reason, the State seems hellbent on constructing a dam that is ill-conceived, incredibly expensive, and incredibly short-sighted. Those who do not remember this country's dam building history, and resulting environmental disasters, are condemned to relive it. Please don't repeat those mistakes for some transitory and illusive benefits.