# Arthur West

October 19, 2026
To: Washington State Department of Ecology
and Department of Enterprise Services

Attn: Deschutes Estuary Restoration
Project – Draft Supplemental EIS

Re: Comments on the Draft Supplemental
Environmental Impact Statement, Deschutes
Estuary Restoration Project (issued October
9, 2026)

From: Arthur West, 1826 Berry St. NE,
Olympia, Washington, 98506, 360 593-4588
Awestaa@gmail.com

Introduction

The Draft SEIS is incomplete because it improperly segments review, fails to include interrelated projects such as the Budd Inlet remediation, forecloses alternatives without comprehensive joint State and federal review under both NEPA and SEPA, does not disclose that the project depends on federal funding and federal approvals, and it does not coordinate with the federal environmental review those dependencies require. These comments are submitted under the State Environmental Policy Act, chapter 43.21C RCW, and the National Environmental Policy Act, NEPA, and ask that everything in these interrelated projects be comprehensively addressed in a Final Joint NEPA-SEPA EIS.

This is especially necessary because the proposed SEIS anticipates an improperly segmented NEPA review by the ACOA of just one aspect of the potential impacts while ignoring the rest. A full joint SEPA-NEPA EIS of the existing project along with the interrelated remediation of the toxic contamination in Budd Inlet is the only way that reasonably foreseeable adverse impacts may be identified comprehensively at the earliest possible time, as required by both SEOA and NEPA.

I live in Olympia near Capitol Lake. I use the lake, the Deschutes River, and Budd Inlet, and I am directly affected by changes to water quality, sediment, flooding, and shoreline use. I am also the plaintiff in West v. NOAA, now on appeal to the U.S. Court of Appeals for the D.C. Circuit (No. 26-5351). These comments are submitted to the SEPA record and do not waive any position in that case. The Second Amended Complaint in that case is incorporated herein by reference.

Comment 1: Disclose the project's
dependence on federal funding

The Draft SEIS, or more properly the joint SEPA-NEPA EIS, should state plainly how construction will be paid for, and whether the project can proceed without federal money. Project cost estimates run to several hundred million dollars. The record indicates that state and local partners cannot fund construction alone and that federal grants or appropriations are essential to cover a large share of the project.

NOAA has already awarded $6,437,390 through a cooperative agreement for design, permitting, and staffing. That design work produced the updated elements this Draft SEIS evaluates. Funding sources are part of the project description under WAC 197-11-440, and they bear directly on feasibility, timing, and the realistic range of alternatives.

Please include in the Final Joint SEIS or more properly a NEPA-SEPA EIS:

1. A table of all federal funds received, applied for, or expected, with agency, program, amount, and status.
2. A statement of whether construction can proceed if expected federal funds are not awarded, and what the project would look like if they are not.
3. All federal permits and approvals required, including any Clean Water Act Section 404 and Rivers and Harbors Act Section 10 permits from the U.S. Army Corps of Engineers and any Endangered Species Act consultation, and how the required NEPA analysis will be integrated ito the State SEPA process before alternatives are foreclosed.

Comment 2: Coordinate with federal review
under NEPA in a joint NEPA-SEPA EIS

Ecology and DES should invite NOAA and the Army Corps to prepare a joint NEPA/SEPA document with them now, rather than finishing a state-only review that federal agencies will later have to modify in the future. SEPA rules

encourage this: WAC 197-11-610 allows state agencies to use and combine NEPA documents, and WAC 197-11-640 allows combined documents to satisfy both laws.
A state-only SEIS cannot satisfy NOAA's or the Corps' obligations under the National Environmental Policy Act. If federal construction funding or federal permits are required, a NEPA review will be needed before those federal actions. Running the two processes separately risks inconsistent alternatives, duplicate public processes, and an improperly segmented federal review that occurs after design choices are effectively fixed. The proposed segmented partial NEPA review by the Corps listed in the Draft SEIS is limited to impacts to tribal interests illustrates the inherently inadequate, segmented and fragmented nature of the project documents now proposed
Please state in the Final Joint NEPA-SEPA EIS or, less appropriately, a State EIS or SEIS:
1. Whether Ecology and DES have asked NOAA or the Corps to act as a co-lead or cooperating agency, and their responses.
2. When and how federal NEPA review is expected to occur, and which federal decisions it will cover.
3. Why a combined NEPA/SEPA document was not prepared for this supplement.
Comment 3: Keep alternatives genuinely
open and avoid segmented piecemeal review
The Final EIS or SEIS should show that the updated design was evaluated with alternatives still open, not as a description of a decision already made. Federally funded design, permitting, and staffing work has advanced one alternative to roughly 60% design before this supplement was released. Under WAC 197-11-070, no action may be taken during SEPA review that limits the choice of reasonable alternatives.
The supplement also appears to evaluate updated design elements in isolation. SEPA requires that closely related proposals, and proposals that depend on one another, be evaluated together (WAC 197-11-060(3)(b)). NEPA requires similar comprehensive review. Design, dam removal, sediment management through 2050, and any related remediation in Budd Inlet are interdependent parts of one proposal which must be addressed in a joint NEPA-SEPA EIS.
Please address in the Final SEIS, or, more properly a joint NEPA-SEPA EIS:
1. Whether the managed lake, hybrid, and no-action alternatives remain realistic options, and what work or spending to date would be lost if one were chosen.
2. Whether any contract, grant condition, or agreement commits the state or its partners to the estuary alternative.
3. How the updated design elements relate to the full project, and why they are evaluated in a supplement rather than as part of a complete review of the whole proposal under both NEA and SEPA.
Comment 4: Fill specific gaps in the impact analysis
The Final joint NEA-SEPA EIS, EIS or SEIS should add or correct the analysis below.
• Sediment management. Disclose expected sediment volumes reaching West Bay and Budd Inlet, dredging frequency through 2050, disposal sites, comprehensive contamination levels and who pays if partner funding falls short. Also review the potential impacts to the environment of using sediment to create thousands of feet of upland berms. Has this sediment been thoroughly tested for contamination? What were the results? What will be the resulting exposure levels to those using the berms?
• Contaminated sediments. Evaluate, based upon thorough testing, how dredging, berm creation, dam removal and tidal flushing interact with existing contamination in the Lake, contamination and cleanup sites in Budd Inlet, including mobilization of or exposure of the public to legacy contaminants.
• Flooding and sea-level rise. Analyze effects on Olympia and 5th Avenue flooding, and nearby properties under current sea-level-rise projections.
• Fish and water quality. Explain comprehensively construction-period, remediation and dredging impacts on salmon and other species, including but not limited to turbidity and dissolved oxygen during transition.
• Cumulative interrelated impacts. Assess the project together with port, shoreline, and harbor projects reasonably expected in the same area.
• Cost and feasibility. Update cost estimates and explain how cost uncertainty affects the comparison of alternatives.
Requests
I request that Ecology and DES coordinate with NOAA and the ACOA in a joint NEPA-SEAPA EIS and:
• Respond to each comment above in the Final NEPA-SEPA EIS or SEIS comment-response section.
• Extend the comment period by at least 30 days, given the scope of the updated design and the federal-coordination issues raised here.
• Include this letter and any attachments in the joint NEPA-SEPA EIS or SEPA record.
• Send West notice of the Final joint NEPA-SEPA EIS, or the State SEIS, any public hearing, and any agency action relying on it.
Respectfully submitted this Day of October 19, 2026.

s/Arthur West ARTHUR WEST

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