



August 29, 2021

Washington Department of Enterprise Services  
c/o Ann Larsen – Capitol Lake – Deschutes Estuary DEIS  
Post Office Box 41476  
Olympia, Washington 98504

Dear Ms. Larsen:

SUBJECT: Comments on the Draft Environmental Impact Statement for the Capitol Lake –  
Deschutes Estuary Long-Term Management Project

The League of Women Voters of Thurston County appreciates the opportunity to comment on the Draft Environmental Impact Statement (EIS), for the Capitol Lake – Deschutes Estuary Long-Term Management Project. The League of Women Voters is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. In addition, the League works to increase voters' access to the polls, including expanding early voting, and automatic and online voter registration.

From its beginnings, the League has been at the forefront of the environmental movement, seeking to preserve and protect life-supporting ecosystems and public health. For over 50 years, since its citizen activists helped to pass the Clean Water Act, the League has asserted that natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability, and pollution of these resources should be controlled to preserve the physical, chemical, and biological integrity of ecosystems and to protect public health.

Fighting to improve opportunities for public participation on natural resource issues has always been a League theme. Therefore, we value the research and analysis in this draft statement and encourage the ongoing involvement of citizens in the Washington Department of Enterprise Services' critical decision-making processes. The recent presentation to our membership by representatives of Enterprise Services is most appreciated.

The comments that follow are guided by the League's commitment to democratic governance, diversity, and the unbiased study of issues. They are grounded in League positions that speak to the importance of policies that promote water quantity and quality, maintain species populations and diversity, and protect lakes, estuaries, wetlands, and in-stream flows. As requested by the DEIS team, we have focused on specific aspects of the draft plan rather than advocating a particular alternative.

### **No Action Alternative**

The Thurston League cannot support further consideration of the No Action Alternative. Current operations of Capitol Lake perpetuate unhealthy and undesirable conditions. We agree with the findings of Section 2.2.4 that the No Action Alternative fails to achieve adopted project goals and those of Section 4.14.2 which find no long-term beneficial outcomes and a variety of adverse impacts associated with current operations. While the No Action Alternative is useful as a baseline of deliberations and analysis, it has no practical application for the future.

### **Democratic Governance**

The League supports policies that achieve water quality essential for maintaining species populations and diversity. We believe that the overriding consideration should be protecting the quantity and quality of the water resource. For decades, the League has supported a watershed-based approach to water resource management, an approach that is consistent with the intent of Washington State's Watershed Planning Law (RCW 90.82). Further, the League has always worked to promote the values and processes of open, accountable, representative, and responsive government. The League of Women Voters believes efficient government requires competent personnel, a clear assignment of responsibilities, adequate financing, and effective coordination among the different levels of government.

Guiding Principles - With these positions in mind, the Thurston League finds all ten of the "guiding principles for a future funding and governance model", which were identified in the 2016 Phase One Report, to be well-reasoned and critical to success. Those guiding principles are:

1. Dedicated and secure funding sources,
2. Those who contribute to the problem should participate in funding or paying for the solution,
3. Those who benefit from the solution should participate in funding or paying for the solution,
4. Shared distribution of costs,
5. State participation,
6. Watershed-wide in scale,
7. Manageable governance,
8. Commitment to a long-term collaborative process,
9. Adequately resourced administration,
10. Support the goals and objectives of the long-term management plan and the future of the overall watershed.

In addition, we suggest that federal participation and equitable representation in decision-making are critical elements for this endeavor.

Watershed Scale - We recognize that actions within the Project Area must not be disconnected from the people and the natural systems that make up the entire watershed. For this reason, we are concerned with the findings of Section 7.2, which conclude that in each of the action alternatives "the primary focus for long-term funding and governance would be sediment management *in impacted areas*" (emphasis added). By limiting its considerations to the impacted Project Area, the DEIS misses the mark

for real economic and environmental sustainability. A watershed-scaled approach to collaboration, governance, financing, and ecosystem stewardship will allow concerns to be addressed at their source, resulting in more effective and efficient outcomes.

A geographically limited approach, which focuses principally on the Project Area, fails to pursue an objective effort to “identify and implement an environmentally and economically sustainable long-term management alternative that improves water quality and manages existing sediment accumulation and future deposition”, which is the stated purpose of the EIS process. Representative and responsive governance requires a watershed-based approach to water resource management.

Responsiveness - The League believes responsible government should be responsive to the will of the people and promote the conservation and development of natural resources in the public interest. We concur with the finding in Section 1.12, that a decades-long political stalemate has impeded progress in the Deschutes watershed and further delay is not acceptable. The unhealthy and undesirable conditions of current operations are compounding, as time moves on. We are concerned that the eleven-to-fifteen-year timeline, which has been estimated for project completion, is not an adequate response to serious harms. Ecological, cultural, and economic injuries attributed to business-as-usual management require prompt action. We appreciate the role of careful analysis, design, and permitting; however, we encourage simultaneous processes and efficient construction techniques.

### **Cultural Contributions of Indigenous and Chinese People**

The League recognizes that systemic and institutional racism exists at all levels, is endemic within our political and social order, and that an authentic reckoning requires acknowledgment and recognition of the injustice and cruelty that brought us all to the current day. The history of the Capitol Lake – Deschutes Estuary area is central to the history of Olympia and its people. If we hope to make informed decisions about this area, we must consider where we are and how human history provides a context for the future.

The Cultural Resources Discipline Report attempts to reckon with the ethnic and cultural context of the Project Area. Section 4.2 provides a thorough and useful accounting of the built environment and the early days of Tumwater, Olympia, and the surrounding area. Section 4.1 provides a broad and sweeping overview of the prehistory of the region. Section 4.3; however, takes an odd turn, here the cultural resources initiative relies upon a single, 12-year old report offering interviews with a small handful of representatives of current-day ethnic minorities. The referenced 2009 report, “Study of Cultural & Spiritual Values Associated with Future Alternatives for Capitol Lake Basin”, is useful but falls far short of the standards expected for documenting traditional cultural properties and contributions. This discipline report has failed to recognize the significance of hyper-local history and the experience of the cultures that shaped the Project Area and their descendants, who are members of our community.

Indigenous People - The Steh-chass people lived in a village at the base of Tumwater Falls for thousands of years in a permanent settlement of gabled cedar plank homes.<sup>i</sup> The village was a sacred site, where people gathered for ceremonies, feasts, potlatches, and to harvest and preserve the abundant natural resources of the area.<sup>ii</sup> Those people are now recognized as the forebearers of at least five tribes - the Nisqually, Squaxin, Chehalis, Suquamish, and Duwamish. Maps of Budd Inlet from the mid-1800s show the Steh-chass Indians lived along the shores of the entire inlet, with another key village located near, what is today, the corner of 4th Avenue and Columbia, in Olympia.<sup>iii</sup>

The Steh-chass village at Tumwater Falls became the first permanent settlement of European people in Washington State, and soon those settlers took over the Indian village and the entire peninsula comprising Olympia and the State Capitol of today<sup>iv</sup>.

As more settlers arrived, they could not get free title to land. Federal law said that the Indians held legal claim to the land. Soon territorial officials sought to extinguish Indian ownership of the land and remove the Indians.<sup>v</sup> The egregious Medicine Creek Treaty of 1854<sup>vi</sup> resulted in the expulsion of all Indigenous people from the Project Area and displaced an estimated 10,000 Indians who were living west of the Cascades. Some 400 people from five major South Sound villages were forced onto Squaxin Island, a small piece of land, some four and a half by one-half miles in area.<sup>vii</sup> The Medicine Creek Treaty set the stage for the horrific Indian Wars of 1855 and 1856 and the forced expulsion of Indians from the Project Area, which set the stage for today's social and cultural conditions.<sup>viii</sup>

Chinese People – Like much of the American West, Olympia found substantial economic benefits from the large immigration of Chinese workers in the mid-1800s.<sup>ix</sup> These laborers are best known for their contribution to the construction of the Transcontinental Railroad but they found work in agriculture, mining, the timber industry, as domestics, and wherever workers were needed. By the 1880s, more than 100,000 Chinese had come to the West.<sup>x</sup>

Olympia's Chinese residents were predominantly from the Lok family villages near the town of Shuibu in Taishan County of Guangdong Province in southern China. Olympia's earliest Chinatown was on 4th Avenue between Columbia and Capitol Way, including a hand laundry, stores, and lodging for residents. In the 1880s the Hong Yek Kee Company, Quong Yeun Sang Company, and the Hong Hai Company relocated to the waterfront at the corner of 5th Avenue and Columbia Street. Still later, five buildings were moved to the northwest corner of 5th Avenue and Water Street, which was the final location of Olympia's Chinatown.<sup>xi</sup>

The Chinese expulsions from Tacoma and Seattle (1885 and 1886 respectively) were not localized events. In Tenino, the homes of Chinese American railroad workers were burned to the ground on Christmas Eve, 1885.<sup>xii</sup> Olympia's Chinese community faced a riotous group of agitators on February 9, 1886, who unsuccessfully demanded their expulsion.<sup>xiii</sup> These events fit a pattern of national anti-Chinese sentiment.<sup>xiv</sup> The US Chinese Exclusion Act of 1882 reinforced economic and racial tensions in the West during a time of severe economic contraction. Many whites felt the Chinese were taking away jobs by agreeing to work for less. Some argued that lower-paid Chinese workers would lower the

standard of living for average Americans.<sup>xv</sup> Race riots and labor camp massacres by nativists and labor organizers continued into the 1900s.<sup>xvi</sup> Widespread anti-Chinese sentiment and anti-immigration policies led to substantially reduced numbers of Chinese in the West.<sup>xvii</sup> Some Chinese Americans stayed in Olympia and some Chinese American business activity continued, but the cultural composition of the community and the Project Area was markedly impacted by the social and political upheaval of this period.<sup>xviii</sup>

The Cultural Resources Discipline Report misses the mark by glossing over the ethnic and cultural context of the Project Area. By perpetuating an underdeveloped history this Environmental Impact Statement squanders an opportunity for cultural understanding and risks moving forward with a preferred action alternative that is uninformed and insensitive, thereby compounding inherent biases and institutional racism in our community. We agree with the finding in the Executive Summary that some alternatives carry environmental justice concerns.

### **Best Available Science**

On issues of resource management, the League supports comprehensive long-range planning and believes that wise decision-making requires adequate data and a framework within which alternatives may be weighed. The 2014 Ruckelshaus Center “Situation Assessment for Capitol Lake Management” identified disagreements on certain basic facts related to scientific and financial data. It concluded with a recommendation to establish “a common information base before pursuing efforts to initiate a collaborative process”, saying “it will be important to gain agreement on both scientific data and cost estimates to serve as a foundation for generating and agreeing on management actions or priorities”. This recommendation informed the 2016 “Phase One Report on the Capitol Lake/Lower Deschutes Watershed Long-Term Management Planning”.

A great deal of effort and expense has been put forth to establish a common information base that is built upon the best practices of scientific inquiry and analysis. The current Water Quality Discipline Report alone contains more than 260 pages of technical analysis with tables, figures, appendices, and references. Yet, after reviewing the DEIS and its supporting documents, we remain concerned that the information required to provide agreement on certain basic facts is still lacking.

Analysis of water quality management scenarios for the Deschutes River, Capitol Lake, and Budd Inlet has been ongoing for many years. This process has generally followed a methodical progression by building upon prior findings and creating a better understanding of the complex processes and interactions of the watershed. Critically low dissolved oxygen levels in lower Budd inlet have been a primary focus. Although the public is waiting for the completion of Ecology’s Budd Inlet “Total Maximum Daily Load” report, which will establish water pollution clean-up requirements, the progression of reporting has resulted in a general understanding of how this natural system works and the development of an implementation plan that can address identified deficiencies in water quality.

Some of the summary findings from these many years of work can be found in Ecology’s “Deschutes River, Capitol Lake, and Budd Inlet Total Maximum Daily Load Study Supplemental Modeling Scenarios” of 2015. Key conclusions included:

- Current human activities cause violations of dissolved oxygen standards throughout most of Budd Inlet.
- The Capitol Lake dam has the single largest negative impact on dissolved oxygen in Budd Inlet.
- The dam produces pulsed releases from the lake increasing the amount of time that water stays in Budd Inlet.
- The increase in residence time of the water contributes to lower dissolved oxygen levels in southern Budd Inlet than would occur without the dam in place.
- Carbon loading from Capitol Lake produces substantially more oxygen-demanding organic carbon than would occur in a natural estuary. As the excess organic carbon decays, oxygen is used up in the process. This causes lower oxygen levels than would occur without the dam in place.

As prescribed by the Water Resources Methodology report (July 2019), Section 4.1.1.2.2.1 of the Water Quality Discipline Report explains that the current analysis sought to “provide more recent data and to augment the historical dataset with additional analytes” through sampling in 2019. However, the Discipline Report explains that sampling was likely impacted by the distressing spill of 600 gallons of electrical transformer oil (containing toxic PCBs which are bioaccumulative and not biodegradable) and the associated cleanup activities, which extended from February through July of 2019. The cleanup activity involved the extensive disruption of vegetation and sediments, at a cost of \$9 million.<sup>xix</sup>

Further, two high-volume sewage spills in May of 2019 disrupted biotic conditions in Capitol Lake. The first occurred at South Puget Sound Community College and lasted for an undetermined duration. The broken line may have carried as much as 200,000 gallons of raw sewage per day.<sup>xx</sup> The second leak in Percival Canyon is estimated to have run for five days and released as much as 232,560 gallons of sewage into the lake.<sup>xxi</sup> The EIS analysts determined that the total phosphorus concentration in the Middle Basin throughout all of 2019 averaged seven times higher level than the average measured in previous years. However, the authors of the Discipline Report found that, aside from phosphorus, “data from other parameters collected in 2019 was generally within the expected range of historically observed values and was accepted for use in this analysis” (Section 4.1.1.2.2.1).

The unfortunate fouling of the lake during the analysis period and the subsequent need to normalize the data is understandable, even as it challenges the audience of the DEIS to consider the accuracy and precision of the findings. However, these same 2019 samples are then used to support an entirely new interpretation of the complex bio-nutrient interactions of Capitol Lake and Budd Inlet.

Section 4.1.1.4 says, “One of the main objectives of the 2019 data collection effort was to compare [biochemical oxygen demand, total nitrogen, and total organic carbon] between the lake and river to evaluate the extent to which the lake is a principal contributor ... to low [dissolved oxygen] in Budd Inlet”. Section 5.5.2.1 then states “in consideration of lower [total organic carbon] concentrations

measured in 2019, a [dissolved oxygen] improvement of half of what the [2015 Ecology] model predicts is assumed for this analysis”.

The Draft EIS discounts by 50% the beneficial impacts of dam removal on dissolved oxygen based upon a single set of fouled nutrient samples. The authors are asking us to set aside years of prior work and professionally reviewed findings and insert a new understanding of bio-nutrient dynamics based upon data that has been corrupted with several hundreds of thousands of gallons of nutrient-rich municipal waste and six months of active sediment disturbance.

League members are not prepared to perform the required analysis on a series of complex datasets to support or refute these latest findings, yet it is clear that DEIS has not been successful in providing a “common information base...to serve as a foundation for generating and agreeing on management actions or priorities” as called for in the Ruckelshaus Center “Situation Assessment”. On the contrary, the uncertainty that this report brings to a principal water quality consideration has left us with general discomfort, affecting our confidence in other technical and financial findings. It has been our fervent hope that this Phase Two process would provide clarity and closure, allowing the community to move forward with a generally supported preferred alternative. We are quite disappointed in these results. We regret the time lost if a credible process must wait for the completion of Ecology’s Budd Inlet TMDL analysis.

#### **In Conclusion -**

The Thurston County League of Women Voters remains grateful for this opportunity to review and comment upon the Draft Environmental Impact Statement for the Capitol Lake – Deschutes Estuary Long-Term Management Project. Our statements and positions on the No Action Alternative, Democratic Governance, the Cultural Contributions of Indigenous and Chinese People, and Best Available Science are built upon a foundation of adopted state, national, and local League positions. Founded by the activists who secured voting rights for women, the League has always worked to promote the values and processes of representative government.

We hope that our comments will be helpful to the process, the technical teams, and the community. The story of the Capitol Lake – Deschutes Estuary area is central to the story of Thurston County and its people. The considerations of this process matter deeply. They are tied to our history, our culture, and our place in the world. We trust that our participation in this process will be considered and used to support a wise, prudent, and workable outcome. If you have questions about any of our comments, please feel free to contact Nathaniel Jones, Thurston League Board Member, at [nkhl@comcast.net](mailto:nkhl@comcast.net).

Sincerely,

*Karen Tvedt*

Karen Tvedt,  
President - The League of Women Voters of Thurston County

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<sup>i</sup> <https://www.historylink.org/File/7979> and New Market: StehtsamIsh - Tumwater Historic District Nomination for National Registry of Historic Places at <https://npgallery.nps.gov/GetAsset/0f3f29e7-7b32-4ddf-b2c7-25407eb7306e>

<sup>ii</sup> 1987. Investigations in the Tumwater Historic District: Archaeological Excavation of the Tumwater Site (45TN119), Thurston County, Washington. Eastern Washington University Reports in Archaeology and History, Report No. 10059. Archaeological and Historical Services, Cheney, Washington.

<sup>iii</sup> <https://www.antiquityconsulting.com/post/history-at-main-second-olympia-wa>

<sup>iv</sup> Early history of Thurston County, Washington : together with biographies and reminiscences of those identified with pioneer days by Blankenship, Georgiana Mitchell, 1860-

<sup>v</sup> [https://www.ycs.wednet.edu/cms/lib/WA01001221/Centricity/Domain/354/viewpoint\\_carpenter.pdf](https://www.ycs.wednet.edu/cms/lib/WA01001221/Centricity/Domain/354/viewpoint_carpenter.pdf)

<sup>vi</sup> <https://www.historylink.org/File/5253>

<sup>vii</sup> 2009. Olympia, Washington: A People's History. Crooks, Drew p.18

<sup>viii</sup> 1975, Rouges, Buffoons, and Statesmen. Newell, Gordon pp. 21-28

<sup>ix</sup> Crooks op. cit. p. 48

<sup>x</sup> 2015, Chinese Americans: The History and Culture of a People. Lee, Jonathan H. X. p.4

<sup>xi</sup> Crooks op. cit. p. 49

<sup>xii</sup> Ibid.

<sup>xiii</sup> Ibid.

<sup>xiv</sup> 1882, Speech on Chinese Immigration – United States Senate. Jones, Honorable John P. p.7 at <https://archive.org/details/chineseimmigrati00jone/mode/2up>

<sup>xv</sup> 1878, "Appeal from California. The Chinese Invasion. Workingmen's Address," Indianapolis Times. Dennis Kearney and H. L. Knight, Workingman's Party of California, at <https://web.archive.org/web/20110719203246/http://historymatters.gmu.edu/d/5046/%7C>

<sup>xvi</sup> 2001, Debating American Immigration, 1882 - Present. Daniels, Roger p. 13

<sup>xvii</sup> 1920, Abstract of the Census – Population. US Census Bureau p. 94 at <https://www2.census.gov/library/publications/decennial/1920/abstract/abstract-1920-part2.pdf>

<sup>xviii</sup> Crooks op. cit. p. 50-52

<sup>xix</sup> <https://www.theolympian.com/news/local/article231320438.html> and <https://www.chronline.com/stories/dept-of-ecology-preparing-report-on-9-million-cleanup-of-oil-spill-into-capitol-lake,6142>

<sup>xx</sup> <https://www.theolympian.com/news/local/article231017468.html>

<sup>xxi</sup> <https://ecology.wa.gov/About-us/Who-we-are/News/2021/Jan-4-Olympia-pays-penalty>