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From: Robert Wubbena [mailto:rwubbena@]
Sent: Saturday, March 12, 2016 9:22 AM
To: Liu, Chris (DES); Martin, Carrie R. (DES); Wagner, Lydia (ECY)
Cc: Andy Hobbs; Dave Schaffert; V ZvirzdysFarlar; Cheryl Selby; Cathy Wolfe; Bill McGregor
Subject: Updated Background On Capitol Lake Web Site

CLIPA has previously provided to both the DES and the Dept of Ecology several key scientific reports and analysis of the documents you now list on your Capitol Lake Web Site. Your list does not include these reports that directly address the current conditions and high lights some of the governmental documents that you have not included for some reason.

We previously requested your criteria and guidelines for listing some reports and not others. We discussed this with Carrie prior to the March 9 meeting and at the March 9 meeting but did not get a clear response.

We again request your written response to this question----who is responsible and using what criteria as the basis of your public listing of background documents and subsequent "significant difference in findings" in the "interpretation" of those documents.

For your direct reference and inclusion on your Web Site list, attached is our list of "Significant Findings since the CLAMP Recommendation of 2009". We prepared this in September 2015 and shared this with you earlier. Many of the key reports are posted on the Department of Ecology List of Reports on the Deschutes TMDL study website, but not on your website.

Please insert this information into your "Request for Public Input"
both on line and at the March 9 meeting.. Additional new data is also now available for public discussion.

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Bob Wubbena
rwubbena@

Significant Findings since the CLAMP Recommendation of 2009

September 2015

(CLAMP Recommendations not approved by Local Governments or accepted by DES/GA for forwarding on to State Capitol Committee for consideration)

CLIPA has assembled the studies, reports & agency emails associated with the 2009 CLAMP Recommendations related to the future management of Capitol Lake and CLAMP's recommendation for the removal of the Tide Gate (dam). This information supports the development of a Capitol Lake Management Program that embraces the current WDFW fishery program and the return of Capitol Lake as an urban water based recreation area. Each of the following statements are based on agency or third party documents that confirm their findings/conclusions.

1) USACOE STUDY CONFIRMS THAT TIDE GATE REMOVAL NOT SUPPORTABLE. After further study by the ACOE in 2012 they found that removal of the Tide Gate is not consistent with their public responsibilities and is not cost effective. Senator Karen Fraser in 2015 met with the ACOE and reported to CLIPA in an email that "the removal of the Tide Gate will not occur anytime soon—if ever".

2 EXISTING CAPITOL LAKE PROVIDES NATURAL TREATMENT OF CONTAMINANTS FROM DESCHUTES WATERSHED AND IMPROVES WATER QUALITY IN BUDD INLET. Dr David H. Milne, professor emeritus of the Evergreen State College and author of the textbook "Marine Life and the Sea", has written two extensive reports addressing the relationship between Capitol Lake and Budd Inlet. He reports that water quality in Budd Inlet is enhanced by the aquatic plant growth in Capitol Lake, in that Capitol Lake intercepts nitrogen nutrients that would ultimately deplete dissolved oxygen in the bottom water of Budd Inlet. In reality, Capitol Lake functions as a natural treatment process for the Deschutes River Watershed, and increases the DO in Budd Inlet by its natural processes. Properly managed, Capitol Lake removes large volumes of contaminants from the Deschutes River prior to flowing over the Tide Gate into Budd Inlet. Without the Tide Gate and proper management, the watershed contaminant load would flow directly into Budd Inlet, having a negative impact on Budd Inlet.

3 WDFW SALMON FISHERY IN DESCHUTES RIVER ORIGINATES FROM TIDE GATE AND FISH LADDER CONSTRUCTION IN THE 1950'S. No wild salmon fisher existed in Deschutes River prior to the construction of the Tide Gate except for a small Percival Creek fishery. The proposed $46 million Pioneer Park Salmon Hatchery and pending repairs to the Fish Ladder is to accommodate the WDFW successful man-made fishery. Capitol Lake serves as a transition zone for out

migration of young salmon. The failure to dredge Capitol Lake on a routine basis is an obstacle to the returning hatchery salmon. Removal of the Tide Gate is not part of the Pioneer Park Fish Hatchery project. CLIPA's proposed Percival Creek Salmon Rehabilitation project for spawning Chum and Sea Run Coastal Cutthroat could enhance the benefits of the well managed Capitol Lake and Percival Creek area.

4 WDFW'S 2004 MITIGATED DNS EIS ANTICIPATES NO NEGATIVE IMPACT ON WATER QUALITY FROM PIONEER PARK SALMON HATCHERY. The Ecology TMDL studies for the Deschutes River Watershed above Tumwater Falls will presumably serve as the basis for the NPDES for the Pioneer Park Salmon Hatchery to ensure that no new nutrient or waste loads contribute to the Budd Bay water body. CLIPA's proposed Capitol Lake Management Plan will assist WDFW in achieving this objective.

5 NEW ZEALAND MUD SNAIL REQUIRES ACTIVE MANAGEMENT, NOT ATTEMPTS AT ISOLATION IN URBAN WATERSHED. WDFW studies confirm that the NZMS is found throughout western Washington and the 19 western states. Birds and other wildlife ensures that isolation is not successful and transport of the NZMS from and urban watershed will continue to occur with or without closure of the Lake to human contact. Dredging is needed to achieve other environmental benefits and use of the Lake. A WDFW staff email suggests dredging to help address the NZMS problem. Others suggest a properly managed lake would seek a natural balance in natural control of the NZMS.

6 COMMUNITY OPINION IN SUPPORT OF MANAGED LAKE. The public is overwhelmingly opposed to the removal of the Tide Gate forming Capitol Lake. Interviews of elected official candidates who door belled tens of thousands of homes between 2010 and 2013 support this finding. According to the written words of Bill Ruckleshaus, 1st and 5th administrator of the Environmental Protection Agency, public acceptance of environmental projects is critical to the long term support of agencies promoting those projects. The Army Corps of Engineers rejection of the funding of the Deschutes Estuary Restoration project due to the fact that the project is at odds with the Corps' mission, has very poor cost benefit ratios, and has evoked strong public opposition. This is a federal response. WDFW's own ESRP (Estuary and Salmon Restoration Program) has not listed this project in its 2015 ESRP Preliminary Investment Plan.

7 BUDD BAY/ELD INLET WATERQUALITY NEEDS ASSISTANCE NOW. With maintenance dredging and plant harvesting in a managed Capitol Lake, Budd Bay's water quality could benefit in 2016 from such an action plan. Additionally, recent State reports show most of the southern Puget Sound Inlets have similar water quality problems. Recent examination of data from a four-year study by the Pacific Shellfish Institute demonstrates that nearby Eld Inlet, which has no dam at its head, has seriously impaired dissolved oxygen levels in the bottom water that are frequently lower and much more prolonged that those seen in Budd Inlet.

8 COMMUNITY PRIORITIES AND PROJECT COSTS. Benefit cost analysis for all projects and setting priorities on limited Federal, State and local funding is a community process. Updated cost analyses of the CLAMP recommendation and preliminary design, reveals that the Deschutes Estuary Project will cost $258 million at a minimum over the first 20 years if it were started in 2015. During the same time period, estimates for Capitol Lake maintenance were $40 million while providing equal or better water quality benefits and protecting the urban waterfront from

community recreation and economic returns. CLIPA believes the funds saved could be more wisely invested in **hundreds** of more cost effective habitat rehabilitation projects in Puget Sound, particularly those for wild fish stock spawning enhancement.

9 VIBRANT AND LIVABLE DOWNTOWN. Assessments have now been made (Port of Bellingham Report of 2006) of the significant economic losses (costs) to the area due to the highly probable loss of shoreline business in Budd Inlet including the Port of Olympia. These entities generate revenues of over $260 million per year to the local economy.

1. NUTRIENT AND SOIL RECYLING. Thurston County prides itself in it conservation and recycling programs. Properly managed Lake dredging and plant harvesting will improve Budd Bay water quality and provide large volumes of natural Deschutes River sediments and composted plants & nutrients from the routine dredging of Capitol Lake. The system has conceptually been designed and will provide many environmental and economic benefits for the community.

In summary, CLIPA's findings and those summarized above provides a strong incentive for State and Local governments and active citizen groups to complete the Capitol Lake Management Plan and begin its implementation in early 2016. CLIPA is prepared to meet with all interested agencies to begin a constructive and collaborative program to manage Capitol Lake for all benefits.