

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, SUPPORTING THE ESTUARY ALTERNATIVE FOR LONG-TERM MANAGEMENT OF CAPITOL LAKE – DESCHUTES ESTUARY**

**WHEREAS**, the Washington State Department of Enterprise Services (DES) is conducting an environmental review process under the State Environmental Policy Act for the Capitol Lake – Deschutes Estuary Long-Term Management Project; and

**WHEREAS**, through Engrossed Substitute Senate Bill 6095, the Washington State legislature required DES to develop an environmental impact statement to consider alternatives for Capitol Lake. The alternatives considered must include, at a minimum, a lake option, an estuary option, and a hybrid option. The environmental impact statement will also consider sediment transport and locations within lower Budd Inlet. The department must work with affected stakeholders to develop mitigation plans. The environmental impact statement must also consider an expanded area around Capitol Lake and Budd Inlet including the Port of Olympia for the economic analysis. The environmental impact statement must consider the use of equal funding from nonstate entities including, but not limited to, local governments, special purpose districts, tribes, and not-for-profit organizations; and

**WHEREAS**, through Engrossed Substitute Senate Bill 6248, the Washington State legislature required DES to complete a draft environmental impact statement with at least the three options of a managed lake, an estuary, and a hybrid lake by June 30, 2021, with the intent of a final environmental impact statement that includes identification of a preferred alternative for Capitol Lake management be completed by June 30, 2022; and

**WHEREAS**, on June 30, 2021, DES released the Draft Environmental Impact Statement (draft EIS), for the Capitol Lake – Deschutes Estuary Long-Term Management Project including information on long-term management alternatives and key findings from the technical analyses; and

**WHEREAS**, the draft EIS is currently out for public comment until August 13, 2021, and no further opportunity for public comment is anticipated; and

**WHEREAS**, the draft EIS does not identify a Preferred Alternative; and

**WHEREAS**, the Preferred Alternative will be selected by DES with support from their project team and input from Work Groups and the Community Sounding Board; and

**WHEREAS**, the majority of the draft EIS project area lies within the city limits of Olympia and is part of the downtown community, our cultural and economic hub for which we have invested significant resources; and

**WHEREAS**, the entirety of the draft EIS project area lies within the Squaxin Island Tribe treaty lands; and

**WHEREAS**, the draft EIS (page 4-118) states that “the Estuary Alternative would beneficially affect tribal populations through the cultural, heritage, spiritual, and educational value that an estuarine environment provides;” and

**WHEREAS**, the draft EIS Executive Summary (page 35) states that “Reintroducing tidal hydrology to the Capitol Lake Basin would benefit many of the species of importance to local area tribes, including salmon and shellfish, and potentially other fish and wildlife, as well as plants.” These benefits are also important to the community and region as a whole; and

**WHEREAS**, the draft EIS (page 7-11) states, that “The Managed Lake Alternative would perpetuate historic inequities, particularly for tribal populations that have experienced ongoing adverse effects from changes to the ecosystem since non-Indigenous settlement of the region and continued loss of connection to the natural environment”; and

**WHEREAS**, the draft EIS Executive Summary (pages 4 and 5) states that “Due to historical declines, estuary habitat is scarce and valued in the region compared to freshwater ponds and lakes, which remain relatively abundant” and “Estuarine habitat in the South Sound has experienced severe reductions in both the quantity and quality of such key habitats for fish” and “Because of this, the transition in habitat type from freshwater lake to estuary would be highly valuable.” This makes the Estuary Alternative a unique and rare opportunity and would provide an important example of the State’s commitment to restoring Puget Sound, salmon, and Southern Resident Orca in its Capitol City; and

**WHEREAS**, the Draft EIS Executive Summary (Page 40) states that under the Estuary and Hybrid Alternatives, “the 5th Avenue Bridge would be closed for approximately 4-5 years for replacement”. This will have a significant impact on access to downtown, overall mobility in the Olympia and the ability to maintain utility services; and

**WHEREAS**, the draft EIS Executive Summary (page 17) states “The mixing of freshwater and saltwater in estuarine environments creates some of the most productive and valuable habitat on earth. The reestablishment of estuarine conditions by reintroducing saltwater and tidal influences to the Capitol Lake Basin would substantially improve ecological functions in the Project Area. In addition to supporting key ecological processes, estuarine conditions would provide productive habitat for shellfish, salmon, other anadromous species, and marine fish in the area, potentially including Endangered Species Act-listed Chinook salmon (non-hatchery) and steelhead trout. Shallow water habitats with salt marsh vegetation along the shoreline would provide preferred forage and rearing habitat for juvenile salmon.” This makes the Estuary Alternative a unique and rare opportunity and would provide an important example of the State’s commitment to restoring anadromous species (salmon), and Southern Resident Orca in its Capitol City; and

**WHEREAS**, the draft EIS (page 4-63) states “Under the Estuary and Hybrid Alternatives, the conversion of freshwater lake habitat to a tidally influenced brackish estuary would substantially benefit anadromous fish and marine fish, potentially including ESA-listed Chinook salmon and steelhead trout, as well as shellfish”; and

**WHEREAS**, the consumption of ESA-listed Chinook salmon has long been linked to the survivability of ESA-listed southern resident killer whales and the estuary option results in substantial beneficial effects on salmon including Chinook which is a key recommendation to recover ESA-listed killer whales; and

**WHEREAS**, the draft EIS (page 4-69) states that with the Estuary Alternative, “Aquatic invasive species that are intolerant to saltwater (e.g., New Zealand mudsnail, Eurasian watermilfoil, curly pondweed) would be largely eradicated from the area with the transition from freshwater to saltwater”; and

**WHEREAS**, the draft EIS Water Quality Discipline Report (page 5-14) estimates that with the Estuary Alternative there will be an improvement (“minor to moderate benefits”) in dissolved oxygen in Budd Inlet over the Managed Lake and Hybrid Alternatives; and

**WHEREAS**, the draft EIS (page 4-106) states “Maximum water levels for the Estuary Alternative would be slightly ( $\leq 1$  foot [ $\leq 0.3$  meters]) lower than those of the No Action and Managed Lake Alternatives” and “During extreme river floods (with 2 feet [0.61 meters] of RSLR), the Estuary Alternative would reduce the extent and intensity of flooding compared to the No Action and Managed Lake Alternatives”; and

**WHEREAS**, the draft EIS (page 4-184) indicates the total cost of estuary alternative over 30 years would be \$70 to \$271 million dollars less than the Managed Lake and Hybrid Alternatives; and

**WHEREAS**, the draft EIS (page 4-176) states “As part of a future Capitol Lake/Budd Inlet TMDL to reduce nutrient loading in Budd Inlet, Ecology is expected to issue load allocations to Capitol Lake if it remains a lake. If Capitol Lake does not meet its future load allocations, LOTT, and other nutrient sources within the Capitol Lake Basin, including stormwater dischargers, will likely be required to improve water quality of their discharges by increasing treatment and/or reducing their discharges during the summer. These measures would increase the costs for treatment of wastewater and stormwater discharges, which would be passed on to ratepayers.” However, the draft EIS does not quantify the potential costs to affected regional ratepayers; and

**WHEREAS**, the draft EIS (page 4-119) states “Removing the dam would re-establish pre-Deschutes Basin Project tidelands and estuary functions associated with historic use patterns of the estuary”; and

**WHEREAS**, the creation of a “Des Chutes Basin Project Historic District” recommended in the draft EIS (page 3-96) would recognize only those historic elements related to the creation of Capitol Lake, to the exclusion of the extensive cultural and historic resources adversely impacted by that project and its subsequent alteration of the entire Deschutes Estuary ecosystem. Instead of focusing on a single period of significance the entire EIS project area should be designated a Cultural Landscape, with a Treatment Plan to guide future conservation and preservation decisions including mitigation of operational effects of any selected alternative; and

**WHEREAS**, the draft EIS Economics Discipline Report (page ES-7) states “The Estuary and Hybrid Alternatives would provide more opportunity for carbon sequestration and less methane emissions than the Managed Lake Alternative, with the Estuary providing slightly more storage capacity than the Hybrid Alternative. Both the Estuary and Hybrid Alternatives are better aligned with local climate adaptation goals than the Managed Lake Alternative”; and

**WHEREAS**, the process for prioritizing selection criteria for the Preferred Alternative solicited from the Work Groups and Community Sounding Board was perfunctory and not informed by the analyses and findings of the draft EIS; and

**WHEREAS**, the Estuary Alternative would provide the rare opportunity to restore scarce tidelands and estuarine habitat, would be the most beneficial to tribal populations, would address social justice and equity impacts associated with the No Action and Managed Lake Alternatives, would substantially benefit anadromous fish and marine fish, would be the most beneficial for controlling invasive species, would be beneficial for reducing downtown Olympia flooding, would be the most beneficial to Budd Inlet water quality, would be better aligned with local climate mitigation and carbon sequestration goals than the Managed Lake Alternative, may be the least impactful to regional LOTT Clean Water Alliance and stormwater utility ratepayers, would be the most natural and environmentally sustainable, would honor traditional cultural and spiritual values of the land and waters in Budd Inlet as a whole, and would be the least cost alternative over the 30-year planning horizon;

**NOW, THEREFORE, BASED ON THE RECITALS ABOVE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

1. The Olympia City Council hereby supports selection of the Estuary Alternative as the only clear Preferred Alternative for the final Environmental Impact Statement for the Capitol Lake – Deschutes Estuary Long-Term Management Project.

2. The Olympia City Council hereby requests DES to perform a more rigorous process for prioritizing selection criteria for a Preferred Alternative.
3. The Olympia City Council hereby requests that, given the impacts to the Squaxin Island Tribe and to address equity and social justice impacts, the Squaxin Island Tribe’s input in the Decision Durability selection criteria be weighted more heavily than other partners given treaty rights under the Medicine Creek Treaty of 1854 and Tribal interests in the health of the Budd Inlet ecosystem as a whole.
4. The Olympia City Council hereby requests the ability to provide additional input on selection of the Preferred Alternative to be identified in the final Environmental Impact Statement for the Capitol Lake – Deschutes Estuary Long-Term Management Project.
5. The Olympia City Council hereby requests the formation of the Deschutes Watershed Council be included in the final recommendations to create a formal collaborative body to move restoration forward, as was also recommended in the proposed Deschutes Watershed Restoration and Enhancement Plan.
6. The Olympia City Council hereby requests that as a part of evaluating the Estuary Alternative, that a temporary 5<sup>th</sup> Avenue bridge structure be installed during construction to provide redundancy in this vital part of the City's transportation and utility network between West Olympia and downtown Olympia.
7. The Olympia City Council hereby thanks DES for the opportunity to comment on the draft Environmental Impact Statement for the Capitol Lake – Deschutes Estuary Long-Term Management Project.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

**Mark Barber**  
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CITY ATTORNEY