

January 28, 2022

Attention: Rich Doenges
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504

Attention: Brandon Clinton
U.S. Army Corps of Engineers
Regulatory Branch
PO Box 3755
Seattle, WA 98124-3164

RE: Submittal of Draft Construction Phase Upstream Fish Passage Facility Description and Clarifications of District Commitment to Development of Recreation Access and Facilities

Correspondence from the Department of Ecology (Ecology), (May 7, 2021) and the United States Army Corps of Engineers (USACE) (April 26, 2021 and April 29, 2021), requested clarification of project description information for the Flood Control Zone District's (District) proposed flood damage reduction facility (FRE) near Pe Ell and commitments by the District regarding measures to avoid, minimize or mitigate potential impacts from construction and operation of these facilities. On December 17, 2021 the District provided an initial submittal to both agencies in response to the agency requests. By this letter, the District is submitting additional information clarifying the Project description in two areas; 1) the conceptual design of upstream fish passage facilities for operation during the construction phase of the project and, 2) clarification of the District's commitment to implement a plan for provision of recreation access and facilities within the project site.

Draft Construction Phase Upstream Fish Passage Facility

The agencies have requested that the District provide a conceptual design for facilities that would maintain upstream fish passage during construction of the FRE facility in order to prepare the Final EISs under NEPA and SEPA. The District's work to develop this conceptual design has been ongoing and by mutual agreement was scheduled to be submitted on January 28, 2022. At a recent coordination meeting with Ecology, the District reported that the narrative description would be available for submittal on that date but that some additional analytic work would need to be completed to finalize the facility configuration details. The District and Ecology agreed that a final submittal to include both the narrative description and the configuration details would be submitted to the agencies on February 25, 2022.

The draft narrative description of the construction phase of the upstream fish passage facility, submitted as an attachment to this letter includes the following information:

- A summary of the relevant regulations and design criteria that apply to upstream fish passage,
- A description of technologies available for upstream fish passage and an assessment of their feasibility for consideration for the proposed FRE project based on defined criteria.
- The description of three alternative design concepts based on the technologies found to be feasible for consideration.
- A comparison of the three design concepts and recommendation of one concept for further design development.

The conceptual design effort is focused solely on upstream fish passage during the construction phase. Downstream fish passage would be accommodated by use of a bypass tunnel to redirect flows and fish passage around the construction site. This capability has been previously described in documents already submitted to the agencies.

District Selection of Construction Phase Upstream Fish Passage Design Concept

As noted, the draft narrative description for the construction phase upstream fish passage design concept describes and analyzes three design concept alternatives, named Alternative 1, Alternative 2 and Alternative 3. The District's engineering consultant who prepared the draft narrative and who will be completing the final report and design concept details for this facility has recommended Alternative 3 as the preferred alternative for development. The District concurs with this recommendation and hereby incorporates this finding as part of its Proposed Action (project description) for the FRE portion of the project. The District requests that the agencies incorporate this design concept alternative into the Final EIS as part of the project description.

Clarification of the District's Commitment to Development of Recreation Access and Recreation Facilities as part of the FRE Project

The District's December 17, 2021 submittal to the agencies included a Proposed Preliminary Recreation Plan. In the District's December 17, 2021 the District made the statement that "the District is committed to development of public recreational access and sites, within the project area." The offer of a preliminary recreation plan was discussed with Lewis County recreation staff and the commitment to provide recreation access and facilities was conceptually endorsed by the County staff.

The SEPA Draft EIS alleges significant impacts to recreation resources from development and operation of the FRE facility and recommends development of a mitigation plan to be negotiated with the relevant agency which in this case would be Lewis County.

Since the project area in question is a private landholding with limited access and available for recreation use by permit only the District has questioned the basis for the impact determination found in the Draft EIS. Nevertheless, the District does commit to incorporating recreation access and recreation facilities as part of its proposed project. This commitment is made by the District to utilize the project area as a public resource for recreation and to the extent appropriate as mitigation for alleged

impacts to recreation resources. The preliminary plan previously submitted by the District provides an initial description of the type and extent of such facilities that will be provided subject to consultation with Lewis County recreation officials.

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The District again wishes to acknowledge the efforts of Ecology and the USACE to prepare the Final EISs under SEPA and NEPA. If as you review this information, you have any questions or require further clarification, please contact myself or Betsy Dillin our Project Manager immediately. We view incorporation of this information as critical to the development of Final EISs so these documents can provide the best information to the decision makers, including the District that must determine under what circumstances this project can be carried forward.

Submitted By,



Erik Martin,

Chehalis River Basin FCZD Administrator

CC with Attachments

Diane Butorac – Department of Ecology

Andrea McNamara Doyle – Office of the Chehalis Basin

Attachment: Draft Construction Phase Upstream Fish Passage Facility Description