



August 3, 2010

Mr. Bruce Mackey
ESA Adolfson Water Group
1222 State Avenue NE, Suite 202
Olympia, Washington 98506

Dear Mr. Mackey:

EES Consulting (EESC) appreciates the opportunity to respond to “Review of Chehalis River Water Retention Structures Scoping Document and Proposed Studies, Revised Working Draft (RWD)” by ENVIRON International Corporation (ENVIRON).

In general, ENVIRON’s review highlights a number of critical areas that need to be studied. We agree. However, ENVIRON’s review was performed prior to any communication with EESC regarding the purpose and phasing of the scoping document produced for the Chehalis River Flood Control Authority (Flood Authority). Due to the lack of communication, several key assumptions were misinterpreted with regard to the intent and breadth of the Scoping Document. The incorrect assumptions were then carried forward and flavored the remainder of the review and, in most cases, were the source of confusion mentioned in the review. This memo first discusses general comments regarding ENVIRON’s review followed by specific comments. Despite the general misunderstanding of the level of detail requested by the Flood Authority, ENVIRON offers some very constructive comments regarding project organization, data sources, etc. that will prove valuable as the project moves forward. Overall, we very much look forward to the additional information needed to make good decisions on potential flood retention structures in the future

GENERAL COMMENTS

Many of ENVIRON’s assessments would be correct if the purpose of the Scoping Document were to bring the projects fully to permitting and construction. That process would be comprehensive and inclusive; the scoping and conducting of these studies, however, would also require several millions of dollars. Due to the lack of firm funding and the unsettled nature of the proposed projects, the Flood Authority’s approach

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became more step-wise, or incremental. The budget for this initial scoping document project was \$55,000, and as such, the scope for this initial task was very limited.

For this review, EESC has summarized the steps taken by the aquatic and biological staff prior to the development of the document that was reviewed by ENVIRON. See below.

1. In early 2009, EESC biological staff was tasked to begin an assessment of existing information with the purpose of identifying data gaps and to identify critical issues identified by the state natural resource agencies, Chehalis Tribe, and the stakeholders. Following this issue identification, EESC produced a list of proposed studies that would be required to address those concerns.
2. As part of Phase IIA, EESC met with Washington Department of Ecology (WDOE), Washington Department of Fish and Wildlife (WDFW), and the Chehalis Tribe (Tribe). During these meetings, EESC asked the parties for sources of existing information, known data gaps, and a statement of concern for those aspects of the projects which needed to be addressed.
3. A draft scoping document was produced and was followed by a kick-off meeting with the natural resource agencies, the Tribe, and other stakeholders in June 2009. At this meeting, participants provided additional information, revised and corrected existing information, reviewed critical concerns and the suggested studies to address those concerns.
4. EESC then produced a revised Draft Scoping Plan (November 2009). This completed Phase IIA.

It appears that ENVIRON was not aware that in Phase IIA, EESC was only tasked with providing an overview of the environmental information available. The tasks in Phase IIB were to describe the detailed information and provide a detailed scoping of studies to be performed in later phases. Listed below are the subsequent phases and the tasks to be conducted as part of Phase IIB:

- Review and synthesis of existing fish and fish habitat information, including periodicity, spawning and rearing, and extent of upstream migration;
- Full scoping of proposed studies, and
- Detailed cost estimates

Assuming that the projects move forward after Phase II, Phase III would then consist of the following tasks:

- Conduct field investigations as described in Phase IIB.
- Synthesize the information (existing and the additional data collected in Phase IIB) in order to describe and quantify impacts. It was intended that this information be used to address those impacts and necessary mitigation if the projects were to proceed.

It should be pointed out that, even after Phase III, the resulting studies would still more directed at a higher level “fatal flaw” analysis rather than at full project implementation.

Due to budget constraints, the Flood Authority decided to fund the engineering and economic analysis also required in Phase IIB, and to leave the funding of the fisheries and aquatic studies until the fatal flaw analyses being conducted by the engineers and economists were completed. As a result, neither the detailed study plans nor the synthesis of existing information was conducted. Those activities, and the subsequent studies themselves, were left for a later date, leaving these tasks incomplete. EESC does not believe that ENVIRON was aware of the step-wise process, and that having this information may have changed their assessment. The studies, even those proposed in Phase IIA and to be further scoped in Phase IIB, and conducted in Phase III, were not intended to be all inclusive. If the proposed projects proved to be viable, then additional analyses and studies would most likely be required.

EESC has experience in conducting extensive scoping projects for FERC licensing. Most recently, EESC completed the Integrated Licensing Process (ILP) for the Packwood Lake Hydroelectric Project in Packwood, WA. That vetting was extensive, comprehensive, and evaluated the potential effects of the project; these studies resulted in the successful relicensing of the project, pending NOAA's Biological Evaluation. The Scoping Document reviewed by ENVIRON; however, was not intended to be a document of the same magnitude, scope and level.

SPECIFIC COMMENTS

We appreciate ENVIRON's comments, and provide responses to some of the specific concerns below. ENVIRON's text is in italics, followed by the EESC response.

Comment (Page 1 – 2, Section 1.2: Summary of findings):

2) A scoping document needs to identify the anticipated impacts associated with a project. By defining these key areas, research funding can be spent in a targeted manner that prevents potentially costly efforts to remedy oversights later in the process. The RWD identifies very broad research topics for further study and does not address the specific research needs associated with project-related potential impacts. A structured approach to identifying the detailed research needs of the project will assist the Authority in supporting in the highest priority aquatic research study areas.

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Response:

Potential Impacts, as expressed by the parties, were presented in Section 4.0 (Potential Issues and Concerns) of the RWD. Due to the limited budget and scope, the Scoping Studies presented in Phase IIA were intended to be general in nature with specific study plans developed in Phase IIB. This phase was not funded by the Flood Authority, and remains incomplete.

Comment (Page 4):

*Section 4.0 of the RWD (Potential Issues and Concerns) mentions that State and Federal agencies require specific information to meet their obligations with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). The ENVIRON review team **therefore assumes** that this scoping document and the study recommendations for the aquatic resources should contain information to support a future SEPA or NEPA analysis... The team **also assumes that the information should be consistent and inclusive, to the extent practical, with basic information requirements set forth by the Federal Energy Regulatory Commission (FERC) that will also be required** (Emphasis added).*

Response:

It was never intended that this scoping document meet all the requirements of SEPA, NEPA, and FERC for the licensing of these projects although the information would be included. These data, however, were never proposed nor intended to be inclusive of all information required through these processes. As described above, the Flood Authority was using a phased approach to examining the issues due to limited funds and lack of a fully-developed, viable project at this juncture. If no fatal flaws were identified through the vetting process, additional information would be gathered and provided to address permitting concerns. These assumptions are incorrect, and unfortunately, color the remainder of their review.

Comment (Page 4, Section 2.2: Report Content):

Under the above-described assumption that one purpose of the RWD is to direct research to develop information to meet the above regulatory obligations, the content of the report should identify potential positive and negative impacts or effects of the project instead of issues and concerns as described in the first sentence of Section 4.0.

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Response:

This was not intended to be one of the purposes of the RWD, at least directly. The intent was to identify concerns and, in general terms, describe the studies that would be required to address those concerns. As stated previously, limited budgets dictated a phased approach with specific studies to be addressed in Phase IIB, which was not funded for fisheries and aquatic studies.

Comment: (Page 5, Section 2.3: Analysis of Alternatives):

The scoping report and supporting documents referenced in the request for review do not have information on project alternatives. The RWD describes this effort as still in the feasibility stage so the Phase I and/or Phase II report should provide alternatives analysis.

Response:

This examination of alternatives was beyond the scope of the work to be conducted by EESC. The scope was to specifically address construction of retention structures on the Upper Chehalis and South Fork Chehalis rivers.

Comment (Page 6-7, Section 2.4: Other Comments and Suggestions (bullet 4)):

Figure 1: Reservoirs on South Fork and North Fork occupy significant areas behind (upstream) of the proposed detention structures. It is important to show the proposed reservoirs on this figure because they affect large areas, not just a small dot where the dam would go.

Response:

The figure shows the location of the structures and is not intended to represent the size of the reservoirs. At this time, structures for flood retention only, as well as flood retention, hydroelectric generation, and summer flow augmentation are proposed. These alternatives have different storage requirements, which in turn dictate different structure heights. Therefore, different reservoir sizes and inundation areas result. Until these alternatives are fully fleshed out, meaningful inundation zones cannot be presented, and, therefore, inundation zones were not defined in the scoping report. As these issues are resolved, the reservoir sizes will be included and their respective impacts analyzed.

Comment (Page 6-7, Section 2.4: Other Comments and Suggestions (bullet 1-3, 5-8)):

Response:

Comments noted. When Phase IIB is funded, these issues will be addressed in the detailed scoping document

Comment (Page 8, Section 3: Water Resources):

This section of the review lists information that ENVIRON would like to see in the report for Water Quality, Water Quantity, Physical Characteristics, and Preliminary Impact Identification.

Response:

ENVIRON addresses issues that should be covered while describing the studies and the potential impacts. EESC agrees with this list; however, these tasks are beyond the scope of work conducted in Phase IIA. Much of the information that they suggest be included has not yet been collected; there are directed studies to collect this information in the RCW, Section 5.0 in Phase IIB. This phase was not funded, and, therefore, the information is incomplete. Subsequent study plans and recommended priorities were presented to the Flood Authority in May 2010, but those studies and data gathering activities remain unfunded as of the writing of this response.

Comment (Page 11, Section 4: Fishery and Aquatic Resources):

This section focuses on data (fish maps), habitat availability, and other factors that need to be addressed

Response:


As in Section 3.0, above, EESC agrees with the list of information that ENVIRON suggests. This work, however, was to be conducted in Phase IIB (for example, ENVIRON suggests that fish distribution maps be included; this was to be Fisheries Study 1 in the RWD). Phase IIB has not been funded at this time, and these tasks remain incomplete.

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SUMMARY

EESC appreciates the opportunity to respond to ENVIRON's thorough review and are happy to respond to subsequent questions regarding the Scoping Document or this memorandum.

Very truly yours,

A handwritten signature in cursive script that reads "John P. Blum".

John Blum
Managing Director

cc: Chehalis River Basin Flood Authority
Environ