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In the Matter of:

Deschutes Estuary Restoration Project

PUBLIC HEARING

October 28, 2026

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Deschutes Estuary Restoration Project

Supplemental Environmental Impact Statement Public Hearing

Washington State Department of Ecology

Washington State Department of Enterprise Services

IN-PERSON PUBLIC HEARING

October 28, 2026

Olympia, Washington

Reporter: John M. S. Botelho, CCR, RPR

BE IT REMEMBERED that on Wednesday, October 28, 2026, at 222 Columbia Street Northwest, Olympia, Washington, at 6:26 p.m., before Fran Sant, Hearing Officer, the following public hearing was had, to wit:

<<<<<< >>>>>>

HEARING OFFICER: Okay. We're going to begin the formal hearing section of the meeting, in which we are using a court reporter to record comments for the public. At this time, I will also read some information that is required for the record.

I'm Fran Sant, hearing officer for this hearing. This evening we are to conduct a hearing on the draft supplemental environmental impact statement for the Deschutes Estuary Restoration Project. As the hearing officer, my job is to conduct the hearing. I have two main responsibilities: I need to make sure that everyone who wants to be able to provide an oral comment can do so, and I need to make sure we get a clear record of your comments.

If I could ask folks to please silence your cell phones. Please hold down any additional

conversations. This is a small group. I'm not anticipating, but please no distracting, disruptive, or intimidating behavior. And then I will call you up to provide comment when your name is on the list here.

So please let the record show it is 6:28 on October 28th. And this hearing is being held at The Olympia Center at 222 Columbia Street Northwest, in Olympia, Washington 98501.

Notices of this hearing were mailed to about 350 interested people in the supplemental EIS study area. E-mail notices were sent to approximately 4,500 interested people.

Copies of the supplemental EIS and notice of the hearing were distributed to local libraries. The Department of Ecology and the Department of Enterprise Services issued news releases on October 9th, 2026. Notices of this hearing were also posted to Ecology and DES's public events calendar.

Notice of this hearing was also sent to the event calendars for Experience Olympia, JOLT, KNKX, The Olympian, and ThurstonTalk. And notice of this hearing was published in The Olympian on both October 11th and October 14th.

Okay. That's all the official information.

I'll be calling people up to provide comment in

the order I see your name here. I'm going to ask you to keep your comments to three minutes. We will have someone that's showing some time cards that will help you stay on track.

We have very few folks that want to provide comment tonight, so we're going to start with Gordon White.

And then, Bob, you have a question mark next to your name. Are you planning on providing comment?

BOB HOLMAN: Yes.

HEARING OFFICER: Excellent. If you'd like to come up closer to the front so when we call you, you'll be ready. And then will be followed by Laurie Weidner.

Gordon, go ahead.

GORDON WHITE: Thank you. Yeah, my name's Gordon White. Live in the South Capitol neighborhood. Great view of the lake. Also great view of the former brewery on one end and then of course Fifth Avenue Dam. Little bit out of view, but that's okay, because it's going to be gone for a long time in a little while.

Just want to also note that the Brewers won the World Series. Okay. It's not our Brewers, but you get the picture.

What I want to emphasize in my comments tonight, the major pluses in the draft that I see. I'm going to be sending you questions and comments around a few little concerns I have and a few data points I don't quite understand or see yet. So thanks for having this opportunity.

So, one, I see it well integrated with the big-picture EIS that was done and assess the many issues about should it be -- continue to be a dam and a lake, or a failed lake as from my perspective, or re-establish the estuary as it was a long time ago. And so I see it very well connected to that, and that's a real plus sign.

Secondly, the science and technical features of this draft really well connect to the information that was in the big-picture EIS that was done.

This draft EIS is a great job of evaluating optimal options for many of the things you identified, which are identified in the overview for flood, flood resiliency, habitat, and public access. It's really important for this part of the new estuary.

Another emphasis I want to provide, it's sort of in connected with this draft as well as there's no other estuary, no other set of communities in the United States that have signed an interlocal agreement

that will share the payment for dredging a port area, the marine port area. It used to be it was all in the port and the marinas that may or may not have been there for this history of the Budd Inlet part of this estuary.

That's a big step. That shows, I think, how well connected this program is to the rest of the community. This means Thurston County taxpayers are supporting dredging at the port, or this area, which is really important. And I, as an Olympia taxpayer, as well.

A second -- another piece -- and I'll add more specific comments on this, and I think this connects to the equity question around, if it does end up being trucked sediments, what's the route?

What I have seen when I look at property values all around any route, they're all going up. And when saltwater shoreline comes in, my property value's going to go up. Saltwater shoreline in Thurston County, it's a premium, even ahead of lake or freshwater waterfront.

So I'm not asking you to do any more research on that. I think it's going to be happening. However, you might think about it in your equity issue. Because those routes are going to be going by higher- and higher-income places. The equity issue is really what does this City and the County do for affordable

housing, which is -- is happening in a variety of other areas. You can connect those things.

Thank you very much for the time.

HEARING OFFICER: Thank you, Gordon. Bob, we're ready for you.

And then, Laurie, you'll follow Bob. And then after that will be Jack Havens.

BOB HOLMAN: Good evening. My name's Bob Holman. Working on this project for a long time. Some of you I've known for 10 or 15 years now.

I'd like to address the water quality issues. And I noted that recently Ecology has modified the requirements for nutrient discharges from wastewater treatment plants. And because of that change, I think this -- that opens up the opportunity to question whether this project will create more nutrients in Budd Inlet and, hence, reduce the water quality, reduce the oxygen level.

And I'm particularly concerned, as a former employee of LOTT, that LOTT will perhaps be burdened with a much higher level of nutrient removal if this project goes forward. And the reasoning for that is, right now, with the lake in place, nutrients in the summertime are captured by the plant life that's there and are essentially reduced to zero as they pass by the

dam and head into Budd Inlet. So they essentially have no detrimental value to the oxygen levels in Budd Inlet.

That's not necessarily the case in the wintertime when those plants die off and the -- the leaves and stems and so forth go into -- into Budd Inlet and they decay and use oxygen.

But the critical period is the summer. And in the summer, with an estuary, you will not have that removal capability. And as it turns out, the lake actually removes more nutrients on a summer day than the LOTT plant removes on that same summer day.

So if you no longer have those nutrients removed with an estuary, you're going to put more of a burden on the LOTT treatment plant, which could require them to substantially increase their water quality improvements. They probably have to go to reverse osmosis to get the nutrient levels down. So it gets a little complicated.

And several of us have written a book. It's called "New Percival Creek Estuary in Capitol Lake." And I can leave a copy with you here. I think we've probably already distributed copies to some members of Ecology. But that more fully describes what we see as the limitations of an estuary in terms of creating

adverse water quality in Budd Inlet.

And later, if we have time, I can get into a couple other issues, but that's the main item that I wanted to talk about today. Thank you.

HEARING OFFICER: Thank you, Bob.

Laurie.

LAURIE WEIDNER: For the record, my name is Laurie Weidner. Since February, I've been a board member of the Deschutes Estuary Restoration Team, which is known as "DERT." Prior to my service as a volunteer on the DERT board, I was a registered lobbyist for a state agency here in Washington, and I also was the executive director of an AFL-CIO-affiliated union here in Washington.

DERT is the nonprofit organization formed in 2009 to advocate for the removal of the Fifth Avenue Dam and to restore the natural Deschutes River estuary to improve the water quality and habitat of the South Puget Sound.

On behalf of the DERT board, we enthusiastically support the updated supplemental draft environmental impact statement as written. Moreover, we believe that the proposed project design modifications are necessary and meaningful, especially the additions relating to environmental justice, tribal resources, and shoreline

habitat expansion.

We also, as a side note, enthusiastically support sustained funding for the next phases of this project. We thank the Department of Ecology staff for their commitment and their diligence to seeing this important project through to completion.

DERT will continue to advocate for this work through community outreach seminars and educational events. Additionally, the DERT board would also like to publicly recognize the legislature and Governor Ferguson for their ongoing support for the restoration of the estuary.

We applaud the Department of Ecology for their outreach efforts. The department's website about DERT, their community outreach -- which includes public forums, video vignettes, social media, and newsletters -- and this draft supplemental environmental impact statement effectively synthesize the culmination of effort and investment that has resulted in the progress to date.

DERT has evolved for more than 30 years of planning and analysis and public engagement in partnership with the Squaxin Island Tribe, regional partners, and nonprofit organizations like DERT.

State and local leaders have invested in this

effort because the science demonstrates that DERT is the best path forward for habitat restoration and water quality improvements in the South Puget Sound, and we believe that the updated environmental impact study addresses all essential issues. Thank you for the opportunity to provide comment.

HEARING OFFICER: Thank you, Laurie. Jack, you're up next.

JACK HAVENS: My name is Jack Havens. I'm a citizen. I've been interested in this project for over a decade now.

I just have questions that have never been answered. We have submitted hundreds of questions over the last decade, and so many, many of them have never been answered.

And for tonight, I would just like to say we have, under project outcomes, information that we've been given that fish habitat restoration will occur by removing a known fish passage barrier. I would like to know what passage barrier is being addressed here.

We know that this is not a spillway dam. We know that the water goes underneath a rocker, a barrier. And so harm to fish, I have never read whether there's any harm whatsoever due to the dam.

The other potential barrier would be the fish

ladder. And if the fish ladder is considered a barrier, my question is: Why are we not removing the fish ladders that are just upstream of Tumwater Falls?

That's really all I have to say. I would sure appreciate a response by mail or e-mail.

HEARING OFFICER: Thank you so much, Jack.

Those are the folks that indicated they'd like to provide comment.

Is there anyone else in the audience that would like to provide comment?

I don't think I'm seeing anybody.

Is there anyone that has already provided comment that would like an additional three minutes to provide comment?

Come on up. It's Bob, right?

BOB HOLMAN: Right.

HEARING OFFICER: Okay. Another three minutes are yours.

BOB HOLMAN: Second topic I wanted to address was the new -- I don't know whether you call it a berm or what the term is. But the area around the north basin. That's definitely a change from the prior design. And I'm wondering what precipitated that change. Because for years, both Ecology and DES had

indicated that the estuary was preferable to the lake from a flooding point of view. But it seems like now you're recognizing that, no, an estuary is a problem when it comes to flooding and we need to install this berm.

And I just note the berm is not just around the north basin. Marathon Park needed to be protected. Heritage Park would be protected. So it's fairly extensive diking to prevent flooding.

Under the lake alternative, there was -- there's been virtually no problems with flooding in the last 10 or 15 years, because DES has done such a good job of regulating the level of the lake before any storm events. So by reducing the level, you can allow the lake to fill up. It avoids -- when the dam's closed, it avoids the tides, high tides, king tides coming in. And then when that tide period passes, the dam can be opened up and water let out.

And the only thing I'd say is, we would definitely need to dredge the north basin to get even more volume as we move into higher potential flood levels with the rising tides in the future. But as you create more volume by dredging, you continue to have protection for the downtown area.

So, I guess, in summary, I'd say the -- just the

reverse is true of what's been maintained for a long time, and that's the lake environment is much less subject to flooding than the estuary will be. Thanks.

HEARING OFFICER: Thank you so much.

I see a hand. Is that because you'd like to come provide comment?

DELL BERG: Yes, please.

HEARING OFFICER: Sure. If you could come up and sign in really quick so we get your name.

DELL BERG: Sure.

HEARING OFFICER: Thank you so much.

Thank you, Dell.

DELL BERG: My name is Dell Berg, and I'm the owner of the 1 Tree Island Marina, which is in the inner area of Budd Bay. And I just wanted to address the comments that Bob made about the berm.

I think that there is some concern with rising sea levels, that when we have a high tide, now this area of the -- what is now the lake and will be an estuary will be open to flood tides. And although sea level rise in the future is unknown, you know, it could be -- over the next 20 years, it could be a foot or two feet.

Now, the thing that is also unknown is what happens with the surge tide, which is when -- and I've

seen this happen. I've owned that marina for over 50 years. And what I've seen is, when there's a storm coming down with strong winds from the north, those winds push even more seawater down to the end of Budd Bay Inlet. And there have been times at my marina where I've come down, and then a high tide, you have had to walk through seawater that's in the street to get to my docks.

So this is a concern. I think that the lake area has been protected from seawater flooding because of this dam. And when the dam comes out, that kind of protection won't be there. So I believe -- I think this berm construction is a good idea to protect the city streets from seawater flooding.

And, you know, the question that remains to be resolved in the future is it's my impression that if you get a one- or two-foot rise in the sea level, that when a storm comes in, and since we're the end -- end of the Puget Sound, when those winds drive the water south, I think the effect in this area will probably be more than one or two feet.

You can't just gauge what that water level will be based on what the sea level rise is. The weather can accentuate that flow, and it could be even more than what we might guess based on just purely sea level rise

by itself. Thank you.

HEARING OFFICER: Thank you, Dell.

All right. Is there anybody else that would like to provide comment? You pointed, but I can't see.

Come on up.

JACK HAVENS: Yeah.

I'm using my three minutes that I have not used so far.

HEARING OFFICER: Okay. All right.

JACK HAVENS: Okay. So my name is Jack again.

HEARING OFFICER: Jack. Okay.

JACK HAVENS: I'm quite interested in fish, certainly salmon. I have been quite bothered because, during the -- or with the DEIS and the EIS, I have never seen reference to very important research that was done on lakes in general, and Capitol Lake, Smith Lake specifically.

The lady who was heading the study for lakes in general, Michelle Koehler, and five other authors, including people from NOAA, United States Fish and Wildlife, the Canadian Fish and Wildlife, they concluded in 2006 that lakes were absolutely fine as a habitat on a par with what they call riverine and estuarine environments. I never saw any -- any

indication that those -- that study was reviewed.

The second study that was not reviewed and should have been, in my opinion, is one by Robert Engstrom-Heg, who wrote in 1955 -- he was a -- well, Department of Fisheries back then. He was a biologist, and he spent years studying the effect on Chinook salmon of having a lake as opposed to the previous estuary. And he stated many times that the lake was not an impediment to the growth and health of Chinook smolt or fry and that there was no difference, in his opinion, either for better or worse.

I think that sort of information would be tremendously helpful to the public. And why it was never brought out in the EIS or DEIS, I have always wondered why that wasn't the case.

HEARING OFFICER: Thank you.

All right. Is there anybody that hasn't had an opportunity to provide comment that would like to provide comment?

You're my hand watcher. Am I missing any?

UNIDENTIFIED SPEAKER: No.

HEARING OFFICER: No, I'm just teasing.

All right. I'm going to go ahead and get ready to read some final information that's required as part of

the hearing, and then we'll go ahead and close the hearing out.

Lynn, if you could advance that next slide for me.

Perfect. Thank you.

So if you would like to submit written comments, you can send them to Ecology and the Department of Enterprise Services. Written comments are due by 11:59 p.m. on November 9th, 2026.

You can address them to the Draft Supplemental Environmental Impact Statement for the Deschutes Estuary Restoration, Care of Bobbak Talebi in the Southwest Region Office, at P.O. Box 4775 -- let me try that one more time -- 47775, Olympia, Washington 98504-7775.

You can also provide comments online using our e-comment form. You can see the address displayed on the screen, and I will read it for the record: Https://ecology.commentinput.com/?id=buGTA658B.

All comments received at this hearing, as well as the online hearing on November 3rd, along with all written comments received or postmarked no later than November 9 at 11:59 p.m., will be part of the official hearing record for the draft supplemental environmental impact statement for the Deschutes Estuary Restoration Project.

Ecology and DES will respond to comments when the final supplemental impact statement for the Deschutes Estuary Restoration Project is issued. Notice of the final supplemental EIS issuance will be sent to everyone that provided written comment or oral testimony on the draft supplemental EIS and submitted contact information, everyone that signed in for today's hearing and provided an e-mail address, and other interested parties on the agency's mailing list for the proposal.

The final supplemental environmental impact statement for the Deschutes Estuary Restoration Project will include a response to comments and will contain the agency's response to substantive questions and issues of concerns that were submitted during the public comment period. If you would like to receive notice but did not give us your contact information, please let one of the staff members at this hearing know.

The next steps are for Ecology and the Department of Enterprise Service to issue a final supplemental environmental impact statement for the Deschutes Estuary Restoration Project in 2027.

On behalf of the Department of Ecology and the Department of Enterprise Services, we thank you for

your interest and participation in this process.

Please let the record show that the hearing is being paused at 7:54 p.m. -- thank you -- 6:54 p.m. on October 28th, 2026. The reason we're pausing it is because we did advertise that we would be here until 9:30 in the evening. However, we are closing the hearing now. And if we have additional people show up and like to provide comment, I will go ahead and reopen the hearing.

We hope you have a good night and safe travels home. Thank you so much.

(Pause in proceedings from 6:55 p.m. to 7:48 p.m.)

HEARING OFFICER: All right. We are reopening the hearing. It is 7:48 p.m.

We're going to call on you in just a moment, Miguel. I just want to let, for the record, we are reopening the hearing, 7:48 p.m.

Notices of this hearing were mailed to about 350 interested people in the supplemental EIS study area. E-mail notices were sent to approximately 4500 interested people. Notices were distributed to local libraries. Ecology and DES issued a news release on October 9th, 2026. Notices of this hearing were posted

to Ecology and DES public events calendar. Notices were also sent to Experience Olympia, JOLT, KNKX, The Olympian, and ThurstonTalk. And notice of this hearing was published in The Olympian on October 11th and again on October 14, 2026.

Miguel, you can go ahead and provide your comment now.

MIGUEL PEREZ-GIBSON: Thanks. Good evening, everyone. For the record, I'm Miguel Perez-Gibson. I live in the Wildwood Neighborhood Association. And I was born in 1951, the same year the lake was established, so how about that.

I'm really here just to talk about the biggest or the most significant impact that's addressed in the supplemental. That's around the transportation issue. And my concerns are -- concerns, slash, questions or for you to consider are around the transportation issues, particularly how they may affect our Wildwood Neighborhood Association. And also maybe the need to work with both WSDOT and the City around transportation issues.

For the record, I support the project completely. I think it's great and we're on the right track. But the issue that I want to address is Capitol Way and Deschutes Parkway from a transportation issue.

So the City has plans to do -- to make Capitol Way a slow street project, so it'll be eliminating some of the lanes, putting in more bike lanes, "meridians." There's a whole sort of project to slow traffic down through Capitol Way.

So one comment I have is -- or concern -- is to the extent that the Department of Ecology and the City are talking to each other about the timing of their project and the timing of this project. My ex-son-in-law, Black River Construction, has a monogram for his site called "Always late and over budget."

So I'm adding -- it's right now you're talking about three to seven years, somewhere in there. I don't know in terms of the Deschutes Parkway closure or partial closure. But that could be a significant impact, especially if it overlaps with what the City is doing around Capitol Way. So those are a concern.

I'd also just urge to look at this also as an opportunity because I think we were hoping there would be an opportunity to direct traffic through Deschutes Parkway into downtown as opposed to coming through Capitol Way, which would be working with Department of Transportation. The way the signage right now is, it kind of pushes people towards Capitol Way. And it's going to become very frustrating for visitors visiting

the city and also for locals.

So to the extent, especially if you're doing the closure and detours, I would just urge -- I know it's a little bit out of scope, but still I would urge that you think about working with your sister agencies for the long term -- on the long term, this could be an opportunity to permanently figure out a way to make traffic eventually be more directed towards Deschutes Parkway than through Capitol Way.

It's underutilized, I think. And, I think, partially that's just from the signage and the way the traffic's being directed from I-5 through town. I would expect that most of the heavy construction, like logging trucks, will continue to take the first exit that comes off of I-5 that directs folks to the city center, Plum, and that way. So I don't expect that will be an issue.

So I guess those are the things. The closure, the extent of the closure, and then how that will affect the local neighborhoods. And, in fact, that it may increase traffic. So that's -- that's an impact. I don't know if it's been totally addressed in the supplemental, but that would be something I'd ask that you address. Thank you.

HEARING OFFICER: Thank you, Miguel.

We're going to go ahead and close the hearing back up.

Just to note, I really appreciate you coming by. The questions you asked we won't respond to now. We'll talk about how we're going to respond to those.

MIGUEL PEREZ-GIBSON: Sure.

HEARING OFFICER: So, again, we have information that we'll share with you when you walk out about how you can submit written comments.

So all comments received at this hearing, as well as the online hearing to be held next Tuesday, November 3rd, along with all written comments postmarked or received no later than November 9th at 11:59 p.m., will be part of the official record. Ecology and Department of Enterprise Services will respond to comments when the final supplemental environmental impact statement is issued. Since you provided comment today, you will be notified of the issuance of a final supplemental EIS.

The next steps are, for Ecology and DES, they anticipate issuing the final supplemental of the environmental impact statement for the Deschutes Estuary Restoration Project in 2027.

So on behalf of the Department of Ecology and the Department of Enterprise Services, we thank you for

your interest and your participation in the process this evening.

And please let the record show that the hearing is once again being paused at 7:55 p.m. Ecology staff will be on-site to the advertised time of 9:30 p.m. to take further comment.

So we thank you for coming, Miguel, and I hope you have a good evening.

MIGUEL PEREZ-GIBSON: For the record, thank you very much.

(Hearing paused at 7:55 p.m.)

(Public comments concluded.)

STATE OF WASHINGTON)
) ss
County of Pierce)

I, John M. S. Botelho, CCR, RPR, a certified court reporter in the State of Washington, do hereby certify:

That the foregoing public comment hearing was conducted in my presence and completed on October 28, 2026, and thereafter was transcribed under my direction; that the transcript is a full, true and complete transcript of the said public comment hearing, transcribed to the best of my ability;

That I am not a relative, employee, attorney or counsel of any party to this matter or relative or employee of any such attorney or counsel and that I am not financially interested in the said matter or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of November, 2026.

_____
/s/John M. S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/2027.)

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