Chehalis River Basin
Flood Control Zone District

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VIA Online Filing

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Re: Comments on Revised Draft Environmental Impact Statement for the Proposed Chehalis River Basin Flood Damage Reduction Project

Mr. Talebi:

The Chehalis River Basin Flood Control Zone District (District) appreciates the opportunity to provide comments on the Washington State Department of Ecology's (Ecology) Revised Draft Environmental Impact Statement (RDEIS) for the Proposed Chehalis River Basin Flood Damage Reduction Project (Project). The District is the proponent of the proposed Project, which is a publicly-funded critical infrastructure project designed to reduce basin-wide risks along 100 miles of the Chehalis River, from Pe Ell to Cosmopolis and Interstate 5, from major and catastrophic floods.

The District's elected supervisors have committed publicly that they will only support bringing the Project to construction *if it is clear that the Project will not result in negative environmental impacts*. Consistent with that commitment, over the past several years the District has: (1) refined the Project design to avoid and minimize many of the adverse impacts previously identified by Ecology; and (2) developed a 1000+ page publicly available Mitigation Plan that includes robust, thoughtful and detailed implementation plans.[1]

Ecology acknowledges that, if implemented, the District's Mitigation Plan would address most of the Project's anticipated impacts.[2] Yet Ecology chose not to analyze the beneficial

[1] The Mitigation Plan is available for public review under "Revised Mitigation Plan" here: https://www.chehalisriverbasinfczd.com/resources.
[2] *See infra* note 8 and associated text.

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effects of the Mitigation Plan in the RDEIS and concluded, inexplicably, that the Project's *avoidable* impacts are *unavoidable*. As discussed in Section II.A., below, this is prejudicial to the Project, contrary to the requirements of the State Environmental Policy Act (SEPA), and has resulted in significant public confusion regarding the Project's probable impacts.

The RDEIS also contains widespread misstatements and voluminous technical and analytical errors that are described and substantiated in Sections II.B and C below and in the attached detailed comment table (Attachment 1). These material inadequacies – which may be a result of the time pressure Ecology faced to issue the RDEIS by November 2025 – result in impact findings that are neither accurate nor consistent with law.

Specifically, the RDEIS:

- Materially overstates and misrepresents the Project's probable impacts, often on internally inconsistent or scientifically unsupported bases;
- Assumes the Project will operate for six months when the maximum flood operational period was 34 days – which has now been reduced to 21 days through the operational refinements discussed below;
- Makes erroneous claims that are contrary to common and foundational concepts of science, such as fish passage mortality numbers that defy scientific explanation;
- Inappropriately attributes climate change impacts to the Project;
- Fails to acknowledge the Project's critically important flood control and corresponding environmental benefits, including that Project flood operations will *reduce* the adverse effects to upper basin Chinook Salmon from increased flooding due to climate change;
- Contains unclear assertions of potential impacts on undefined tribal interests;
- Understates or ignores the foreseeable adverse environmental impacts of the No Action and Local Actions alternatives to the Project; and
- Reaches inaccurate and misleading "significant unavoidable adverse impact" conclusions for the Project across most resource areas.

As a result of these serious issues, the RDEIS has already resulted in substantial public confusion by declaring that the Project will have significant, unavoidable impacts – an assertion that is demonstrably false. Put simply, the RDEIS does not provide the required impartial discussion of the Project's probable and significant environmental impacts, alternatives and mitigation measures and therefore cannot accurately inform state and local agency decision making and the public, as required by SEPA and Ecology's own

regulations.[3] Ecology must correct these errors in its Final Environmental Impact Statement (FEIS) so that the public and governmental decisionmakers may reasonably rely on the FEIS when evaluating the Project.

Critically, the District has been unable to evaluate and provide comments on some of the RDEIS's most extreme claims regarding Project impacts because supporting technical analyses and modeling information was not provided coincident with the RDEIS, as required by law.[4] This includes, for example, the Ecosystem Diagnosis and Treatment (EDT), water quality and turbidity models and their supporting reports. As described in Section II.D, below, the opportunity to evaluate RDEIS supporting analyses is fundamental to the District's ability to meaningfully comment on the RDEIS itself. Ecology's failure to timely provide this information has prevented the District from commenting on critical aspects of the RDEIS.

Finally, and independently of any of the analytical or procedural errors noted above, the District has made a number of significant and important refinements to the Project design to further avoid and minimize identified Project impacts and meet flood reduction objectives. These were made after the 2024 Revised Project Description (RPD) which is reviewed in the RDEIS, and were necessitated by the U.S. Army Corps of Engineers' (USACE) separate and robust federal environmental review process. In Section II.E below, and in the technical memoranda and reports attached to these comments (Attachments 2 through 4), the District summarizes these changes for the public's information and for Ecology to consider in its FEIS.

I. Background

Over the past several decades, major and catastrophic floods have caused loss of life; significantly damaged area homes, business and agricultural areas; required the evacuation and temporary relocation of area residents; damaged and blocked access to critical public facilities; interrupted utility and sanitation services; temporarily shut down major transportation corridors and the Chehalis Airport; killed livestock and destroyed farm equipment; and caused untold economic damages. Long closures of public infrastructure like Interstate 5 have both public safety and economic ramifications. The 2007 flood alone resulted in estimated damages of over $900 million ($1.4 billion in 2026 dollars). Future

[3] *See* RCW 43.21C.031(2)(EIS must analyze "probable adverse environmental impacts which are significant."); WAC 197-11-402(1) (same); *id.* at 197-11-400(2) ("An EIS shall provide impartial discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.").

[4] *See*, *infra*, note 90 and associated text.

major and catastrophic floods will continue to put lives, property, public safety and the environment at risk.

To address this, the District proposes to construct and operate a proposed flow-through dam for flood control that would be located on the Chehalis River near the town of Pe Ell – also referred to as the Flood Reduction—Expandable facility (FRE). The FRE would directly address the foreseeable risks described above by reducing peak flood levels during major and catastrophic flood events. Once constructed, the FRE will allow for the free flow of the Chehalis River and volitional fish passage, closing only when specific flood levels are predicted to occur. An area behind the FRE will then temporarily hold water that would otherwise flood downstream communities, while continuing to provide normal winter flows to the river below. Flood waters will be slowly released over the following weeks once peak floods have passed. A comprehensive Mitigation Plan – which is an integral and enforceable component of the proposed Project – will mitigate for Project impacts and ensure a net ecological lift for aquatic and terrestrial resources. Improvements to the Chehalis Airport levee will work in tandem with the FRE's flood damage reduction protocols.

Recognizing the significance of this Project to the Chehalis Basin, the District engaged respected experts in engineering, geology, hydrology, and biology to ensure the Project's design, construction, and Mitigation Plan are of the highest quality. Our engineering firm has extensive experience designing and building dams and other significant structures across the country and is following a rigorous and iterative design process that will meet or exceed all state and federal design criteria, rules, regulations and guidelines. Our team of scientific consultants have developed avoidance, minimization and mitigation plans that will ensure the Project has the least practicable impact on Chehalis Basin resources and that the Project will result in a net ecological lift.

In Section II below, this comment letter addresses a number of the District's most serious concerns regarding the RDEIS, including misstatements, errors and legal failings. Additional technical corrections and substantive comments are provided in the attached comment table (Attachment 1). Where detailed technical memoranda (TM) or reports are referenced in these comments, those are attached for Ecology's review and use in developing its FEIS (Attachments 2 through 4). The District requests that these comments and all attachments be addressed in Ecology's FEIS and appended to that document without modification.[5]

[5] *See* WAC 197-11-560(2).

II. Detailed Comments

A. The RDEIS's dismissal of planned mitigation measures is contrary to law and results in fundamentally flawed conclusions.

The District has developed thoughtful and robust mitigation measures[6] in direct response to Ecology's 2020 Draft Environmental Impact Statement (DEIS) to address potential impacts identified in that document.[7] The RDEIS largely accepts that the District's planned mitigation, if feasible, will be effective.[8] Furthermore, both the RDEIS and Ecology's public statements make clear that Ecology did not analyze the feasibility of the Project's planned mitigation measures and has no basis for considering them infeasible.[9] Through considerable work described in the Mitigation Plan itself, the District has determined that the proposed measures are technically feasible and economically practicable and will be effective at offsetting most Project impacts and providing a net ecological lift.[10] Nevertheless, for most resource areas, the RDEIS describes but dismisses the District's planned mitigation,[11] allowing the RDEIS to then characterize the Project as having "significant unavoidable adverse impacts."

For example, with regard to fish species and habitat impacts, the RDEIS summarizes mitigation measures including but not limited to the Project's fish passage conduits, avoidance and minimization measures, the Fish and Aquatic Species and Habitat Plan, and

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[6] "Mitigation" refers to all measures that avoid, minimize, rectify, reduce, or compensate for impacts, or that monitor impacts in order to take corrective measures. WAC 197-11-768.

[7] *See* Ecology, State Environmental Policy Act Draft Environmental Impact Statement Publication - Proposed Chehalis River Basin Flood Damage Reduction Project, No. 20-06-002 (Feb. 27, 2020) (hereinafter "DEIS").

[8] The RDEIS generally acknowledges that, if District-planned mitigation is implemented as proposed, impacts labeled as "unavoidable" would be avoidable. *See* RDEIS at S-14 to S-19 (stating for eight resource areas that "significant and unavoidable impacts" would occur "*unless* mitigation is feasible") (emphasis added). There are also resource-specific acknowledgments that the District's planned mitigation will effectively offset some impacts. For example, the RDEIS's Water Discipline Report states that mitigation will offset temperature increases if implemented appropriately, thus mitigating for shade-related summer water temperature impacts. *See id.*, App. N., at 113. Similarly, the RDEIS's Air Quality and Greenhouse Gas Discipline Report credits the District's planned re-use of large wood in habitat restoration with reducing air emissions. *Id.*, App. A, at 32. The Earth Discipline Report also concludes that the Mitigation Plan's large wood measures are, along with other mitigation, "likely to improve fish habitat between the FRE facility and South Fork Chehalis River." *Id.*, App. F, at 86. Despite this finding, the planned mitigation measures are disregarded in the RDEIS's impact findings in the Fish Species and Habitat Discipline Report. *See, e.g.*, *id.*, App. E, at 156, 162.

[9] *See, e.g.,* RDEIS at S-12 (stating that feasibility of mitigation will be determined later); comments of Meg Bommarito (Ecology) at Virtual Public Hearing, Transcript at 6-7 (Jan. 8, 2026) (explaining that an "EIS does not analyze for the feasibility or effectiveness of that mitigation").

[10] *See, e.g.*, Mitigation Plan, *supra* note 1, at 101-216 (describing, *inter alia*, mitigation approach; actions to avoid, minimize, restore and mitigate; feasibility assessment for fish and aquatic species habitat mitigation; framework, feasibility, candidate sites and landowner engagement; site-specific mitigation plans; and effectiveness monitoring and adaptive management).

[11] *See* RDEIS at S-12, S-20.

compensatory mitigation for habitat loss. However, the RDEIS claims that "uncertainty" exists, not with regard to whether such measures will be effective, but with regard to whether such measures are "technically feasible and economically practicable."[12] The RDEIS states that, "[i]f regulatory agencies determine the plans meet their guidelines and implementation is feasible, then the impacts [of the Project] may be addressed as part of the permitting process.[13] This is in stark contrast to the RDEIS's treatment of the Local Actions Alternative, which is credited in the RDEIS for highly conceptual and vague floodplain storage and erosion management activities although these actions are not even proposed yet, let alone at the permitting-level of detail the RDEIS claims is required to credit the Project's planned mitigation.[14]

Ecology's dismissal of the Project's planned mitigation measures violates both the letter and intent of SEPA. SEPA does not instruct agencies to engage in illogical analytical contortions in which an impact that *can be avoided* is characterized as *unavoidable*. An Environmental Impact Statement (EIS) must describe impacts "which cannot be avoided"[15] and "which cannot be mitigated."[16] An EIS does not satisfy these requirements by mislabeling avoidable impacts as unavoidable. This is particularly true when the EIS acknowledges that the measures, if implemented, would succeed in avoiding significant impacts.[17]

Second, the fact that permitting has not yet occurred does not relieve Ecology of its obligation under SEPA to describe the proposed Project's probable environmental impacts, including its mitigation measures, in a manner that *accurately informs state and local agency decision making and the public*.[18] Ecology's unintuitive and uncommon usage of

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[12] *Id.* at 96-97.
[13] *Id.* at 97.
[14] *Cf.* RDEIS, App. E, at 178 (crediting the Local Actions Alternative with benefits for these programs based on no details), *with id.* at 171-73 (concluding that Project's detailed mitigation plans are too uncertain to rely upon despite them outlining, *inter alia*, two and a half times as much benefit as the quantified Project impact).
[15] RCW 43.21C.030(c)(ii) (EIS must include "any adverse environmental effects *which cannot be avoided* should the proposal be implemented.") (emphasis added).
[16] *Id.* at 43.21C.031(2) (EIS must include discussions of "significant short-term and long-term environmental impacts, … significant alternatives including mitigation measures, and significant environmental impacts *which cannot be mitigated* …") (emphasis added).
[17] *See supra* note 8.
[18] WAC 197-11-400(2) (one purpose of an EIS is to "inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality."); *id.* at 197-11-400(4) ("The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects."); *see also id.* at 197-11-440(6)(a) (EIS shall describe "significant impacts of alternatives including the proposed action, and discuss reasonable mitigation measures that would significantly mitigate these impacts.").

the word "unavoidable" has already confused the public: many commenters during the RDEIS hearings and meetings expressed concern regarding the Project based on the RDEIS's statements that impacts would be unavoidable, and their comments did not reflect an understanding that planned mitigation would (or even could) render those impacts avoidable. Ecology's repeated references to uncertainty about the mitigation has caused the public to doubt whether the planned mitigation will occur. This is in direct contravention of the purpose of an EIS.[19]

Third, the fact that regulatory agencies have not yet weighed in on whether the District's proposed mitigation will fully satisfy their permitting requirements does not lessen the District's commitment to fully implement those measures as minimum mitigation obligations. The only thing that is unclear is whether the agencies will require *more* mitigation than the District has already committed to implement. The FEIS should make clear that what is uncertain is not whether the District's planned mitigation will occur, but whether more may be required through permitting – in other words, there may be more mitigation, but there will not be less.

Fourth, alternatives evaluated in an EIS must "[i]nclude the proposed action, *including mitigation measures that are part of the proposal*."[20] SEPA does not require assurance that mitigation will be implemented before it can be considered (although the District has provided that assurance here); the obligation under SEPA is to make a reasonable evaluation of the entire Project's impacts, including mitigation.[21] Moreover, even where future agency approvals may be required, a proposal must still be evaluated "as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts."[22] In other words, the threshold for requiring analysis of the Project's mitigation measures is not high; if even "some" evaluation of mitigation measures can be conducted, Ecology's own regulations require them to be considered as part of the Project's probable impacts.[23]

Fifth, the District has provided a comprehensive Mitigation Plan that is over 1000 pages long and which provides more than enough detail to allow "some evaluation of their probable environmental impacts."[24] Specifically, the Mitigation Plan includes detailed

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[19] *Id*.
[20] WAC 197-11-440(5)(c)(1) (emphasis added).
[21] *See supra* notes 3, 16 and 18; *see also Glasser v. City of Seattle*, 139 Wash. App. 728, 741-42 (Wash. Ct. App. 2007) (rejecting argument that SEPA requires "reasonable assurances" that adaptive management would actually occur because the purpose of SEPA is to "provide decisionmakers and the public with information about potential adverse impacts of a proposed action.").
[22] WAC 197-11-055(2)(a)(1).
[23] *Id*.
[24] *See* Mitigation Plan, *supra* note 1.

implementation plans for fish and aquatic species and habitat, riparian and stream buffer expansions, wildlife habitat conservation, forest conversion, large wood material recruitment and placement, surface water quality, and wetland enhancement. These plans, which include specific actions, performance standards and adaptive management, are entirely capable of being evaluated for their ability to avoid, minimize and mitigate for potential impacts related to Project implementation. Indeed, the District's own scientific experts have undertaken extensive evaluation of these measures throughout their development to ensure they will accomplish their stated goals. Ecology lacks the discretion to issue an EIS that defers – until some future time outside the SEPA process – its obligation to consider proposed mitigation when evaluating the Project's probable environmental impacts.

Notably, Ecology's handbook encourages an EIS to identify, to the extent possible, whether a mitigation measure will be "a condition of a permit" or not, to allow reviewers to better assess a proposal, and to discuss any uncertainties.[25] It does not follow, however, that measures not yet reviewed in permitting *should then be disregarded*. As SEPA's implementing regulations provide, an EIS must:

> [c]learly indicate those mitigation measures (not described in the previous section as part of the proposal or alternatives), if any, that could be implemented or might be required, *as well as those*, if any, that agencies *or applicants are committed to implement*.[26]

Ecology's handbook reinforces this, explaining that mitigation "may be *suggested by the applicant*; mandated by local, state, and federal regulations; or required through the use of SEPA substantive authority."[27] Nothing indicates that these categories should be treated differently for purposes of an EIS's analysis. Indeed, SEPA is explicit that mitigation measures must only be "reasonable and capable of being accomplished."[28] Ecology may not escape its obligation to evaluate District-proposed mitigation measures on the basis that they have not yet undergone permitting. Indeed, the FEIS must precede issuance of state permits, not the other way around.[29]

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[25] *See* Ecology, Washington State Environmental Policy Act (SEPA) Handbook, No. 25-06-009, at 59 (Sept. 2025) (hereinafter "SEPA Handbook").
[26] WAC 197-11-440(c)(iii) (emphasis added).
[27] SEPA Handbook, *supra* note 25, at 59 (emphasis added).
[28] RCW 43.21C.060; *see also* SEPA Handbook, *supra* note 25, at 74.
[29] *See id.* at 43.21C.030(c) (requiring EIS for major actions significantly affecting the quality of the environment); WAC 197-11-055(1) (SEPA must be completed "at the earliest possible time" in the decision making process).

Ecology's own handbook clarifies that mitigation does not need to be included in a permit condition or other legally binding document so long as the project design has been revised to include it:

> Mitigation must be included as permit condition [sic] or other legal binding document to be enforceable. *The exception is when an applicant alters the permit application(s) or project design to include the needed changes or conditions*.[30]

Consistent with this direction, the District included planned avoidance, minimization and mitigation measures, including its Mitigation Plan, in the RPD, which forms the basis for the RDEIS's proposed action. Accordingly, the RDEIS's conclusion that the District's proposed measures are uncertain because "they have not been permitted or approved as mitigation"[31] is flawed.

Making impact findings that reflect the Project *without mitigation* fails to meet the minimum standards of an EIS, the purpose of which is to assist agencies and applicants in improving plans and decisions and inform the public of probable Project impacts, including mitigation measures.[32] By improperly postponing the most critical part of the analysis to future permitting, the RDEIS cannot reasonably inform the public or the very agency permitting decisions that the RDEIS implies must somehow come first. Moreover, it would be contrary to state and federal law for the Project to be constructed without mitigation necessitated by the many permits the RDEIS recognizes will be required.[33] Accordingly, the RDEIS does not identify the Project's *probable* significant adverse impacts; it identifies impacts from a highly improbable situation in which the Project is illegally constructed without mitigation.

The District's planned mitigation measures are an integral part of the Project design submitted to Ecology for review in the RDEIS. The District has concluded that the planned mitigation measures are reasonable and capable of being accomplished. Accordingly, Ecology must evaluate and consider them in making Project impact determinations.

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[30] SEPA Handbook, *supra* note 25, at 74 (emphasis added).
[31] RDEIS at S-20.
[32] *See supra* note 18.
[33] *See* RDEIS at 43-46 (listing federal, tribal, state, local and regional reviews and approvals applicable to the Project).

B. The RDEIS contains numerous technical and analytical errors and materially overstates the Project's probable impacts.

The RDEIS contains material misstatements and voluminous technical and analytical errors that undermine its accuracy, credibility, and ability to inform the public and government decision makers. These numerous errors must be addressed in the FEIS to ensure that it fairly and accurately represents the probable impacts of the Project and its alternatives.

Perhaps the most egregious of the RDEIS's analytical errors arises from its EDT modeling inputs for the Project scenario. These inputs are so extreme, and so disconnected from the manner in which the District (and the RDEIS) expects the Project to operate, that the SEPA EDT model's predictions for salmon and steelhead outcomes provide no useful information about the Project's probable adverse impacts.

For example, in the SEPA EDT model, the approximately six-mile reach of river upstream of the proposed Project was changed in the model from "riverine" to "reservoir" habitat for each species starting in October and continuing, inexplicably, through March.[34] There is no reasonable justification for presuming six-month-long operational periods when the Project will only operate infrequently for about one-sixth of the time assumed. The faulty assumption that the Project turns riverine habitat into reservoir habitat for six full months results in the model's patently erroneous conclusions that:

- The Project will prevent spawning and incubation for all species from October through March;
- Juvenile Chinook and Coho production will be zero; and
- Downstream passage effectiveness will be zero from October through March.

These false assumptions cause the model to essentially kill off every spawner, egg, embryo, sub-yearling and yearling salmon or steelhead from the reaches upstream of the Project as well as any sub-yearling or yearling salmon or steelhead that would have moved out of tributaries downstream into this area. Moreover, the model effectively counteracts upstream fish passage effectiveness because any adult Coho Salmon or fall Chinook Salmon transported and released in the upper reaches of the temporary inundation pool would, per the model's faulty inputs, have no habitat available for spawning. By falsely assuming operation of the Project for six months, the productivity and capacity of this reach of the Chehalis River is artificially driven to zero every year the Project would operate

[34] *Id.*, App. E, Att. E-2 at 2-31.

for all spring Chinook Salmon, a majority of fall Chinook Salmon and a significant percentage of Coho Salmon.

To be clear, there has never been any proposal or expectation that the Project would operate for a six-month duration. The RDEIS uses a 2017 Operations Rule set for the Project, which it finds would result in a maximum of 34 days of inundation for the longest-wetted portion of the temporary inundation pool, potentially increasing to 60 days in the unlikely event that two major or catastrophic floods occurred back to back.[35] Yet the EDT model assumes the Project would operate 5.3 times longer than the RDEIS anticipates (an increase of 529 percent), and three times longer than the longest back-to-back flood (an increase of 300 percent).[36] There is no legitimate scientific or governmental purpose in modeling Project impacts using such wildly over-estimated operational periods. Moreover, while Ecology was working on the RDEIS, the District finalized updated rule sets for operations that would reduce this inundation time by about 33 percent, as discussed in Section II.E, below and in Attachment 2. These updated operational rules reduce the maximum temporary inundation to approximately 20 days.[37] In other words, the EDT model assumes the Project would operate nine times longer than now anticipated (a 900 percent difference), or 4.5 times longer than even the longest anticipated operations under back-to-back flood conditions (a 450 percent difference).

Furthermore, even if the six-month inundation period was somehow an appropriate modeling input (which it was not), the assumption that no juvenile fish survive in a pool is inconsistent with well-understood salmon ecology throughout the Columbia River Basin. Juvenile salmon do not all die in reservoir habitats; some fish will rear.[38] If passage is provided, they will move downstream, but if not, they can delay their downstream migration for days or weeks and will move downstream when conditions allow. The SEPA EDT model considers none of this, nor does the RDEIS explain why its modeling assumptions are so wholly inconsistent with general knowledge of salmon biology.[39]

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[35] *Id*. at 13, 15.

[36] Notably, these are maximum times; the upper reaches of the temporary inundation pool would drain faster than the portion closest to the facility.

[37] With the updated operations rule sets, upper reaches are expected to remain inundated for just two to 14 days, with areas closer to the Project remaining inundated for a maximum of 21 days. *See* Section II.E, below, and Attachment 2, Att. 2.

[38] *See* Attachment 3 (Fish Passage Design Report to Inform SEPA) at section 6 (describing behavior studies of steelhead, Chinook Salmon, and Coho Salmon).

[39] Similarly, the RDEIS's texts and tables imply that the SEPA EDT model treats the upstream survival rate estimates in RDEIS Appendix E, Table E-10 as a multiplier for all fish arriving at the Project site, rather than recognizing that fish may spawn downstream of the Project. The model's approach effectively "kills" fish that do not attempt to pass the Project. *See* RDEIS, App. E, Att. 3 at 3-11. This is an absurd assumption, given that the majority of Chinook Salmon redds documented in the last comprehensive survey (Ronne et al. 2018 redd survey) were below the proposed Project site. *See* Attachment 2, Att. 3 (including redd maps depicting these

In addition, the SEPA EDT model failed to account for variability in the Project's operational duration and temporary inundation levels. Not every flood is a catastrophic flood. Based on the District's modeling, nine operational events would have occurred over a 30-year period. The duration of temporary inundation upstream of the facility using the 2017 Operations Rule would range from 23.3 to 29.4 days with a median duration of 26.7 days, and the upper extent of the temporary inundation pool would range in elevation (NAVD88) from 518 feet to 587 feet, with a median of 567 feet.[40] When the SEPA EDT projects these inundation levels into future climate scenarios, it uses only the maximum inundation,[41] even though future floods will vary, just as past floods have. By holding constant these high-level assumptions regarding the inundation area, inundation duration, and fish survival, the SEPA EDT model effectively obscures these variations in the extent and duration of individual floods. In this way, the model overestimates inundation of spawning habitat for spring and fall Chinook Salmon and Coho Salmon.

The use of fundamentally flawed assumptions to configure the SEPA EDT model means that the resulting equilibrium abundance values – the estimated number of salmonids that the habitat above the Project can support over time – are also invalid. The SEPA Integrated Model, which incorporates EDT results into a Life Cycle Model (LCM), relied on these values as a starting point for how the Project would affect these fish subpopulations over time. By using them in the LCM, the inaccuracy of the EDT evaluation is magnified over 100 years. As a result, the Integrated Model's outputs do not accurately reflect potential effects to upper Chehalis River salmon subpopulations or the overall populations of salmon and steelhead in the Chehalis River Basin.

In summary, many of the input assumptions used in the SEPA models do not reflect Project operations as proposed, are inconsistent with general knowledge of salmon biology, and are supported by no legitimate scientific or analytical rationale. These errors individually and collectively undermine not only the modeling results – which are incapable of informing probable Project impacts – but the credibility of the RDEIS's evaluation of the Project as a whole.

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results). The District did not receive the EDT records in sufficient time to confirm this error. If true, however, the passage survival rates summarized in Table E-10 were likely applied incorrectly and do not accurately represent total survival as traditionally treated in a population model. As a consequence, they are extremely and unreasonably low (in addition to the fact that the component numbers used to calculate them are also unreasonably low, as described further below in this Section II.B). In that case, the population numbers generated by the EDT-LCM analyses are significantly in error and cannot be relied on to judge impacts of Project construction or operation. Additional modeling errors are described below and in Attachment 1.

[40] These temporary inundation periods would be about 33 percent shorter using the District's updated 2025 operations rule sets. *See supra* note 37.

[41] RDEIS at 15.

Other serious technical and analytical flaws undermining the RDEIS's analysis include, but are not limited to, the following:

- The RDEIS concludes, contrary to scientific literature and Ecology's own guidance documents, that the Project will interfere with channel-forming flows and processes downstream because it will reduce the severity of major and catastrophic flood flows.[42] This fundamental misunderstanding of river geomorphology ignores that the channel-forming flows in the Chehalis River system, like most river systems, occur at much lower and more frequent flows than those that produce major flooding.[43] Indeed, the RDEIS even analyzes this point and determines that lower flows "do the most 'work' over the long term at controlling and maintaining channel form."[44] The Project does not regulate and has no effect on such flows, and so will not interrupt channel forming processes. Yet, in the Earth Discipline Report and in several others, Ecology incorrectly concludes that the Project will interrupt such processes and thereby create adverse impacts to the river, fish, wetlands, and wildlife, with corresponding tribal and cultural impacts.[45] All of these impacts are incorrect, stemming from this wrong assumption.

- The RDEIS also fundamentally misunderstands wetland hydrology. It concludes, based on the Project preventing certain wetlands from being inundated in major and catastrophic floods, that these wetlands will lose habitat function.[46] But, the RDEIS cites commonly accepted authority on wetlands hydrology noting that a water source is only considered a component of wetland hydrology if it is present, on average, once every two years.[47] Major and catastrophic floods are rarer than that, currently inundating such wetlands only once in seven years. Even with the effects of climate change, such floods are not predicted to occur every two years. As a result, the

[42] *Id.* at 79.
[43] *See* Attachment 1, Comment 355. Ecology's own ordinary high water mark literature suggests that the most effective channel-forming flows are usually no greater than the two-year flood flows. Ecology, Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State, No. 16-06-029, at 33 (Oct. 2016). Ecology's expertise on this subject lends credence to the RDEIS's own analysis that lower-than-major-flood flows are channel-forming in the upper Chehalis River, as they are in most gravel-bedded river systems. RDEIS, App. F, at 55, 57. Yet, the RDEIS disregards that evidence to conclude that the Project will interrupt channel forming flows by regulating less-frequent, less-geomorphologically important major flows.
[44] RDEIS, App. F, at 57.
[45] *See, e.g., id.*, App. F, at vi (finding significant geomorphological impacts as a result of "[t]runcation of peak flows during periods of impoundment affecting channel-forming flow processes"); *id.* at 71 ("During FRE flood operations, streamflows necessary for most channel-forming processes are reduced. This reduction in peak flows, and corresponding reduction in large wood and sediment transport, would directly impact creation of habitats that depend on those channel-forming processes.").
[46] RDEIS, App. O, at 41-42.
[47] *Id.*, App. O, at 54.

hydrology of these wetlands is not (and will not be) dependent on major or catastrophic floods, and reducing such floods through operation of the Project will not change their function.[48] The RDEIS's basic failures to understand the subject matter being analyzed, such as the channel-forming and wetland-inundation errors above, do not breed confidence in the remainder of its conclusions.[49]

- The RDEIS presents text and LCM results in tables and figures that conflate the Project's impacts with those from climate change, making the impacts of climate change appear to be effects of the Project. The RDEIS Summary states that the Project will have significant and unavoidable impacts on fish species, but has almost no information about the No Action Alternative's similar impacts.[50] Eighty-nine and ninety-four pages into the document, respectively, a table and graph depict a steep decline for three salmonid species after the Project's construction, such that they are expected to be extirpated from the area between Rainbow Falls and Crim Creek.[51] It is not until 100 pages into the document that one finds a similar graph for the No Action Alternative, which shows an even more precipitous decline of the same species in that area.[52] Because nothing in the RDEIS explicitly states that salmonids are predicted to disappear from this area of the basin irrespective of the Project, a non-expert reader is likely to assume from the first 100 pages that the *Project* creates these impacts. At no point does the RDEIS do the math for the reader to see the impacts attributable solely to the Project, as opposed to climate change. This makes it likely for the public to inappropriately attribute climate change impacts to the Project.[53]

- The RDEIS relies on unscientifically low and unsupported passage survival numbers of 34 percent to 69 percent for upstream adult salmonids, rather than using the 90 percent

[48] *See* Attachment 1, Comment 497. There are other reasons it would not impact these wetlands' function as well, as noted in the other comments surrounding Comment 497.
[49] This is especially true because the RDEIS reverses Ecology's prior conclusion on the same subject. The Wetlands Discipline Report in Ecology's 2020 DEIS analyzed wetlands similarly but found the impact to be minor. DEIS, *supra* note 7, App. O, at O-50 to O-53. The RDEIS undertakes the same analysis and finds *fewer wetlands* to be affected, and yet labels this a *significant* adverse impact. The RDEIS does not articulate a basis for this change, nor could a reasonable justification be produced.
[50] *Cf.* RDEIS at S-9 (discussing the proposed Project's impacts at length) *with id.* at S-8 (saying only that in the No Action Alternative, "climate change will continue to affect resources," as opposed to noting that it will extirpate some important species from the area between Rainbow Falls and Crim Creek).
[51] RDEIS at 89 (Ex. 5.3-2), 94 (Ex. 5.3-4).
[52] *Id.* at 100 (Ex. 5.3-7).
[53] Even once the No Action Alternative results are described, the modeling outputs show that the Integrated Model completely fails to capture the impacts of major and catastrophic flooding on fish populations under the No Action Alternative, which is one of the model's primary purposes. *See* Section II.C, below. This again tends to minimize the No Action Alternative's impacts and exaggerates the Project's impacts.

to 99 percent survival rates from major fish bypass facilities in the Columbia and Snake river basins that follow National Marine Fisheries Service (NMFS) fish passage criteria (which the Project will also follow).[54] By ignoring these proven benchmarks in favor of unsubstantiated and arbitrarily low survival estimates, the RDEIS departs from recognized best practices and undermines its scientific credibility.

- The RDEIS also ignores established standards for juvenile fish passage systems based on NMFS and Washington Department of Fish and Wildlife (WDFW) design criteria that are widely implemented in the Columbia and Snake river basins (which the Project will also follow) and which achieve 90 percent to 99 percent survival rates.[55] Moreover, the RDEIS's estimated downstream juvenile fish passage survival rate of zero percent for all species during flood retention events is unreasonably conservative and greatly overstates biological mortality. Flood retention events are far more likely to result in delay than mortality, and will include periods of downstream passage through pressurized conduits that are well documented at Columbia and Snake river dams to have survival rates for steelhead and Chinook Salmon of 95 percent to 99 percent. Survival numbers in the range of 60 percent to 70 percent for downstream passage during Project flood operations, considering delay, potential mortality associated with a temporary inundation pool, and passage through pressurized conduits, are generally conservative, more appropriate, and are supported by peer-reviewed science. Ecology's analysis should use these alternative survival numbers, not an unsupported value of zero percent survival that is contrary to established science.[56]

- The RDEIS frames adverse effects on cultural resources from the Project in a manner that is not supported by the current record. The permit review process includes an important assessment of Project effects on cultural resources under both state and federal law. Generally, the state process is predicated upon conclusions from the federal process. Here, the federal National Historic Preservation Act (NHPA) process has not progressed to a point where the state analysis can result in conclusions, yet the RDEIS is drafted as if it were so. The effect of the RDEIS's premature impacts conclusion is to short-circuit the critical process under federal law of identifying cultural resources and evaluating adverse effects of the Project. Further, the federal process provides a project proponent an opportunity to minimize and mitigate for any

[54] *See* Attachment 1, Comments 178-79.
[55] *See id.* at Comment 180-81.
[56] *See id.* The 95 percent and 85 percent juvenile downstream survival rates are documented in Appendices A and C of Appendix G to the June 2017 Chehalis Basin Strategy Combined Dam and Fish Passage Design Report.

adverse effects on identified cultural resources. This RDEIS reaches conclusions that are premature and not supported by the record or fact given that this process has not yet occurred. The FEIS must clearly reflect the interconnection and procedural posture of the federal cultural resources process and anticipated efforts to mitigate identified Project effects.

- Ecology previously found that the chance of a large earthquake happening while the reservoir is holding water is just one in 2.5 billion.[57] The risk of the facility failing as a result of those conditions is even less. Notwithstanding these facts, the RDEIS concludes that the impacts of facility failure are "significant and unavoidable,"[58] and that it poses a "significant and disproportionate adverse impact" on communities of color and low-income communities.[59] At the same time, the RDEIS ignores the Project's very real protection of human life, property and the environment – and in particular communities of color and low-income communities. The RDEIS's treatment of facility failure risks is contrary to law. An EIS must analyze "probable" adverse environmental impacts.[60] Ecology's own regulations state that impacts are "probable" only if they are "likely or reasonably likely to occur," and do not include impacts that "merely have a possibility of occurring, but are remote or speculative."[61] The District wants the public to understand all of the Project's inherent risks, but they must be accurately and fairly described. And, they should not be described to the exclusion of more likely, beneficial impacts on the same topic.

- The RDEIS's Fish Species and Habitat Discipline Report and the habitat assumptions that were incorporated into the SEPA EDT model both incorrectly assumed that 100 percent of large woody material (LWM) collected at the Project would be removed and lost to the system during flood events, whether or not the Project is operating for flood reduction.[62] This leads to the RDEIS reaching adverse impact determinations for

[57] DEIS, *supra* note 7, App. C, at C-13. It appears that this low probability language was omitted from the RDEIS's Environmental Health and Safety Discipline Report. *See generally*, RDEIS, App. C.
[58] RDEIS at S-15, 68.
[59] *Id.* at S-15, 168.
[60] RCW 43.21C.031(2)(EIS must analyze "probable adverse environmental impacts which are significant.").
[61] WAC 197-11-782.
[62] *See* RDEIS, App. E, at 139 ("Large wood would not be supplied to the river channel upstream of the FRE facility and large logs … would not pass downstream of the FRE facility, eliminating a primary source of large wood supply to the Chehalis River."). Tables E.2-5 and E.2-6 find that, during winter and summer non-flood conditions, 100 percent of LWM will be lost from above the FRE. *Id.*, App. E, Att. E-2, at 2-23, 2-28. Table E.2-7 finds that, during winter flood conditions, 100 percent of LWM will be lost from above the FRE. RDEIS at 2-34. Tables E.2-5 through E.2-7 summarize the assumptions about changes in habitat that were incorporated into the EDTI model, including large wood assumptions. *See id.*, App. E, at 131 (explaining relevance of tables to EDT model).

downstream fish populations, among other things.[63] The RDEIS claims that the District's RPD calls for removal of all wood within the temporary inundation area during flood events, and accordingly, "all wood was assumed to be removed within the inundation footprint."[64] This is not true. In fact, the RPD refers to a 2021 TM that details the District's long-standing commitment to move LWM collected at the Project to below the FRE for aquatic habitat mitigation.[65] Furthermore, Section 8.4 of the Mitigation Plan explicitly outlines the District's detailed LWM recovery and relocation plans to mitigate the disruption of wood transport both during flood and non-flood operations, including 15 proposed mitigation sites for LWM recruitment and placement.[66] It is impossible to reconcile the 2021 TM and Section 8.4 of the Mitigation Plan with the Fish Species and Habitats Discipline Report's conclusion that the District plans to remove 100 percent of LWM from the system. Notably, both the RDEIS's Air Quality and Greenhouse Gas Discipline Report and Earth Discipline Report recognize that LWM will be managed for reuse,[67] indicating that it was possible to read the RPD and associated documents and understand that the Project will not result in removal of 100 percent of LWM from the system.

- The RDEIS distorts no-impact and positive-impact conclusions by presenting them as adverse impacts. For example, in one sentence, the RDEIS both: (1) correctly concludes that there are no known mussel beds within the FRE footprint; and (2) concludes that any mussel beds that die in the construction area would be permanently lost as a result of the Project.[68] An accurate conclusion would be that, since there are no mussel beds in that location, none will be permanently lost as a result of the Project. Similarly, the RDEIS concludes that the Project's reduction in hazardous waste contamination of floodwaters is a "less than significant adverse impact."[69] However, it is not an adverse

[63] RDEIS, App. E, at 139-40.
[64] *Id.*, App. E, Att. E-2, at 2-23, 2-28.
[65] *See, e.g.,* District, Revised Project Description: Flood Retention Expandable Structure, at 80 (April 2024) (citing HDR, Large Woody Material Downstream Passage and Placement Clarification Technical Memorandum (Jan. 4, 2021) (HDR 2021a) ("LWM would be captured, staged, and sorted for use in downstream habitat enhancement projects as determined by the proposed mitigation program…")).
[66] Mitigation Plan, *supra* note 1, at 18, 185-89 (Large Wood Material Recruitment and Placement Plan).
[67] RDEIS, App. A, at 32 ("Large woody material removed during operations would be managed for reuse—such as placement in habitat features or incorporation into on-site restoration efforts—rather than burned."); *id.*, App. F, at 86 (concluding that large wood measures are, along with other mitigation, "likely to improve fish habitat between the FRE facility and South Fork Chehalis River."); *id.* at 88 ("When the FRE facility is operating, it is anticipated that substantial amounts of large wood material would accumulate on the trash rack. This material would be collected during drawdown and stored on site as a "wood bank" for use in future mitigation and restoration projects downstream of the FRE facility.").
[68] *Id.*, App. E, at 122; *see also id.,* App. E, at 55-57 (presenting 2020 survey data corroborating the conclusion that no mussel beds are found within the FRE footprint).
[69] *Id.*, App. C, at 26.

impact at all. The Project will reduce hazardous waste contamination to below the No Action Alternative levels. This is a positive impact that is improperly characterized as "adverse" (albeit less than significant) in the RDEIS.

- Finally, the overview above of the District's most significant SEPA modeling concerns does not attempt to describe every error in the EDT model's inputs, which appear pervasive. For example, model results for Coho Salmon indicate that adult capacity values were predicted to be 100,000,000,000,000,000 (one hundred quadrillion) for some scenarios without FRE facility operation – an astounding variation from the Project operational scenarios which range from 4,667 to 8,614 Coho Salmon – indicating an issue with the model or that a model artifact (*e.g.*, a placeholder number) was mistakenly left in place.[70] Additionally, the model's baseline condition outputs – which were used in the LCM model – estimated more adult spring Chinook Salmon spawners upstream of Crim Creek compared to downstream. This conflicts with WDFW survey data from 2013 to 2021 demonstrating that subpopulations downstream of Crim Creek have abundance numbers that are an order of magnitude greater than upstream subpopulations.[71] Beyond the baseline, the model's predictions also suggest there will be more spring- and fall-run Chinook Salmon spawners upstream of the Project compared to downstream, when in fact the majority of Chinook spawning upstream of the Newaukum River confluence occurs below the Project site.[72] The model also appears to underestimate habitat conditions that are adversely affecting salmonids under existing conditions, including bed scour, side channel and pool habitat, and embeddedness.[73] Using unvalidated parameters appears to be resulting in higher estimates of productivity and capacity than is supported by recent field surveys, which were presented to Ecology and other agencies in 2025.[74] These types of pervasive errors call into question the reliability of not only the SEPA EDT model outputs but the LCM and Integrated Model which rely on those outputs. Ecology should undertake a

[70] *See* Attachment 1, Comment 251.
[71] *See id*. at Comments 154, 173.
[72] *See id*. at Comment 154. Based on 2018 redd data, 81 percent of spring-run Chinook Salmon redds were located below the FRE site and 57 percent of fall-run Chinook Salmon redds were located below the FRE site.
[73] *Id*. See Section II.C, below, for an explanation of how these factors may result in the SEPA LCM model configuration completely failing to capture the effects of major or catastrophic floods on fish populations under the No Action Alternative.
[74] The District presented this information at Interagency Meetings on February 27, 2025 and July 24, 2025. This information was also presented to an OCB technical modeling workgroup on July 24, 2025 with follow-up meetings into the fall of 2025 in which some of the Ecology consultants working on the RDEIS participated, including the EDT modelers. The OCB's modeling workgroup decided to incorporate those data, but it appears that the SEPA EDT team opted not to consider them.

thorough and independent review of the modeling inputs to ensure any other errors are identified and corrected.

A full discussion of the numerous technical and analytical errors contained in the RDEIS can be found in Attachment 1.

B. The RDEIS does not accurately reflect the anticipated flood damage reduction benefits of the Project compared to the alternatives.

The proposed Project will result in significant, demonstrable flood reductions. Although the RDEIS describes and maps the Project's flood reductions, it fails to adequately analyze the beneficial environmental impacts that attend them. In some circumstances, Ecology may have discretion to discuss or evaluate beneficial environmental impacts.[75] However, in the context of this Project, Ecology cannot properly describe the Project's probable significant adverse effects – or those of the No Action and Local Action alternatives – without analyzing these benefits.[76]

The reason for this is twofold. First, the Project's greatest effects occur during times of major or catastrophic flooding, when the No Action and Local Actions alternatives would each have significant environmental impacts as a result of unregulated flooding. One cannot properly compare the Project's impacts to these alternatives without discussing how the Project would reduce some of the alternatives' most significant adverse impacts. Second, some of the beneficial environmental impacts of the Project affect the same resources that are expected to experience negative environmental impacts as a result of the Project. One cannot accurately describe the Project's probable adverse impacts on these resources without considering both the positive and negative potential impacts on the same resource.

On the first issue, the RDEIS frequently analyzes the impacts of the proposed Project's flood operations in comparison to a hypothetical world in which major or catastrophic flooding is not occurring. For example:

- The Earth Discipline Report (and elsewhere in the RDEIS, relying on this report's conclusions) discusses landslide risk from the Project's temporary inundation pool, without noting that a major or catastrophic flood would create comparable

[75] WAC 197-11-402(1) permits, but does not require, beneficial impacts to be discussed.
[76] The RDEIS must evaluate the probable adverse impacts of the no-action and local-actions alternatives "at a roughly comparable level of detail, sufficient to evaluate their comparative merits…." *Id.* at 197-11-442(2).

landslide risks in the absence of the Project, as well as potentially extreme scour downstream.[77]

- The Wildlife Species and Habitats Discipline Report discusses the risk that the temporary inundation pool will kill small and less-mobile terrestrial wildlife, without noting that a major or catastrophic flood – or the landslides that historically have attended such floods – would also likely kill such wildlife in the riparian vicinity.[78]
- The Fish Species and Habitats Discipline Report analyzes the risk of redd suffocation in the temporary inundation area, without noting that redds in the same area are likely to be eliminated in their entirety by scour from major or catastrophic flood flows, or that such flows strand fish far from waterways.[79]
- The Cultural Resources Discipline Report analyzes the risk to cultural sites in the temporary inundation area, again without noting that such sites have endured and will endure comparable risks from major or catastrophic floods, and the landslides that have historically attended them, regardless of whether the Project is built.[80]

The noted impacts above would occur in the No Action and Local Actions alternatives, which the RDEIS sometimes acknowledges. No comparison of these impacts for the Project versus those alternatives is made, however. If the Project is built, these impacts will be *reduced* downstream of the Project in times of major and catastrophic flooding. Reduced turbidity, scour, landslide risk, wildlife risk, redd destruction, and risk to cultural sites during these flood events in the areas downstream of the Project is an important point of comparison between the alternatives for decisionmakers and the public. The RDEIS should systematically analyze, not minimize,[81] the flood and flow impacts in the No Action and Local Action alternatives, and note how the proposed Project would reduce those impacts.

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[77] *Compare* RDEIS, App. F, at 30-31, 36 (finding significant and unavoidable geological landslide impacts) *with id*. at 39 (not mentioning landslide impacts of the No Action Alternative) *despite id*. at 7-8 (discussing background landslide geology in the absence of the Project). *And compare id*. at 74-78 (finding significant landslide risks and analyzing erosion and surface landslides in great detail) *with id*. at 95 (mentioning landslides and erosion in one paragraph) *despite id*. at 43, 50-51, 53 (discussing landslides resulting from major and catastrophic floods).

[78] *See* RDEIS, App. P, at 89, 112 (not comparing the inundation risk to small animals from the Project's flood operations with the No Action Alternative's admitted flood risk to wildlife species).

[79] *Compare id.*, App. E, at 133 *with id*. at 204-06 (showing no or little effect on three of four species from recurring flood scenarios consisting of major or catastrophic floods in three consecutive years) *despite id*. at 63 (acknowledging that high flows should scour redds and disrupt salmon spawning behaviors).

[80] *Compare id.*, App. B, at 30 (noting such Project impacts) *with id*. at 38 (downplaying such impacts for the No Action Alternative as "naturally occurring events rather than human-caused alteration") despite the acknowledgement throughout the RDEIS that human-caused climate change is increasing flood flows and scour and landslide risks.

[81] *See, e.g., supra* note 50.

In addition to failing to qualitatively identify and analyze the flood impacts of the No Action and Local Actions alternatives, the RDEIS's modeling fails to capture these impacts quantitatively. Notably, the modeling *tries* to capture these impacts: the Fish Species and Habitats Discipline Report says climate change impacts were included in the No Action Alternative modeling,[82] recognizing that high flood flows due to climate change are predicted to harm salmon abundance through increased scour and disruption of salmon spawning, rearing and migration.[83] The EDT and LCM models attempt to capture these effects through increased flow predictions, even considering three major-or-larger floods in three consecutive years, called a "recurring flood" period.[84] But, when the model outputs are presented for the No Action Alternative, the fish abundance results for recurring floods are utterly indistinguishable from when recurring floods do not occur.[85] This is true for all species, in all areas, in all climate scenarios. As shown by the figure below,[86] even Spring Chinook (which spawn only in the mainstem) for the late-century maximum climate scenario (where the predicted floods would be the biggest) show no population impact whatsoever from three consecutive major or larger floods in three years.

Figure from RDEIS Appendix E p. 185, with red markup

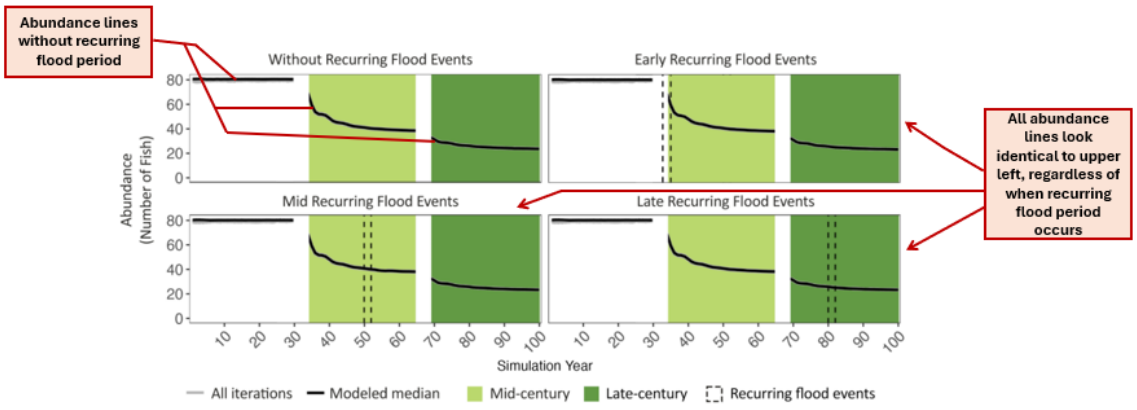

Figure E-35. LCM Results for Spring Chinook Salmon Above Crim Creek Under No Action Alternative, Maximum Climate Change Scenario

Note: Changes in abundance are the result of implementation of the activities described under the No Action Alternative and climate change for mid- and late-century time periods.

[82] REDIS, App. E, at 179 (referencing sections 2.23 and 2.4.2.1).
[83] *Id.* at 63.
[84] *Id.* at 78 and 181.
[85] *See id.* at 183-201 (depicting fish abundance declines without such repeat flooding versus with such repeat flooding in early, mid, and late century windows; all the results in each figure are identical). However, these model changes did not include hydraulic or hydrologic modeling above the proposed Project, *id.* at 79-80, and that lack of data shows in the Integrated Model results.
[86] The figure is copied from the RDEIS (App. E, at 185), with markup inserted by the District to show how the black abundance lines shown when no recurring flood is modeled are identical to the black abundance lines shown when a recurring flood period happens in early, mid, and late centuries. Basically, the SEPA integrated model shows three huge floods in three years having no effect on fish populations.

The lack of change to the black abundance lines around the recurring flood event lines is bewildering. Predicting no population effect from such massive flooding flies in the face of the principle the RDEIS articulates that large floods hurt salmon abundance, as well as observed results of large floods. For example, WDFW has publicly stated that the recent Skagit County flooding will severely impact salmon returns for three years due to scour and suffocation.[87]

These results suggest that, as configured for the RDEIS, the SEPA Integrated Model is broken: it does not capture the negative impacts to fish from increased flood flows due to climate change, which the RDEIS writers intended it to do. It therefore cannot correspondingly show the benefits of the Project in reducing such impacts to inform a comparison between the alternatives. This modeling both under-informs the public and decisionmakers about the potential impacts of the No Action and Local Actions alternatives and, as described below, overstates the adverse impacts of the Project. The FEIS must correct these material inadequacies.

The second issue builds upon the first: when the Project would have both beneficial and negative potential impacts on the same resource, the RDEIS must look at both to correctly describe its probable adverse impacts. As noted above, WDFW has publicly stated that the recent Skagit County flooding would severely impact salmon returns for three years due to scour and suffocation. These are the very same types of impacts that the RDEIS ascribes solely to the proposed Project, *but not to the No Action or Local Actions alternatives*. In a future in which major or catastrophic flooding potentially occurs on average every three years (the same length of time WDFW estimated major flooding to negatively impact salmon returns), the impact of the No Action or Local Actions alternatives on salmon may result in their extirpation in the uppermost Chehalis Basin. If so, the Project's shielding of productive spawning gravels downstream near Pe Ell may enable mitigation to preserve Chinook Salmon – a population recovery option that would not be available in the absence of the Project due to frequent high flows.[88] The RDEIS cannot fully describe the Project's probable adverse impacts on salmon populations without considering both the potential negative effects of temporary inundation events and the potential positive effects of

[87] A WDFW spokesman commented that "This record-setting flood event will likely have severe impacts on salmon, particularly eggs laid earlier this fall, many of which will be lost due to scour from floodwaters or buried under heavy sediment. As a result, there will be affects [sic] to salmon returns in 2027-2029." *See* https://nwsportsmanmag.com/severe-impacts-on-salmon-anticipated-from-record-setting-washington-floods-wdfw/. Such statements are not new; OCB Board members have publicly commented on hearing similar assessments of flood damage to fish populations in prior floods.

[88] Notably, in the last comprehensive survey of spawning redds upstream and downstream of the Project site (Ronne et al. 2018 survey), a large majority of Chinook Salmon spawning redds were downstream of the proposed facility, and so could receive protection from high flood flows under the Project alternative.

protecting downstream redds, as these two effects *together* comprise the Project's impact on salmon.

The same is true of water quality. The RDEIS analyzes turbidity and temperature impacts of the proposed Project. But, turbidity also arises from huge floods under the No Action and Local Actions alternatives: photographs of the 2007 flood show wide swaths of opaque, muddy water that left thick mud and silt slicks within flooded areas.[89] Moreover, in the absence of the Project, major or catastrophic floods result in landslides, infrastructure, debris, cars, equipment, sewage, trash, gasoline, and chemicals running off into the Chehalis River. The Project will reduce the flows that contribute to scour and landslides downstream of the Project, and it reduces the severity and area in which floodwaters can absorb pollutants before receding into the river. These are water quality benefits that offset some of the Project's potential water quality impacts from operations. Both must be analyzed to determine the Project's probable adverse impact on water quality.

Finally, the impacts to transportation, public services, environmental health and Environmental Justice cannot be complete without analyzing the Project's reduction in flood damage. Roads and bridges are destroyed in flooding. Emergency responders' call volumes soar, while simultaneously the flood interferes with their ability to provide prompt assistance. Electricity, sewer, and water services can be damaged or disrupted. Floodwaters contaminate homes. And, it is often the poorest residents whose homes are in the areas of greatest risk and who have the least means to protect themselves or relocate to prevent damage. The Project lowers flooding from Pe Ell to Cosmopolis along 100 miles of river, reducing all of these impacts and providing a significant benefit over the No Action and Local Actions alternatives. This important point is discussed little in the RDEIS. It is especially telling that the RDEIS concludes that the proposed Project will have a significant adverse unavoidable impact on Environmental Justice following its failure to consider the benefits above. That conclusion is highly misleading, and derives from failing to consider both the positive and negative effects when determining what impacts are adverse or probable.

Accordingly, the FEIS must more rigorously analyze the impacts of the No Action and Local Actions alternative from high flows and flooding. It should consider the environmental benefits of the proposed Project from reducing those impacts, and it should use that information both to inform the choice between the listed alternatives and to accurately delineate the significant probable adverse impacts of the Project, weighing its positive and negative effects on the same resources. Further examples of the RDEIS's failure to consider

[89] Chronicle Photo Gallery - "Flooding", *available at* https://photos.chronline.com/gallery/21325471/.

the Project's beneficial impacts or failure to analyze the flood impacts of alternatives can be found in Attachment 1.

D. Ecology failed to timely provide supporting analyses and modeling that are necessary to understand the RDEIS's analyses and conclusions.

Many of the RDEIS's most important conclusions regarding Project impacts are based on key technical analyses and modeling information not contained in the RDEIS or its appendices, whose results are merely summarized (sometimes opaquely) in the RDEIS. A SEPA document must contain sufficient information to allow its conclusions to be generally understood or, where it relies on supporting analyses, studies, or technical reports, those materials "shall be readily available to agencies and the public during the comment period."[90]

For example, to understand conclusions in the RDEIS that are premised on the water quality and hydrodynamic model called CE-QUAL-W2, one must have access to the model input and output files for water temperature, dissolved oxygen, and turbidity, as well as documentation of all assumptions and metadata/data dictionaries. Similar underlying files and data are necessary to understand the RDEIS's use of EDT, LCM, Hydrologic Engineering Center's River Analysis System (HEC-RAS), Water Erosion Prediction Program and Physical Habitat Simulation System (PHABSIM) models in reaching conclusions regarding probable Project impacts on water, fish and other resources. In addition, fully understanding the RDEIS's hydrology and river hydraulics analyses requires access to their associated data, including temperature and precipitation time series data, flow data and flood frequency analyses (for hydrology) and river configuration, terrain, depth grid rasters or floodplain extents data, floodplain structure inventory and/or other spatial data (for river hydraulics).

Recognizing Ecology's obligation to provide such materials, the District reached out to Ecology staff in the weeks leading up to the anticipated release of the RDEIS to determine the best way to obtain this information from Ecology. During an in-person meeting on November 14, 2025, Ecology staff indicated to District staff that a formal request from the District would not be necessary and that Ecology would provide these materials in support

[90] WAC 197-11-440(7); *id.* at 197-11-030(2)(c) (SEPA reviews must be "supported by evidence that the necessary environmental analyses have been made."); *id.* at 197-11-090 (any background or supporting analyses, studies, or technical reports "shall be considered part of the agency's record of compliance with SEPA" so long as it complies with requirements for incorporation by reference); *id.* at 197-11-635 (material incorporated by reference "(a) shall be cited, its location identified, and its relevant content briefly described; and (b) shall be made available for public review during applicable comment periods.").

of the RDEIS review.[91] However, the RDEIS was subsequently issued on November 20, 2025 *without* those materials.

Upon realizing that these materials were not contained within or released with the RDEIS, District staff made follow-up requests to Ecology inquiring about the missing information on November 25, 2025 and December 1, 2025.[92] On December 2, 2025, Ecology staff directed the District to request this information instead from the OCB, which is housed within Ecology and implements the Chehalis Basin Strategy, and to submit a formal Public Records Act (PRA) request if needed for any remaining information.[93] Over the next six days, District staff coordinated with OCB staff to determine the best way to obtain the requested information, only to learn from OCB staff on December 8, 2025, that OCB did not have the great majority of the information the District had requested from Ecology.[94]

Accordingly, on December 8, 2025 the District submitted a formal PRA request to Ecology for the majority of the originally-requested information.[95] In the interest of time, the District made this request despite Ecology's legal obligation to have provided these technical analyses and modeling information with the RDEIS in the first instance,[96] and notwithstanding that the District is not only the Project proponent, but a quasi-municipal corporation of the State of Washington with whom Ecology could share records in a government-to-government exchange, outside of the PRA request process.

After significant coordination between District and Ecology staff and consulting teams over the ensuing two weeks, the District received installments of requested records on December 22, 23, and 26, 2025, consisting of water quality model and LCM results, a structures database, and hydraulic model results. These records did not include the turbidity portions of the water quality model, the other models requested, the wetlands inventory used in analysis, or the documents setting forth assumptions and methodologies used in such models. Much of that information then came to the District in an installment

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[91] M. Bommarito (Ecology), pers. comm. to K. Burnaman (District) (Nov. 14, 2025).
[92] Email from K. Burnaman to M. Bommarito (Nov. 25, 2025); email from K. Burnaman to M. Bommarito (Dec. 1, 2025).
[93] Email from M. Bommarito to K. Burnaman (Dec. 2, 2025).
[94] Email from K. Burnaman to Nat Kale (OCB) (Dec. 3, 2025); email from N. Kale to K. Burnaman (Dec. 8, 2025). Following this exchange, District staff sent multiple additional emails on December 8, 2025 to confirm that Ecology would in fact require a PRA request to obtain the great majority of the analyses and information relied upon in the RDEIS. *See* email from Eric Eisenberg (District) to and between M. Bommarito and N. Kale (Dec. 8, 2025). It was at this point that the District realized that there was no plan to disseminate all of the modeling information through the OCB, despite Ecology directing the District to obtain that information from OCB. The OCB did promptly share, through its contractor ICF, the limited EDT-related information it had, on December 11 and 12, 2025.
[95] E. Eisenberg, Request for Public Records to Ecology (Dec. 8, 2025) (submitted via Ecology online public records request center).
[96] *See supra* note 90 and associated text.

on January 15, 2026, more than two-thirds of the way through the comment period. Still, it did not include key information about juvenile fish modeling used in the LCM, nor did it include the turbidity modeling. The latter was produced on January 29, 2026, six days before comments on the RDEIS were due.[97]

Ecology's public records' staff's worked hard to provide a large quantity of materials in steady installments over the winter holidays. That work is appreciated by the District, and the District likewise worked hard to narrow its request when appropriate to facilitate Ecology's prompt response.[98] However, the District should not have had to obtain these supporting records through the slow and laborious PRA request process in the first instance. The District alerted Ecology to its desire to review the materials well before the RDEIS's release, and Ecology had a duty to release this supporting information coincident with its release of the RDEIS.[99]

To be clear, the requested materials are consequential to the RDEIS's impacts analyses, which rely almost exclusively on models that unintentionally obscure the source of its analysis and conclusions to find that the Project will have significant adverse environmental impacts on a host of resources. In most instances, the District's experts have been unable to determine the source of these purported impacts from the text of the RDEIS alone. The models, inputs and other requested analyses are necessary to understand and provide meaningful and constructive feedback on the RDEIS's conclusions.

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[97] Ecology produced a 2019 memo about turbidity and noted that it had not done additional turbidity modeling for the RDEIS. Email from M. Bommarito to E. Eisenberg (Jan. 29, 2025). This was surprising considering statements in the Water Discipline Report that a "combination of CE-QUAL-W2, HEC-RAS, and Water Erosion Prediction Project (WEPP) models were used to evaluate the different deposition and resuspension mechanisms for major and catastrophic floods; model details are documented in the Reservoir Water Quality Report (Anchor QEA 2019a)." RDEIS, App. N, at 56. Because the RDEIS used updated CE-QUAL-W2 and WEPP modeling, it seemed that the Anchor 2019a citation was merely a reference to methodology for an updated turbidity analysis. However, it seems there was no updated turbidity analysis, and the Anchor 2019a memo *was* the turbidity analysis. Turbidity is an important driver of outcomes in fish abundance modeling. This already-existing analysis should have been provided to the District and the public at large when the RDEIS was released.

[98] For example, after hearing from Ecology's subconsultant for hydraulic and hydrological analysis that producing the underlying data for the RDEIS's hydrology and river hydraulics analyses would be time-consuming and unwieldy, the District narrowed its request for such data to only the outputs of the hydraulic (RiverFlow2D) model. This compromise did reduce the value of the information ultimately produced to inform the RDEIS's hydrology and river hydraulics analyses, but the District nevertheless made this compromise in the interests of time.

[99] WAC 197-11-440(7) (supporting analyses, studies or technical reports relied upon in an EIS "shall be readily available to agencies and the public during the comment period."); *see also, supra* note 90 and associated text.

The District's time and ability to meaningfully review, interpret, understand and develop comments on key analyses and conclusions in the RDEIS consistent with the requirements of SEPA and Ecology's regulations has been materially frustrated by the unnecessary and significant delays caused by Ecology: (1) initially indicating that materials would be provided with the RDEIS – a commitment that the District relied upon to its detriment for several weeks; (2) failing to acknowledge that the materials had not been so provided, causing District staff to spend approximately one week looking for those materials among the RDEIS's 22 electronic files and 2,261 pages; (3) instructing the District to obtain requested records from the OCB that the OCB, with one exception, did not have; (4) insisting that the District submit a PRA request in contravention of Ecology's obligation to provide supporting materials with the RDEIS for public review and comment; and (5) releasing a significant portion of the requested records nearly *two months* into the two-and-a-half month comment period.

While the District now has most of the originally-requested materials, they were not provided in time for the District's engineering and scientific consulting team to conduct the necessary in-depth review to then: (a) use that information to better understand the RDEIS's most radical and extreme conclusions sufficiently and; (b) prepare comments on those conclusions. As Ecology must be aware, a project proponent does not prepare its comments on a 2,261-page RDEIS and its supporting documents in the final days of the comment period. This is why Ecology's own regulations require that supporting documents be made available for public review during the comment period – not merely at the end of a comment period.[100]

Ecology's failure to timely provide the requested records has materially interfered with the District's ability to understand and comment on critical aspects of the RDEIS during the comment period provided.[101] Accordingly, the District intends to continue reviewing those materials and will submit follow-up comments, as appropriate, for Ecology to consider in preparing its FEIS.

[100] *See supra* note 90 and associated text. The District's experts noted that the they did not have time to analyze the WEPP or PHABSIM models, nor the turbidity modeling memo from 2019, because of their late delivery. Given the RDEIS's incorrect modeling assumptions and configurations outlined in section II.B, above, it was important to vet the assumptions and configurations of these models to see how they produced any results reported in the RDEIS. The District could not do so in the time provided.

[101] District staff inquired with Ecology staff regarding the potential for an extension of the comment period to accommodate our need to review the late-provided materials. Ecology staff was adamant that no extension would be provided. M. Bommarito, pers. comm. to K. Burnaman (Jan. 6, 2026).

E. The Project has been refined to further avoid and minimize identified Project impacts and these refinements must be considered in the FEIS.

The District provided its RPD and revised Mitigation Plan to Ecology – which forms the basis for the RDEIS's description of the Project – in April and July 2024, respectively. Ecology requested some additional information and minor technical edits to both documents, which were submitted on December 2, 2024. At that point, Ecology requested that the District submit no revisions to the Project description while the RDEIS was being prepared. However, the District is continuously evaluating ways to further avoid, minimize and mitigate for potential Project impacts while maintaining the Project's critical flood damage reduction benefits. Moreover, federal regulatory proceedings have necessitated the District's development of more detailed Project information and refinements, particularly with regard to fish passage.[102] Accordingly, in the intervening 14 months since December 2024, the District has made certain material Project refinements that reduce anticipated impacts, improve Project mitigation, and meet flood reduction objectives.

The District's refinement process began with addressing the facility's flood operations, one aspect of which is debris management during floods. Specifically, the District worked with its experts to: (1) identify locations lower in the temporary inundation area to store woody debris during floods; and (2) reduce the overall time spent collecting woody debris.[103] In addition to subjecting fewer trees to temporary inundation – thus resulting in a reduction in impacts to vegetation – these changes will allow the temporary inundation area to be evacuated much more quickly, materially reducing the time during which salmon and steelhead redds above the FRE will be impacted by the temporary inundation of flood water.

Next, the District refined its "reservoir operations" (Res-Ops)[104] analysis to examine precisely when and how the temporary inundation pool will be evacuated in the hours, days and sometimes weeks after a major or catastrophic flood.[105] The goal of refining these operations, together with the debris management work above, was to allow water to be

[102] Specifically, the USACE is in the process of preparing its own EIS pursuant to the National Environmental Policy Act. 42 U.S.C. § 4321, *et seq*. Additionally, USACE has instructed the District to prepare a Biological Assessment to inform USACE's Endangered Species Act section 7 consultation with NMFS and USFWS. 16 U.S.C. § 1536(a)(2).
[103] *See* Attachment 2 at Section 4.0 and Att. 1 (Debris Management During Flood Retention Report (Draft)).
[104] The term "reservoir operations" is an engineering term used to describe management of water behind a structure. The District is not proposing a permanent reservoir. For this project, Res-Ops involves managing the filling and drainage of the Project's temporary inundation pool following a major or catastrophic flood event. *See id.*, Att. 2 (Reservoir Operations Analysis (Draft) TM).
[105] *See id.* at Section 5.0 and Att. 2 (Reservoir Operations Analysis (Draft) TM).

released sooner, thus reducing the impact of the temporary inundation area on salmon and steelhead redds above the FRE, while continuing to meet flood damage reduction goals.

Refined debris management locations and sizes as well as Res-Ops changes that reduce the frequency and duration of temporary inundation pools were then used, in turn, to examine how the change in temporary inundation levels would reduce impacts to salmonid redds upstream of the facility.[106] The District also updated the RPD's Vegetation Management Plan (VMP) analysis regarding vegetation mortality from temporary inundation, which showed a decreased impact on trees.[107] Finally, the District analyzed the tree canopy implications of these data and updated its water temperature model, which showed that planned mitigation will result in cooler temperatures downstream of the FRE than previously predicted.[108] In the future, the updated debris management, reservoir operations, redd inundation, vegetation management, and temperature data will all feed into updated Mitigation EDT modeling and life cycle analyses to demonstrate potential reductions in environmental impacts compared to Ecology's 2020 DEIS and the RDEIS.

Separately from the work above, since submission of the RPD in 2024, the District has been working with NMFS's assigned fish passage engineer at the direction of USACE. The purpose of this work is to ensure that the Project's fish passage facilities meet or exceed NMFS criteria, including NMFS guidance for incorporating climate change into the fish passage design. After several months of such interactive meetings, the District has refined the fish outlet works to improve fish passage even under increased future flow conditions.[109] Specifically, while the FRE's primary conduits will continue to provide downstream fish passage and serve as a secondary upstream passage route, primary upstream fish passage will now be provided through the addition of two dedicated upstream fishways designed in consultation with NMFS. These dedicated upstream fishways will pass through the facility like the primary conduits and will meet established state and federal fish passage design guidance for fishways. They consist of two types of fish ladders frequently used in Washington, except that they are designed with much smaller drops in water surface from pool to pool to be far more manageable for juvenile fish and resident fish species than most adult fish ladders.[110]

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[106] *See id.* at Section 6.0 and Att. 3 (Inundation Analysis with 2024 Project Design and 2025 (O4P2) Operational Scenario TM).
[107] *Id*.
[108] *See id.* at Section 7.0 and Att. 4 (Riparian Shade Temperature Model with 2024 Project Design and 2025 (O4P2) Operations TM).
[109] *See* Attachment 3 (Fish Passage Design Report to Inform SEPA).
[110] See *id.* at 20 (Section 5.1.1, depicting the fishway layout and the water level from one end to the other, showing a very gradual change in elevation of only about 12 to 13 feet overall).

Finally, the District has refined its analysis of the water needed for construction of the Project. Based on information the District previously provided, the RDEIS estimates that 3.7 cubic feet per second (cfs) of water will be consumed continuously throughout the construction period.[111] Since 2024, however, the District has conducted an updated water demand assessment including the evaluation of the peak and average water demand anticipated throughout construction, with reference to specific construction activities' estimated water usage and schedule.[112] The result is a much lower average estimated monthly water use than 3.7 cfs: the lowest monthly average demand (January) is 0.43 cfs, and the highest monthly average demand (July) is 0.88 cfs. Adding a 20 percent buffer to each estimate yields monthly average continuous water demands of 0.52 to 1.06 cfs.[113] This is less than a third of the water usage the RDEIS analyzes, and this reduction in water needs will help avoid and minimize water-quantity and water-rights impacts noted therein. The District will continue to refine its construction water demand estimates as part of a plan to determine sources of construction water supply and associated mitigation for water use.

To aid Ecology in considering each of these Project refinements in its FEIS, the District is attaching the following information to these comments as Attachments 2 through 4:

Attachment 2: Environmental Impact Reduction Due to Refinement of Proposed Reservoir Operations & Debris Management During Flood Retention Operations Memorandum

Att. 1: Debris Management During Flood Retention Report (Draft)

Att. 2: Reservoir Operations Analysis (Draft) TM

Att. 3: Inundation Analysis with 2024 Project Design and 2025 (O4P2) Operational Scenario TM

Att. 4: Riparian Shade Temperature Model with 2024 Project Design and 2025 (O4P2) Operations TM

Attachment 3: Fish Passage Design Report to Inform SEPA

Attachment 4: Water Demand During Construction (Draft) TM

[111] RDEIS, App. N. at 65.
[112] *See* Attachment 4 (Water Demand During Construction (Draft) TM).
[113] *Id*.

Finally, the District is continuously evaluating ways to further avoid, minimize and mitigate for potential Project impacts and meet the Project's critical flood damage reduction objectives. Additional improvements to the VMP and Project EDT analysis are likely in the coming months; other mitigation may result from discussions with the OCB or its partner entities and participating Tribes. As noted above, this will result in more Project mitigation, not less. Moreover, the NHPA Section 106 process is ongoing and is likely to result in additional mitigation. The District is also in the process of developing refinements to the Chehalis-Centralia Airport levee design that involve the addition of a floodwall on the east side of Interstate 5 in the area of the airport. This floodwall would be similar – but with fewer impacts – to one proposed in the Local Actions Alternative and evaluated in the RDEIS.[114] The District will provide Project refinements to Ecology as soon as possible to inform the FEIS, as appropriate.

III. Conclusion

As described in this letter and the attached detailed comments (Attachment 1), the RDEIS contains significant misstatements, errors and legal failings. Ecology must correct these errors in its FEIS so that the public and governmental decisionmakers may trust in its findings and rely on its conclusions regarding the Project's impacts, alternatives and mitigation measures.

Most critically, the FEIS must be substantially revised to consider the District's planned mitigation and include that mitigation when making Project impact determinations, and it must correct the misrepresentations and voluminous technical and analytical errors contained in the RDEIS that undermine its accuracy, credibility, and ability to inform the public and government decisionmakers. Finally, the FEIS must consider the Project refinements described above and in the attachments, which materially reduce and mitigate for the Project's anticipated impacts.

The District appreciates Ecology's consideration of these comments and the information provided, and requests that these comments and all attachments be appended to the FEIS without modification.[115] Moreover, because of the significant and substantive nature of these comments, the District requests that Ecology take the time necessary to address

[114] The floodwall would be in a similar location to, though slightly east of, the Local Actions Alternative's floodwall depicted in the RDEIS at 31 and App. 1, at 60 (Fig. 1-15), the impacts of which are described in Section 5.2.3 of the RDEIS at 82. However, the District's proposed floodwall would be: (1) on or closer to Interstate 5 and therefore located in a previously disturbed area; and (2) a shorter "I" wall that will have fewer construction impacts compared to the taller "T" wall construction that the District understands would be required for the Local Actions Alternative's floodwall.

[115] *See* WAC 197-11-560(2).

them, and that it do so in a comprehensive FEIS and not in an addendum to the RDEIS.[116] Finally, as explained in Section II.D, above, the District will continue to provide comments, as appropriate, resulting from its review of supporting documents.

Thank you for your attention to these comments. Should you have any questions, please contact Kathy Burnaman at kathy.burnaman@lewiscountywa.gov.

Sincerely,

Ryan Barrett
District Administrator

On behalf of:

Chehalis River Basin Flood Control Zone District Board of Supervisors
Scott Brummer, Chair
Lindsey Pollock, Vice Chair
Sean Swope, Member

Enclosures: Attachment 1: Detailed Comments on Proposed Chehalis River Basin Flood Damage Reduction Project
Attachment 2: Environmental Impact Reduction Due to Refinement of Proposed Reservoir Operations & Debris Management During Flood Retention Operations Memorandum
Attachment 3: Fish Passage Design Report to Inform SEPA
Attachment 4: Water Demand During Construction (Draft) TM

[116] *Id.* at 197-11-560(5) allows agencies to use an addendum to the DEIS as an FEIS only when changes in response to comments are "minor" and "largely confined" to factual corrections or "do not warrant further agency response." The comments provided by the District are not minor, and warrant substantial revisions that cannot be accomplished in an addendum.