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February 16, 2018

Lori Kingsbury
Federal Permit Manager
Washington State Department of Ecology
Shorelands & Environmental Assistance Program
Southwest Regional Office
loch461@ECY.WA.GOV

Re: Leach Creek Holding Basin Maintenance Project proposed Joint Aquatic Resources Permit Application (JARPA) and Joint 401/404 Application (NWS-2011-859-WRD)

Dear Ms. Kingsbury:

Thank you for providing the opportunity to review and comment on Leach Creek Holding Basin Maintenance Project ("the Project.")

Citizens for a Healthy Bay (CHB) is a 28-year-old environmental organization whose mission is to represent and engage people in the cleanup, restoration and protection of Commencement Bay, the surrounding waters and natural habitat. We are a 501(c)3 nonprofit providing practical, solutions-based environmental leadership in the Puget Sound area. We work side-by-side with residents, businesses and governments to prevent pollution and make our community more sustainable.

Staff and expert members of CHB's Policy and Technical Advisory Committee have reviewed the proposed Joint Aquatic Resources Permit Application (JARPA) and Joint 401/404 Application (NWS-2011-859-WRD) Form for the Project. Our comments are outlined below.

## Background

As we understand it, the purpose of this project is intended to improve the operational efficiency of the Leach Creek Holding Basin to reduce downstream flooding effects and channel erosion (NWS-2011-859-WRD.) According to the JARPA and 401/404 Application (NWS-2011-859-WRD,) the proposed actions within the holding basin, which includes a 31-acre Category 1 wetland, are as follows:

1. Excavating 15,000 cubic yards of material to expand the existing basin forebay in order to create a 1,000 foot long channel (two - four feet deep with 5:1 slopes) through the forested wetlands to connect the forebay with the outfall and spillway.
2. Constructing an access ramp to the proposed channel for maintenance;
3. Removing gravel from the spillway, replacing an existing 48-inch diameter overflow riser structure, and installing a bar screen trash rack;
4. Relocating the stormwater discharge path from the toe of the dam;
5. Replacing the holding basin outlet structure;
6. Performing ongoing maintenance per the referenced maintenance plan; and
7. Mitigating project impact areas with wetland plantings.

The JARPA and Joint 401/404 Application (NWS-2011-859-WRD) reference several technical documents, some recent and some more dated, that seemingly provide the basis for the maintenance modifications discussed in the JARPA. Without all of the cited materials, CHB cannot complete a thorough review of the Project. To facilitate our review, we request the following reports and studies cited in the JARPA:

1. Hydrologic and Hydraulic Modeling and Proposed Improvements Technical Memorandum, dated February 16, 2012;
2. Leach Creek Stormwater Facility Wetland Delineation and Analysis Report, dated April 11, 2016;
3. Leach Creek Stormwater Facility Wetland Mitigation Plan, dated March 13, 2017;
4. Leach Creek Holding Basin Maintenance Project Biological Evaluation, dated March 2016;
5. Ecology's Dam Safety Inspection records, undated; and
6. SW Detention & Treatment Facilities O&M Manual, March 2017.

## Comments

Citizens for a Healthy Bay is concerned with the serious impacts this Project will have on salmon recovery protection and restoration efforts occurring in the Chambers Watershed. We are concerned, because the Project intends to transfer water out-of-basin, which further alters duration, timing, and magnitude of instream flows in an already impaired system. This jeopardizes significant work on a regionally significant project underway by many parties, including the Puyallup Tribe of Indians, Puyallup and Chambers Watersheds Salmon Recovery Lead Entity, Forterra, American Rivers, and the South Sound Salmon Enhancement Group. This work includes a feasibility study to remove the Chambers Creek dam to significantly increase

biological productivity in the estuary and to provide fish passage to upstream habitat in a regional effort to protect and restore salmon habitat and recover salmon in the Chambers Watershed and Puget Sound ecosystem.

Today, the watershed primarily supports cutthroat trout, coho, and chum salmon; and the estuarine and nearshore areas continue to support forage fish. Along with development, including several fish passage barriers, water quantity is a major issue, particularly in summer months when instream flows are so low that large areas of the creeks go completely dry. Other water quality issues include: increased siltation, low dissolved oxygen, fecal coliform, metals, and high water temperatures. Due to these pressures and climate change, wild salmonid populations in the Chambers Watershed are in steep decline. According to the following documents, one of the major limiting factors impeding salmon recovery efforts in the watershed is low to no instream flows during critical life history phases. This Project will exacerbate these already low to no instream flows.

- Pierce County Lead Entity. 2012. Salmon Habitat Protection and Restoration Strategy for WRIA 10 (Puyallup watershed) and WRIA 12 (Chambers/Clover Creek watershed.)
- Runge, J., Marcantonio, M., and Mahan, M. 2003. Salmonid Habitat Limiting Factors Analysis, Chambers-Clover Creek Watershed. Washington Conservation Commission.

Until we receive a full package of materials for review, the following are our overarching concerns with the Project:

- Taking water away from Chambers Watershed, thereby exacerbating low flow to no instream flows during critical salmon life history stages.
- Taking water away from Chambers Watershed, thereby exacerbating already impaired physical and biological natural channel and habitat forming processes.
- Taking water away from Chambers Watershed, thereby exacerbating reduced groundwater/aquifer/hyporheic zone recharge and function.
- Taking water away from Chambers Watershed, thereby exacerbating already impaired stream/groundwater/aquifer/hyporheic zone connection to floodplain and off-channel habitats.
- Taking water away from Chambers Watershed, thereby exacerbating high water temperatures during critical salmon life history stages.
- Discharging contaminated/turbid/warm water to the Thea Foss Waterway, thereby exacerbating water quality issues in the Thea Foss Waterway and Commencement Bay, a national Superfund site.
- Precluding significant regional and watershed efforts to protect and restore salmon habitat in Chambers Watershed and Puget Sound.

Again, CHB requests that the cited materials in the JARPA are made available for public review, as we cannot complete a thorough review of the Project without these documents, and that a new comment period is held once these materials are publicly available. Citizens for a Healthy Bay further requests that Ecology addresses the concerns identified in these comments.

Sincerely,

Melissa Malott
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