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THURSTON REGIONAL  
PLANNING COUNCIL

OFFICE OF THE HEARINGS EXAMINER  
CITY OF OLYMPIA IN CONJUNCTION WITH THURSTON COUNTY  
REPORT AND DECISION

CASE NO.: SH-TCO-13-86/SH-OLY-7-86

APPLICANT: Washington State Department of General  
Administration

SUMMARY OF REQUEST:

Application for a Shoreline Substantial Development Permit to dredge approximately 50,000 cubic yards of silt and sediment from the middle basin of Capitol Lake and deposit at an upland disposal site on adjacent property in the southwest corner of the middle basin. The applicant also proposes removal from the upland site of 50,000 cubic yards of silt and sediment deposited from previous dredging. The site is located in the south half of the middle basin of Capitol Lake north of Interstate 5.

SUMMARY OF RECOMMENDATIONS:

Olympia City Staff: Approval subject to conditions

Thurston County Staff: Approval subject to conditions

Hearings Examiner: Approved subject to conditions

PUBLIC HEARING:

After reviewing the Olympia City and Thurston County Staff Report, examining the application and available information on file, and viewing the area, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on October 27, 1986 at 2:02 p.m.

Parties wishing to testify were sworn in by the Examiner.

The following Exhibits were submitted during the hearing and made a part of the record as follows:

EXHIBIT "1" - Planning Department Report and attachments

EXHIBIT "2" - Statement of Jeff Dickison from Squaxin Island Tribe

EXHIBIT "3" - Stream Corridor Management Plan for the  
Deschutes River

EXHIBIT "4" - Final EIS and supporting documents

EXHIBIT "5" - Letter from John Manning dated October 29,  
1986

EXHIBIT "6" - Letter from Jeff Dickison dated November 4,  
1986

Mr. John Hubbard representing the Olympia City Staff gave a summary of the Olympia and Thurston County Staff Report. Mr. Fred Knostman representing the Thurston County Staff was also present. Mr. Hubbard indicated that they would recommend approval of the request subject to conditions. He indicated that the applicant has not notified them as to what upland site the drainage spoils will be moved.

Appearing at the hearing were:

JOHN MANNING

Mr. Manning appeared and stated that he is representing the Department of General Administration. He stated that the drainage spoils from this proposed dredging will be put in the same upland site as the other drainage spoils were located. He stated that they intend to excavate some of the old spoils, anywhere from 25,000 cubic yards to 50,000 cubic yards, currently on the upland site and remove them to make room for the spoils that would be dredged under this permit. He stated that he did not have a location designated for the depositing of the excavated spoils.

He indicated on the map of the lake the location where the spoils would be dredged and removed.

He stated that the removal of the silt and spoils will not affect the water. He stated that to his knowledge, there had been no testing of the spoils for toxicity before, and they intend no testing of the spoils this time. He stated that there are many different kinds of tests for toxicity, and it would be inappropriate to ask the General Administration to conduct these tests for this project.

MR. HUBBARD of the Olympia Planning Department, together with MR. KNOSTMAN of the Thurston County Planning Department recommended that the Staff Report's recommended conditions be amended to require testing of the spoil material on the upland site in addition to the spoil material that will be dredged from the lake. He stated that they would have to check with the Department of Ecology to determine what kind of testing should be done. He stated that the original drainage spoil upland site should be reviewed and tested

before they are deposited at another site. He stated that in addition, a fill removal permit must be obtained for the removal of the spoils from the upland site.

MR. MANNING stated that the spoils would be removed either by a dredge line or a bucket dumper. He stated that the spoils would be put in dump trucks and hauled to the dump site.

He stated that the purpose for dredging the lake is to create a better flow in the Deschutes River. He stated that they will be removing the sediment that comes down the water shed. He stated that the dredging should be done every 3 to 4 years.

He stated that the only time during the year that they will be able to work in the water is from the first of December to the first of March in order to avoid affecting the fish.

He stated that it is up to the contractor to find a suitable site for the depositing of spoils in an upland site.

JEFF DICKISON

Mr. Dickison appeared and indicated that he is representing the Squaxin Island Indian Tribe. He read a statement into the record and submitted a written copy.

The EXAMINER made the statement a matter of record as Exhibit No. 2.

Mr. Dickison's statement made reference to a Stream Corridor Management Plan for the Deschutes River prepared for the Department of General Administration by the Thurston County Conservation District. His statement suggested an additional condition be added to the approval of this permit as follows:

The applicant shall provide evidence to all parties of record that a Stream Corridor Management Plan for the Deschutes River is actively being pursued in order to reduce sedimentation in Capitol Lake. This plan shall include at a minimum, all recommendations developed by the Thurston County Conservation District in their report for the applicant dated January 1984.

The Examiner asked that the report be made a matter of record. He asked additionally for a copy of the EIS for the previous proposal and for the environmental checklist for this proposal.

He stated that he would like Mr. Manning to write a letter to the Examiner addressing the management plan referred to by Mr. Dickison and the condition he requested be added.

MR. MANNING stated that the person best qualified to respond to the proposal of this condition is out of the office until the following Monday. He stated that he will probably be able to get a letter to the Examiner by the following Wednesday.

He stated that he does not know if the management plan referred to by Mr. Dickison was ever approved. He stated that he has not looked over the management plan.

MR. DICKISON indicated that the plan has forty or fifty pages of findings and two pages of outlines of suggestions and plans.

He stated that they would like the Department of General Administration to show evidence of moving forward with the Stream Corridor Management Plan for the Deschutes River. He stated that the plan is a final report with recommendations along specific lines. He stated that the recommendations have not been followed, and he indicated that they would like the implementation of the plan to move ahead.

MR. MANNING stated that they are trying to improve and maintain the quality of Capitol Lake. He stated that they would like to be able to accommodate everyone, but indicated that implementation of the management plan on this project would require work beyond the scope of the project. He stated that there are no additional funds set aside for this type of work.

BRIAN WOOD

Mr. Wood, representing the Squaxin Island Indian Tribe, appeared and stated that they do have a precedent for their suggested condition. He stated that the West Olympia Bridge project implemented the Percival Creek Corridor Plan.

He stated that having to dredge every two to four years is not as desirable as implementing a plan to reduce the siltation. He stated that they feel the request to begin implementation of the Stream Corridor Management Plan for the Deschutes River is reasonable and in the public's best interest.

MR. HUBBARD asked Mr. Manning to submit some kind of figure regarding the amount of spoils to be removed from the upland site.

MR. MANNING stated that he would say 50,000 cubic yards would be removed at this point. He stated that they are looking at two different possibilities for this site. He stated that they may be able to raise the dikes, which would allow them to only remove 25,000 cubic yards. He stated

that if they are unable to do that, they would have to remove about 50,000 cubic yards.

The EXAMINER asked Mr. Hubbard if he believed the original notice was satisfactory in light of the request to remove fill from the upland site.

MR. HUBBARD indicated that the notice was probably adequate. He stated that it was not their understanding that any of the previously dredged spoils would be removed from the upland site.

The EXAMINER indicated that he will hold the record open for Mr. Manning's letter. He asked that Mr. Manning send a copy of the letter to the Squaxin Island Tribe representatives. He stated that if the Squaxin Island Tribe representatives would like to respond to Mr. Manning's letter, he would allow a short time for them to do so, and then he would close the record.

No one spoke further in the matter, so the Examiner took the request under advisement, and the hearing was concluded at 2:40 p.m.

NOTE: A complete record of this hearing is available in the office of the Olympia Planning Department and the Thurston County Planning Department.

Based upon the evidence submitted and the testimony given, the Examiner makes the following:

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

- 1) The Washington State Department of General Administration has submitted an application for a Shoreline Substantial Development Permit to dredge approximately 50,000 cubic yards of silt and sediment from the middle basin of Capitol Lake and deposit it at an upland disposal site on adjacent property in the southwest corner of the middle basin. The applicant also proposes removal from the upland site of 50,000 cubic yards of silt and sediment deposited from previous dredging. Samples of the material dredged were taken in 1983 and indicate that the material in the middle of the basin is composed primarily of sand and silts with some gravel. The site is located in the south half of the middle basin of Capitol Lake north of Interstate 5.
- 2) In June of 1977, the jurisdictions of Tumwater, Thurston County and the City of Olympia approved a Shoreline Management Substantial Development Permit for

the restoration and rehabilitation of the Capitol Lake Basin. The permit included dredging and spoils disposal, construction of sediment traps, and the development of recreational areas adjacent to Percival Cove and Tumwater City Park.

The U.S. Army Corps of Engineers granted a permit in 1977 for the initial dredging of 257,000 cubic yards, and an additional 30,000 cubic yards annually for a period of ten years. The total amount of material dredged to date is approximately 250,000 cubic yards.

- 3) The purpose of the proposed dredging is to remove sedimentation caused by erosion problems upstream on the Deschutes River.
- 4) The site area is designated under the Comprehensive Plan as an Environmentally Sensitive Area.
- 5) Thurston County and the City of Olympia adopted the Shoreline Master Program (SMP) in October of 1984. The general and implementing policies of the SMP are set forth in the Staff Report along with the specific definition and goals of a Conservancy Environment. They are adopted by reference herein.
- 6) The scope, definition and policies for dredging of spoils are found in Section V, Page 33 of the Shoreline Master Program.
- 7) The General Regulations for Shoreline Substantial Development Permits are set forth in the Shoreline Master Program as follows:
  1. All applications for Substantial Development Permits which include dredging shall supply a dredging plan which includes the following information:
    - a. Location and quantity of material to be removed.
    - b. Method of removal.
    - c. Location of spoil disposal sites and measures which will be taken to protect the environment around them.
    - d. Plans for the protection and restoration of the wetland environment during and after dredging operations.

2. Toxic dredge spoil deposits on land shall not be placed on sites from which toxic leachates could reach shorelines and/or associated wetlands.
3. The Administrator and/or the legislative body may require that dredge disposal sites on land be completely enclosed by dikes designed to allow sediments to settle before dredge discharge water leaves the diked area. Such dikes must be protected from erosion.
4. No permit shall be issued for dredging unless it has been shown that the material to be dredged will not exceed the Environmental Protection Agency and/or Department of Ecology criteria for toxic sediments.
5. Dredging for the sole purpose of obtaining landfill material is prohibited.
6. Permits for dredging shall be granted only if the project proposed is consistent with the zoning and/or the land use designation of the jurisdiction in which the operation would be located.
7. Dredge materials shall not be deposited in water unless:
  - a. The operation improves habitat; or
  - b. The site is approved by the Interagency Open Water Disposal Site Evaluation Committee (WAC 330-30-166).
  - c. The disposal of spoils will increase public recreational benefits.
- 8) The Environmental Designations and Regulations contained in the Shoreline Master Program indicate the type of dredging activities allowed within the Urban, Rural and Conservancy Environments of the shoreline as follows:
  1. Urban, Rural and Conservancy Environments. The following dredging activities are allowed:
    - a. Dredging to deepen navigational channels
    - b. Dredging to improve water quality
    - c. Dredging to bury public utilities
    - d. Dredging to increase recreation benefits
    - e. Dredging to maintain water flow
    - f. Dredging which is required to allow an activity permitted by this Master Program.

- 9) The Stream Corridor Management Plan for the Deschutes River was prepared for the Washington State Department of General Administration by the Thurston County Conservation District, but was never adopted by General Administration.
- 10) The stream corridor plan requires coordination and planning far beyond that capable of achievement in the issuance of this substantial development permit. However, the goal of reducing the frequency or need for dredging seems to be desirable in any management plan.
- 11) The Olympia City Staff Report, identified as EXHIBIT 1, accurately describes the project, background information, applicable regulatory codes, and other factual matters. The report is incorporated by reference herein.

CONCLUSIONS:

- 1) The environmental evaluation for the proposal appears adequate.
- 2) The requested Shoreline Management Substantial Development Permit should be approved subject to the following conditions:
  - a. The project shall comply with all applicable regulations of the Shoreline Master Program for the Thurston Region.
  - b. The applicant shall secure a U.S. Army Corps of Engineers permit and a Hydraulics Project Approval from the Washington State Department of Fisheries.
  - c. Prior to the commencement of activities, potential dredging spoils shall be tested for toxic substances to the satisfaction of the Thurston County Health Department and the Washington State Department of Ecology (WDOE).
  - d. Water quality shall remain within the Washington State Department of Ecology limits at all times during the operation. The applicant shall coordinate with the Washington State Department of Ecology on the process for testing and monitoring. A copy of a written agreement or plan shall be submitted to Thurston County and the City of Olympia.
  - e. The applicant shall obtain the necessary grading and fill permits from the County and City.



- f. Construction activities shall be conducted in a manner which does not create a nuisance for residents living above the lake. Hours of operation shall conform to Olympia City Code.
- g. Erosion control measures shall be provided to prevent dredged materials from re-entering the water.
- h. No in-water work shall occur during periods of salmon migration.
- i. Both the applicant and their contractors shall be responsible for compliance with all conditions of approval.
- j. The applicant shall be required to test the spoils to be removed from the upland spoil deposit site for toxicity before removal to the satisfaction of the Department of Ecology and the Thurston County Health Department.
- k. Dredge spoils being removed from the upland spoil deposit site shall be removed to an approved upland location to the satisfaction of the Department of Ecology and the Thurston County Health Department.
- l. The applicant shall report on the feasibility of implementing a stream management plan for the Deschutes River before any future dredging application is requested for this proposal.
- m. Construction pursuant to this approval shall not begin or is not authorized until thirty days from the date of filing as defined in RCW 90.58.140(b) and WAC 173-14-090, or until all review proceedings initiated within thirty days from the date of such filing have terminated, except as provided in RCW 90.58.140.

DECISION:

The Shoreline Management Substantial Development Permit is hereby approved subject to compliance by the applicant with the conditions set forth in Conclusion No. above.

ORDERED this 17<sup>th</sup> day of November, 1986.



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DAVID AKANA  
Hearings Examiner

TRANSMITTED this 17<sup>th</sup> day of November, 1986 to the  
City of Olympia Planning Department.

TRANSMITTED this 19<sup>th</sup> day of November, 1986 by the  
City of Olympia Planning Department  
to the following:

APPLICANT: Washington State Department of General  
Administration

Douglas Darling, 6830 - 115th Avenue SW, Olympia, WA 98507  
John R. Manning, Division of Engineering and Architecture,  
Rm. 206, General Administration Building, Olympia, WA  
98504

Jeff Dickison, Squaxin Island Tribe, W 81 Hwy 108, Shelton,  
WA 98584

Brian Wood, Squaxin Island Tribe, same as above