

LETTER 31 (LOG # 470)

John Di Vittorio, Fish First



1359 Down River Drive • Woodland, WA 98674

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July 10, 2006

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DEIS Comments, Cowlitz Casino-Resort Project
c/o Mr. Stan Speaks, Regional Director
Northwest Region, Bureau of Indian Affairs
911 NE 11th Avenue
Portland, Oregon 97232

BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR

Dear Mr. Speaks,

We have reviewed the proposed casino Environmental Impact Statement (EIS) as it relates to and impacts ESA listed species of salmonids in the East Fork Lewis River and our concerns are detailed below.

470-1

The East Fork Lewis River at La Center is a 'water of statewide significance'. As such, the shoreline area is designated in Washington State's Shoreline Management Master Program (SMMP) as a **shoreline of statewide significance**. It has special associations with the Columbia River and with the last of the fisheries resource occupying that zone. Waters and shorelines of statewide significance are like jewels in our environmental system, to be treasured and cared for. They are designated to get special attention.

The East Fork Lewis River is an uncontrolled, undammed river. There are no hatcheries on the East Fork so most of the fish are native or wild fish. A minimal number of hatchery fish are released into the river for harvest purposes only.

The East Fork is influenced by tidewater from the Columbia River, up to and including the existing mined out pit ponds at the Storedahl Daybreak Gravel Mine, upstream of La Center, WA. at river mile 8. The waters of statewide significance are just downstream near Mason Creek (river mile 6). During high water conditions, with tidal influence, the river will back up into the ponds impacting those significant waters. Waters of statewide significance are very important places for fish habitat. There are only about 50 in Washington State. There are no mitigation measures that can make up for destructive actions that occur in the waters of statewide significance.

1. Have impacts to 'Waters or Shorelines of Statewide Significance' been considered in developing the EIS for the proposed casino?

470-2

The lower East Fork Lewis River has been significantly degraded due to many factors which include gravel mining near its shores. For this reason it is on the States 303d list.

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RESOURCE COMPLIANCE
Bureau of Indian Affairs - NWPO

Below is a list of the salmonids present in the East Fork Lewis River during the Fall when the river is at its lowest water volume and when the river is at its most vulnerable for total maximum daily loads (TMDL's). (The lower river has TMDL's now for temperature and fecal coliform.)

470-3
Cont.

- Coho- adults spawning and juveniles rearing
- Chum salmon- adults spawning
- Fall Chinook- adults rearing
- Steelhead- summer adults holding and winter adults migrating upstream,
and juveniles rearing
- Sea-run Cutthroat- adults migrating upstream and juveniles rearing

2. Are there TMDL's for effluent loading into a stream? If so, what are they?

470-4

Alternative A will place 499,000 gallons per day of effluent into the unnamed, seasonal stream Type 5 – non-fish bearing stream. It is my perception that the seasonal stream will become year around and flow with pure effluent during the late Fall. If the stream becomes a year around stream, salmon adults and juveniles may use it. Adults could spawn and juveniles could rear in its treated waters.

3. There is no discussion of the effect on existing ESA listed and non-listed fishery resources due to changing morphology and content of the stream outfall with the East Fork.

470-5

4. Can salmonids live in pure effluent? What is the BOD/Suspended solids rate for their healthy survival?

470-6

5. Can salmonid parr survive incubation and hatching from a redd that has 100% effluent flowing over it?

470-7

6. Will the DOE recommended rates of BOD/suspended solids be enough to keep developing parr in and near the outfall healthy?

470-8

7. Have the other components of effluent been considered?

470-9

Alternative D will deposit 499,000 gallons of waste daily in the wastewater treatment plant at the City of La Center.

470-10

Presently the La Center Wastewater Treatment Plant processes 220,000 to 250,000 gallons of sewage daily and dumps 22,000 to 25,000 gallons of effluent into the East Fork Lewis River every 2.5 hours, 24 hours a day. The plant has a maximum capacity of 530,000 gallons per day. (Surface water run-off from 157 acres of hard surfaces would exacerbate the above calculations considerably.)

The addition of the proposed casino sewage will increase La Center's effluent three-fold, dumping 75,000 gallons of effluent into the river every 2.5 hours, 24 hours a day.

Fish First's concern for the salmonid fish and for the benthic macro-invertebrates and other biota living in the hyporheic zone that will succumb to this effluent load, occurs during the late Fall when the river is at its lowest flow levels and at its warmest temperatures. Tidal influence will complicate the scenario even farther. The tides follow a 12 hours cycle and the river flow is still and stagnant during part of that time. The Treatment Plant will empty 360,000 gallons of effluent into the system during a 12 hour period.

8. At what temperature does effluent enter the river system?

470-11

9. Because of the huge daily volume generated, will the temperature of the effluent bring up the river water temperature? If so, by how many degrees and to what temperature?

470-12

70-74 degree range is lethal to salmonids.

10. Consider other types of infiltration for the effluent besides dumping it into the river system.

470-13

La Center's NPDES permit allows a ph range of 6.5 to 8.5 on effluent released into the river.

11. Can salmon adults and juveniles live and flourish in 6.5 to 8.5 effluent?

470-14

12. What is in effluent? Department of Ecology (DOE) standards allow 30/30 (Biochemical Oxygen Demand or BOD/ suspended solids). Effluent studies from Characteristics of Effluents from Large Municipal Wastewater Treatment Facilities in 1992 <http://www.sccwrp.org/pubs/annrpt/92-93/ar-01.htm> chart components of effluent to include oil and grease, nitrate, nitrite, ammonia, organics, phosphate, phosphorus, cyanide, phenols, turbidity, toxicity, silver, arsenic, cadmium, chromium, copper, mercury, nickel, lead, selenium, zinc.

470-15

13. How much of these substances will flush out to the Columbia River?

470-16

14. How much will deposit in the shorelines of statewide significance?

470-17

15. How will these deposits affect the biota living in the hyporheic zone and how will the deposits affect the adult and juvenile fish that hold in this area?

470-18

16. Fish First is concerned about concentrations of human waste contaminated by drugs and other substances. How will concentrations of this processed contaminated effluent affect fish and biota living in the East Fork and living in the unnamed stream?

470-19

17. Is a shoreline permit required for the proposed casino's Alternative A or Alternative D? The Shoreline Management Act was promulgated to assure that the shoreline and integral components of adjacent land, would not cause harm to the natural character or ecological functions of the shoreline.

470-20

18. Will the effluent deposits at either Alternative A or Alternative D cause impacts to the shoreline? What are the negative impacts? If Alternative A causes an unnamed, seasonal stream to become a year around stream, there will be impacts. Any effluent discharged into the East Fork will impact the shoreline.

470-21

19. Do the effluent distribution systems for either Alternatives accommodate a natural shoreline environment?

470-22

It is Fish First's understanding that the tribes promoting the development of the proposed casino have an agreement with the JL Storedahl Company to supply their gravel needs for hard surfaces planned for the facility. The JL Storedahl Company (JLS) owns the Daybreak Gravel Mine near the shores of the East Fork Lewis River at river mile 8, just up stream of the tidally influenced waters of statewide significance. If the casino is developed using gravel from the Daybreak Gravel Mine site, it will be

470-23

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further impacting the East Fork Lewis River. The Storedahl FEIS/HCP shows that mining at the Daybreak site will cause 'taking' of ESA listed species and will harm the East Fork. The Cowlitz DEIS must consider these impacts if it will rely on JLS rock. The DEIS must also consider the impacts of JLS filling the existing Daybreak pit ponds, if the Cowlitz contract with Storedahl to haul away material from the casino site, that will be used to fill the exiting ponds. That filling process impacts the river, the ESA listed species and the biota in the hyporheic zone.

470-23
Cont.

20. Did the DEIS consider these impacts?

The JLS existing five mined-out pit ponds are hydraulically connected to the shorelines of statewide significance. During flood flows at approximately a five-year return, the backup from the East Fork Lewis River can result in flooding into pond 5. (JLS Habitat Conservation Plan - HCP 3-23) Existing ponds are hydraulically connected and are cutting through the QA gravel aquifer, the hyporheic zone, and the upper and lower Troutdale aquifers causing a cascading water effect between groundwater levels. The existing five ponds are effectively dewatering the East Fork by allowing the groundwater to come up through the ponds and out into the river. This action leaves less in reserves in the groundwater aquifer for late summer supply. The Daybreak mine pit ponds are hydraulically connected to the shoreline of statewide significance. They have surface water continuity.

470-24

Creating more ponds by extracting gravel for the construction of the proposed casino will further impact the riverine environment and the ESA listed fish species of the East Fork Lewis River near Daybreak Bridge upstream of La Center, WA.

21. There exists a potential for treatment plant failure or spills with either Alternative A or D. There has not been sufficient discussion both to humans and to aquatic life about the impacts of such a failure or spill.

470-25

22. There is no discussion of costs or impacts to the City of La Center or to the tribes if waste is sent to the sewer treatment plant (STP) in La Center for processing. There is no discussion of any proposed upgrades to the STP at La Center to be able to accept the volume of waste that the casino will produce.

470-26

Washington is a Clean Water Act state.

23. Will the tribes get an Environmental Protection Agency (EPA) NPDES permit?

470-27

24. Will the tribes consent to Department of Ecology (DOE) jurisdiction and get the required permits from DOE?

470-28

EPA is considering designating most of Clark County as a 'sole source aquifer'. As such, we all drink from the 'Troutdale aquifer'. Protection from polluting a sole source aquifer is great. Impacts to groundwater must be minimal.

470-29

25. Is there enough clean water available at the proposed site to generate 499,000 gallons per day effluent waste without drawing down neighboring wells?

470-30

26. The tribes should consider the proposed casino site and a possible sole source aquifer designation and have a discussion on how that designation will impact them and the people living in the sole source area.

470-31

27. An NPDES permit (storm water) for tribal housing and for RV parking areas was mentioned in Alternative E, but apparently ignored elsewhere. If tribal housing and RV parking areas will be included in the other alternatives the storm water NPDES discussion should be included within each alternative.

470-32

28. Will the tribes proposed casino development be subject to Clark County's yearly Clean Water Tax on impervious surfaces?

470-33

Respectfully,

John DiVittorio
Executive Director

Fish First



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