WDFW Responses to comments received on MDNS 24-059: Deschutes Watershed Center Hatchery.

Anonymous Comments		
Issue Number	*Comment*	*WDFW Response*
1	A IV-G permit may be required and will be processed by Thurston County	The Washington Department of Fish and Wildlife (WDFW) will obtain a Class IV General Permit/Forest Land Conversion permit from Thurston County as outlined in the *Thurston County Code (TCC) 17.25*.

Wild Fish Conservancy (WFC), Conservation Angler (TCA), and Washington Wildlife First (WW1) Comments		
Issue Number	*Comment*	*WDFW Response*
1	WDFW claims that it is committed to releasing approximately 3.8 million salmon smolts annually within the watershed. The SEPA analysis fails to compare the proposed action with a no-action alternative.	WDFW has issued a Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) rules, which do not mandate the inclusion of a no-action alternative. The review process involves adhering to established protocols for making this determination. A MDNS is issued under *WAC 197-11-350*, but the process includes following the rules in *WAC 197-11-330* for making a threshold determination. This process includes reviewing an Environmental Checklist and other submitted documents. The Checklist (*WAC 197-11-960*) does not require a no-action alternative.
2	Asks that the MDNS be withdrawn and an EIS should be prepared for public comment.	The avoidance and minimization measures included as part of this project will mitigate for any probable significant adverse environmental impacts.
3	The current MDNS focuses on construction impacts while omitting the broader ecological and genetic effects of releasing 3.8 million Chinook smolts annually. These omissions fail to meet the requirements of SEPA and undermine the public's ability to evaluate the true environmental costs.	WDFW would like to clarify that there are no proposed changes to the current number of fall Chinook smolts released into the Deschutes Basin. The existing release numbers are exempt from SEPA review under *WAC 197-11-835 (5)*, which states, "*The following activities of the department of fish and wildlife are exempted: The routine release of hatchery fish or the reintroduction of endemic or native species into their historical habitat where only minor documented effects on other species will occur.*" Should there be any future changes to the production levels, those changes would undergo thorough evaluation as part of the National Environmental Policy Act (NEPA) and will also require compliance with the Endangered Species Act (ESA) permitting of the program. This approach ensures all potential ecological impacts are thoroughly assessed and considered, maintaining transparency and facilitating evaluation of environmental impacts.

4	The MDNS states that hatchery production is exempt from SEPA under WAC 197-22-835 (5) [sic] without providing evidence that the documented effects on the target species for artificial production, or other species connected to them, are routine or minor, as the exemption requires. Even if the total number of hatchery fish stays constant under this proposal, the construction of a brand new facility certainly makes the production, release, and handling of those fish non-routine.	The production levels will remain consistent with those currently being released from the Tumwater Falls Hatchery. The only change proposed is the relocation of a portion of the release from the new site upstream. It is important to note that there is no naturally occurring Chinook or steelhead population in the Deschutes watershed. The planned change in release location is expected to have minimal impacts on the watershed. Migration time is expected to be less than one week. The fish released from the new facility will be smolted and will be quickly migrating downstream to get to saltwater, and do not pose concerns regarding residualization or pose any significant impact on the local ecosystem. For these reasons, WDFW has determined that the production, release, and handling of the fish from this program are consistent with the exemption of *WAC 197-11-835 (5)*.
5	WDFW has omitted any of the details from the HGMP submittal to NOAA for federal review for consideration. This is significant because information in the draft HGMPs appear to contradict with information in the SEPA checklist and materials made available to the public. For example, the SEPA checklist states WDFW plans to produce and release approximately 3.8 million salmon smolts annually within the watershed. In contract the draft HGMP specifies the co-managers are considering an increase in production to 7.8 million to provide additional prey for SRKW and enhance fisheries.	There is no contradiction. WDFW intends to maintain the current release of 3.8 million for the foreseeable future. The HGMP proposes that NOAA consider for an ESA consultation a release of up to 7.8 million juvenile Chinook salmon. Prior to any increase in production, NOAA would have to determine that the program was consistent with ESA requirements through a Section 7 consultation and complete the associated NEPA process. This will ensure that any changes are appropriately evaluated in relation to their ecological and other impacts.

6	The SEPA checklist leaves the door open for production increases. SEPA does not permit WDFW to segment its evaluation. This violation is all the more egregious because WDFW has consistently refused to conduct the required SEPA evaluation on the impact of any increases to hatchery production - meaning it is likely that will never go through SEPA evaluation.	WDFW understands the importance of conducting evaluations to ensure compliance with SEPA regulations. While WDFW may consider adopting an Environmental Impact Statement (EIS) under NEPA for all hatchery programs in the future, we want to be clear that this would only occur after consultations are completed by NOAA on all relevant programs. The intention would be to integrate the SEPA process requirement with the NEPA documents provided by NOAA to ensure that ecological impacts are fully assessed. It is important to note that not all programs will have a complete NEPA readily available. WDFW is committed to transparency and assessing the impacts associated with hatchery production increases, if any such increases ever occur.
7	WDFW does not specify the species composition of the 3.8 million salmon smolts to be produced. This renders the SEPA analysis incomplete.	There will be no change in the species composition into the Deschutes watershed. Currently, 3.8 million Fall Chinook salmon smolts are being released from the Tumwater Falls Hatchery, and there are no current plans to alter this number. The new facility is expected to contribute a portion of this production, while Tumwater Falls Hatchery will continue to release the remaining smolts, together ensuring the total release remains 3.8 million.
8	WDFW does not provide information about the fate of the current Tumwater Hatchery facility. If the Tumwater Falls program continues to produce hatchery fish, those produced in the proposed Hatchery will be in addition to current production levels. Furthermore, WDFW has said that the construction of the Proposed Hatchery is crucial to its 2021 Master Plan for boosting the production of hatchery salmon by state hatchery production, in part because it will free up space at the other hatcheries for production	The Tumwater Falls Hatchery will continue to operate as it currently does, maintaining adult collection, spawning and release of hatchery fish. The proposed new facility will focus on the rearing of smolts, with releases from both facilities planned to collectively meet the total production goal of 3.8 million Fall Chinook smolts annually. This strategic approach is aligned with WDFW's 2021 master plan to enhance hatchery salmon production. By utilizing the new facility for incubation and early rearing of Deschutes River stock, this will optimize space at existing hatcheries, thereby improving overall efficiency and productivity across the hatchery system.
9	The SEPA documents fail to identify how or even where salmon broodstock will be captured for the new program in a manner that does not impact other migratory and native fish species.	WDFW has clearly stated that this is not a new program. The Tumwater Falls Hatchery will continue to operate as it currently does, maintaining all existing practices for adult collection and spawning. The only change will be that a portion of the total release of 3.8 million Fall Chinook smolts will occur from the new facility, which is located approximately five river miles upstream. As discussed in the response to comment 4, the change in release location is expected to result in less than 7 days of residence in the Deschutes River during downstream migration to Budd Inlet.

10	The MDNS lacks a detailed analysis of disease and pathogen risk associated with the new facility. Scientific review consistently demonstrates that hatchery-origin fish can displace wild fish, reduce genetic diversity and exacerbate population declines which has been shown to occur in the facility watershed and nearby watersheds where fish stray.	WDFW will operate the program under the Salmonid Disease Control Policy of the Fisheries Co-Managers of Washington State (disease policy). The existing protocols include rigorous monitoring and management strategies focused on minimizing disease transmission and pathogen risks to natural-origin fish. As previously discussed, Chinook and steelhead populations did not historically exist in the Deschutes River and no substantive changes are planned relative to the existing program.
11	The MDNS does not adequately address pHOS management in the affected and adjacent watersheds.	The current hatchery production is exempt from SEPA. If any changes to production levels are proposed in the future, those changes would only be implemented after completing the necessary ESA consultation. This process would include a thorough assessment of all relevant environmental factors, including pHOS management, to ensure comprehensive consideration of potential impacts.
12	The Deschutes watershed is critical habitat for ESA-listed PS steelhead species and other sensitive fish populations and essential fish habitat for ESA listed Chinook. The MDNS does not adequately analyze how hatchery operations will impact these species in the Deschutes and adjacent watersheds including the Nisqually River.	The current production is exempt from SEPA review consistent with *WAC-197-11-835 (5)*. We also note that Chinook and steelhead populations did not historically exist in the Deschutes River.
13	[A] clearcut of a complex forest upslope of a bluff [is proposed] The SEPA checklist inaccurately describes general site conditions as "flat."	There are approximately 1,191,567 sq ft (27.4 ac) of forested area on the parcel. To construct the proposed facility, we will clear approximately 423,709 sq ft (9.7 ac), which represents approximately 35% of the forested area. WDFW will obtain a Class IV General Permit/Forest Land Conversion permit from Thurston County as outlined in the *Thurston County Code (TCC) 17.25*. In the limits of construction there are small areas where the % grade is 3% at maximum and most of the facility apart from the road and intake are proposed to be constructed on a 10 % grade. The sharpest grades apart from the road are associated with stormwater infrastructure such as swales, retention basins, bioretention and landscaping along Rixie Road.

14	[The project will] modify wetlands to add 6.3 acres of impervious area.	As noted in the SEPA checklist in Section 3.3, approximately 500 ft sq (0.01 ac) of Category II riverine wetland and 20,000 ft sq (0.46 ac) of wetland buffer will be impacted to construct the intake, pump house, and access road. This amounts to approximately 0.47 ac of wetland/wetland buffer impacts. Sufficient mitigation will be designed within the project to assure compliance with Thurston County (*TCC 24.30.070*), Department of Ecology, WDFW, and US Army Corps of Engineers mitigation requirements. The mitigation plan is being developed and will include contingencies that can be readily implemented to ensure no loss of ecological functions. On-site and watershed-level mitigation options are being explored in coordination with local watershed groups.
15	[A] 14' wide access road [is proposed] that appears to be at a 30% gradient cutting through a substantial bluff for the last 100 feet before reaching the Deschutes River. No information is provided to explain whether or how stormwater runoff and associated water quality impacts from this road will be monitored or managed.	The intake access road begins at the facility and is paved for approximately 740 ft. The last 100 ft of road has an average slope of 13%. The gravel portion of the intake access road is approximately 100 ft long and has an average slope of 6% and a maximum slope of 20% over a 20 ft span. WDFW is designing the stormwater management system in accordance with Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Western Washington and *TCC 15.05.010 – Drainage Design and Erosion Control Manual* to ensure that stormwater will be diverted and treated. There will be no direct discharge of stormwater to the Deschutes River.

16	[The] proposed hatchery impacts mapped wetlands, fish and wildlife habitat conservation areas, 100-year flood zones, a Critical Aquifer Recharge Area, ESA-listed Mazama pocket gopher soils, and Shoreline Master Program conservancy-designated lands requiring 250-foot buffers on streams.	WDFW will follow mitigation sequencing to avoid, minimize, rectify, reduce, compensate, and monitor impacts as required by *TCC 24.01.037 – Mitigation Sequencing*, to ensure no net loss of Critical Area functions. The mitigation plan is being developed and will include contingencies that can be readily implemented to ensure no loss of ecological functions. Wetlands (*TCC 24.30*) • Sufficient mitigation will be designed within the project to assure compliance with Thurston County (*TCC 24.30.070*), Department of Ecology, WDFW, and US Army Corps of Engineers mitigation requirements. • On-site and watershed-level mitigation options are being explored in coordination with local watershed groups. Fish and wildlife habitat conservation areas (250 ft buffer required) (*TCC 24.25*) • Fish hatcheries and maintenance are permitted within the fish and wildlife habitat conservation area (FWHCA) buffer (*TCC 24.25.190*). Roads are also permitted (*TCC 24.25.280*). All impacts within FWHCAs and their buffers will follow the required mitigation sequencing. Frequently flooded areas (including 100-year flood zones and the mapped FEMA floodway) (*TCC 24.20*) • WDFW has completed a floodplain hydraulics impact assessment which will be submitted to Thurston County's Department of Planning and Community Development for review in accordance with *TCC 24.20.065*. Critical aquifer recharge areas (*TCC 24.10*). • WDFW has applied for groundwater and surface water rights for its water use at the facility with Ecology. Where possible, the project will infiltrate treated stormwater and treated process water to mitigate for the addition of impervious surfaces and production well in accordance with antidegradation criteria, outlined in *WAC 173-200-030*. WDFW has created and continues to update an extensive groundwater model with new groundwater quality measurements to ensure compliance with all groundwater criteria applicable to the project. • The proposed group B well supplying domestic water to the residences and hatchery administrative building has not been applied for but will follow the process outlined in *TCC 24.10*. ESA Listed Mazama Pocket Gopher Soils • WDFW will meet mitigation requirements outlined in *TCC 17.40 – Habitat Conservation Plan Implementation* to mitigate for impacts to pocket gopher soils. Shoreline Master Program Conservancy-Designated Lands Requiring 250-foot Buffers on Streams (*TCC 19*) • WDFW will obtain a Shoreline Substantial Development permit and meet mitigation requirements.

17	Additionally, the Deschutes River and Budd Inlet already face severe water quality challenges, including impairments for temperature, dissolved oxygen, and fine sediment. Increasing hatchery effluent by raising juvenile salmon on site (instead of in distant hatcheries) without robust monitoring, adaptive management, and mitigation measures will likely exacerbate these problems, further threatening critical habitats for ESA-listed species such as Puget Sound steelhead, and Puget Sound Chinook critical habitat in Budd Inlet. The MDNS ignores the proposed hatchery's cumulative impacts, the broader ecological context in which it will operate, and fails to provide sufficient details on effluent treatment plans or water quality protection and monitoring measures, leaving significant gaps in the environmental review process.	WDFW is aware of the severe water quality challenges the Deschutes River and Budd Inlet have experienced and are facing. WDFW has worked closely with Ecology to meet the TMDLs listed for the Deschutes River through the NPDES permit process for the facility's effluent. This process is not complete and WDFW is working on its final engineer's report to be submitted to and reviewed by Ecology. The engineer's report details the facilities effluent waste streams, treatment processes, temperature models, groundwater anti-degradation criteria, and discharges. Effluent water quality will be monitored in accordance with Ecology and the NPDES permit.

18	The Proposed Hatchery explicitly aims to produce Chinook to support SRKW. Draft HGMP's for both coho and Chinook both identify the purpose of this program as "mitigation and conservation (prey for Southern Resident Killer Whales (SRKW)". The SRKW Prey Initiative has never been evaluated under SEPA, and the MDNS improperly segments the Proposed Hatchery from its impacts through the SRKW Initiative, contrary to SEPA's requirement that connected actions be evaluated together. A programmatic EIS is essential to assess the cumulative impacts of the SRKW Initiative, including the construction of new hatcheries and their effects on wild fish, ecosystems, and SRKW recovery.	The current hatchery production is exempt from SEPA review. Any future increases to supplement Chinook production for Southern Resident Killer Whales (SRKW) will undergo evaluations as part of the NEPA process, as well as compliance with the ESA permitting requirements. While we understand the concerns about segmentation, we believe the outlined evaluation processes will provide the framework needed to address cumulative impacts and support conservation efforts.
19	WDFW's HSRG reference is wholly inadequate, it should have analyzed a "no action" alternative.	WDFW has issued a Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) rules, which do not mandate the inclusion of a no-action alternative. The review process involves adhering to established protocols for making this determination. A MDNS is issued under *WAC 197-11-350*, but the process includes following the rules in *WAC 197-11-330* for making a threshold determination. This process includes reviewing an Environmental Checklist and other submitted documents. The Checklist (*WAC 197-11-960*) does not require a no-action alternative.

20	The MDNS for the Proposed Hatchery is legally insufficient. It omits consideration of a no action alternative; fails to perform a comprehensive evaluation of cumulative, genetic, ecological, and water quality impacts; improperly segments the project from the SRKW Initiative and other plans for hatchery increases; and fails to adequately address risks to ESA-listed species within and beyond the Deschutes watershed. We respectfully ask that WDFW revoke the MDNS and prepare a full EIS to evaluate the broader environmental consequences of the Proposed Hatchery. This review should also include detailed plans for water-quality monitoring; pHOS management in the Deschutes, Nisqually, and other nearby watersheds that are likely to receive strays from the Proposed Hatchery; and protections for ESA-listed species to ensure the sustainability of wild fish populations and their ecosystems.	See responses above.