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|---|----|
| Yakima Plan update | 8 |
| Senator Murray receives recognition | 8 |
| Friends of the Enchantments | 9 |
| Karyl Winn steps down from ALPS Board | 11 |
| Big challenges ahead for Middle Fork Snoqualmie Valley | 12 |
| ALPS responds to Talapus Trail Project | 14 |
| ALPS settles lawsuit closing ATV routes on National Forest roads ... | 15 |

Dam projects

Continued from page 1

This is serious business. The proposed plan would cost an estimated \$65 million, and the State Legislature has allocated \$3 million for preliminary analysis.

The Alpine Lakes Wilderness is a wild area many people use and care about. However, the project proponents in the Icicle Work Group (IWG) often appear oblivious to the presence of wilderness issues, and even proposed to rename the Alpine Lakes as “Reservoirs” (see juxtaposition of IWG maps on pages 4-5). While that gaffe was hastily withdrawn, it shows that the project proponents bear close watching.

As previously reported in the *Alpine* (2014 issue No.1; 2015 issue No.1), the State and the County propose to increase water diversions from seven lakes in the Alpine Lakes Wilderness that flow into Icicle Creek: Colchuck, Eightmile, Upper and Lower Snow, Nada, Lower Klonauqua and Square Lakes.

At least for the time being, they have dropped their proposal to drain an eighth lake, Upper Klonauqua, by installing a siphon or pump or blasting a tunnel between Upper and Lower Klonauqua Lake (this was detailed in an Aspect Consulting appraisal report). Yes, inside the Wilderness. Although that outrageous proposal has been withdrawn (at least for the time being), the project proponents’ actions should still be monitored. Remember that the IWG members who voted for IWG to fund that Klonauqua tunnel appraisal report are still voting on everything else IWG does about these projects.

We appreciate the irrigators’ need for water to irrigate their orchards and keep them productive. As ALPS wrote in letters to IWG in 2014 and 2015,

we do not object to the exercise of valid, existing water rights of the Icicle-Peshastin Irrigation District, but we question an assertion of water rights that have been relinquished or are otherwise invalid. We asked IWG to not treat Eightmile Lake as a consensus project, given the legal and factual questions surrounding the District’s rights to that water. We questioned why Alpine Lakes had been targeted for automation and modification, and the objectionable nature of proposals for expansion of easements, encroachment on wilderness lands, new construction, and increased water diversions in the Alpine Lakes Wilderness. While we appreciate the goal to improve instream flows in Icicle Creek, it is contradictory to exploit one natural area under the guise of enhancing another, particularly when other options are available.

The Alpine Lakes Wilderness is managed by the U.S. Forest Service, which must also prepare an environmental analysis to ensure protection of wilderness values. Although this federal process has not started, we anticipate that the Forest Service will monitor public input at the Ecology/Chelan County public meetings, and will initiate project-level NEPA analysis when triggered.

The existing diversions of water are familiar to wilderness visitors, as described in *100 Hikes in Washington’s Alpine Lakes* by Ira Spring, Vicky Spring and Harvey Manning (Mountaineers Books, 3rd Ed. 2000):

“Like a bathtub, water is drained through a hole in the bottom of the upper lake (which thus has a fluctuating shoreline) and is used to guarantee a pure intake for the Leavenworth Fish Hatchery; probably few people imagined, when the fishy business was perpetrated back in the 1930s, that Snow Lakes and unmolested

pristinity of wilderness would become so treasured by so many as they are.”

During the 2015 drought, irrigators maximized their water withdrawals by draining as much water as possible from lakes in the Alpine Lakes Wilderness, i.e., in drought years the water is not available for municipal use or instream flows for fish habitat. And bad years will become “the new normal” with climate change.

IWG process problems

To implement City of Leavenworth litigation settlement efforts, Ecology and Chelan County formed a “collaborative” Icicle Work Group (IWG) in 2012 to address Icicle Creek water quantity issues. The City of Leavenworth’s lawsuit against Ecology (now on hold) is about quantification of the City’s water rights. In 2013, Ecology granted \$885,000 to Chelan County to staff the IWG with employees of Ecology, WA Department of Fish and Wildlife, and Chelan County, as well as paid consultants from Aspect Consulting, Dally Services, Cascadia Law and the Icicle Irrigation District. In June 2015, the State Legislature provided an additional \$2 million to IWG in the capital budget.

IWG meetings are open to the public, but much of the decision-making occurs outside the public eye, in meetings of IWG’s “steering committee.”

IWG is a “quid pro quo” process. IWG spent a year developing operating procedures based on consensus decision-making, along with substantive goals that focused on environmental improvements and developing new water supply while adhering to state and federal laws. When objections to threats to wilderness lakes were raised publicly, Ecology changed the IWG internal process from consensus to majority rule and issued a gag order on IWG

participants, including a rule that members must screen their opinions with the IWG before publicly airing them. The Center for Environmental Law and Policy resigned from the IWG when these amended procedures were adopted in July 2015.

This process also raises fundamental questions about agency participation in “collaborative” groups. With consensus, all parties have veto. But IWG rules now require participants to support the metrics and “Base Package” project list. Agency commitment to outcomes in advance of public and environmental review is troubling, especially for regulatory agencies such as Ecology, Washington Department of Fish & Wildlife, and federal agencies. Can state and federal laws such as the Clean Water Act and Endangered Species Act (ESA) be superseded by a stakeholder-based “collaborative” process? Should the required ESA Section 7 Consultation with NOAA (for steelhead) and USFWS (for bull trout) and resulting Terms and Conditions be completed before IWG prepares a PEIS under SEPA? If not, are they risking the need to reopen SEPA to account for new information or new requirements arising from the ESA Section 7 Consultation?

Despite the fact that the IWG is premised on giving advice and guidance to four federal agencies (U.S. Forest Service, USFWS, NOAA, and BuRec), the IWG is not chartered under the Federal Advisory Committee Act (FACA). FACA ensures that federal advisory committees are accountable to the public by maximizing public access to committee deliberations and minimizing the influence of special interests. If FACA applies to IWG, a whole range of public notice and participation requirements also apply: their meetings must be open to the public; they must

make transcripts of their meetings available to the public; and their membership must be fairly balanced in terms of the points of view represented.

Chelan County, the City of Leavenworth, and the Leavenworth National Fish Hatchery have given only minimal consideration to a water conservation alternative, and have focused on new water supply instead. At its March 30 public meeting in Seattle, we asked IWG to consider adopting conservation measures (such as restrictions on watering lawns) that have been implemented in the Seattle area, where water consumption actually declined while the population increased.

Although IWG was asked to create a Wilderness Advisory Group to solicit immediate input on these proposals, that idea was eliminated without discussion at IWG’s December 2014 meeting. In addition, IWG has often failed to acknowledge wilderness issues or even include the Alpine Lakes Wilderness boundaries in its presentations and documents. For example, the two-page SEPA Determination of Significance fails to even mention the word “wilderness.”

The SEPA Process

Issued on February 9, 2016, the SEPA Determination of Significance states that the two lead agencies (Ecology and the County) have determined that the proposal may have probable significant environmental impacts, so a Programmatic Environmental Impact Statement (PEIS) is required. They invite public comments on the scope of the PEIS. The associated SEPA scoping documents describe a “Base Package” of projects, including two that were previously reported in the *Alpine*: Eightmile Lake “Restoration” (i.e. replacing the nonfunctional dam) and

Alpine Lakes “Optimization, Modernization and Automation.” Again, although these lakes are all inside Alpine Lakes Wilderness, the SEPA Determination of Significance does not mention the Alpine Lakes Wilderness, and does not even use the word “wilderness,” even while detailing five “areas for discussion in the EIS.”

Although some of the beneficial projects are things that must be done anyway under state and federal laws, we question the support already provided to the entire “Base Package” of projects by government agencies – commitments they made prior to the completion of environmental analysis. Furthermore, IWG members have stated publicly that their goal in doing a Programmatic EIS is to not do project-level SEPA analysis later.

The SEPA Determination of Significance referenced the availability of other SEPA-related documents available at the IWG website (see address below), including the 23-page SEPA Environmental Checklist. It also announced a public open house, to be held in Leavenworth on April 20. At our request, IWG conducted another open house in Seattle on March 30, attended by about 50 interested citizens who asked penetrating questions. At this meeting, Chelan County agreed to remove the word “Reservoir” that it had added to the names of the Alpine Lakes on its maps. IWG intends to review the public comments (due May 11), then publish a Draft PEIS by the summer of 2017, receive public comments on it, and publish a Final EIS later.

The 23-page SEPA Checklist refers repeatedly to impacts of constructing changes in the Wilderness, as well as impacts of “new home construction that will result from improved domestic water supply.” As for

The purpose of the Icicle Creek Work Group ("Work Group") is to develop a comprehensive Icicle Creek Water Resource Management Strategy through a collaborative process that will achieve diverse benefits defined by all of the Guiding Principles below. The Work Group will use best available science to identify and support water management solutions that lead to implementation of high-priority water resource projects within the Icicle Creek drainage.





identification of plant and animal species that may be impacted, the SEPA Checklist says they will be identified later, in the PEIS. The Checklist acknowledges that the Alpine Lakes projects “have the potential to affect recreational aesthetics by altering lake levels,” while also asserting that the proposal “is expected to improve views of Icicle Creek, Eightmile Lake, and the Alpine Lakes.” It states “A limited number of helicopter trips may be utilized for the transport of personnel and equipment to and from the Alpine Lakes.”

The SEPA Checklist concludes with a “Programmatic SEPA Map” that labels the entire Icicle Creek watershed (including the Alpine Lakes Wilderness portion) as the “Primary Project Development Area,” while labeling the Wenatchee River valley from Leavenworth to the Columbia River as the “Downstream Project Benefits and Secondary Project Development Area.”

What You Can Do:

The Alpine Lakes Wilderness needs you! Show your support for Wilderness values, and say No to dam building and new water rights in the Alpine Lakes.

There is a **public comment deadline of May 11, 2016**. Comments can be emailed to *mike.kaputa@co.chelan.wa.us* or you can send them by regular mail to:

Chelan County Natural
Resources Department
Attention: Mike Kaputa,
Director
411 Washington Street, Suite 201
Wenatchee, WA 98801

More information, including environmental documents, can be found on the agency websites:

- <http://www.co.chelan.wa.us/natural-resources/pages/icicle-work-group>
- <http://www.ecy.wa.gov/programs/wr/cwp/icicle.html>

For critical analysis, see the NAIADS blog: <https://naiads.wordpress.com/>

Points to include in your comments:

- Please tell the agencies that the Alpine Lakes Wilderness is a shared natural resource that must be respected and protected.
- The EIS should include a “Wilderness Protection” alternative. This alternative should promote Wilderness values by not seeking any increase in the amount of water removed from the Alpine Lakes Wilderness; not expanding easements; not encroaching on wilderness lands; not using mechanical transport; and not building any structure or installation in the Wilderness. Under the Wilderness Protection alternative, any new water supplies should be obtained from sources outside the Wilderness, and use non-Wilderness options for improving instream flows (for example, the IPID change in diversion point discussed below). The Wilderness Protection alternative should comply with all provisions in the Forest Service’s administrative Alpine Lakes Wilderness Management Plan, including: “Except as provided for in Section 4(d)(4) of the Wilderness Act, watersheds will not be altered or managed to provide increased water quantity, quality or timing of discharge.”
- The Wilderness Protection alternative should evaluate public purchase (buy-back) of private water rights in the Alpine Lakes, which would allow removal of dams and other structures from the lakes to restore the Wilderness area to its true natural character.
- The EIS should include a “Water Right Relinquishment” alternative. This alternative should analyze existing water rights to the Alpine Lakes and acknowledge those rights that have been relinquished or abandoned.
- The EIS should include an alternative that recognizes IWG members’ water rights are limited to the purposes for which they were initially granted (for example, irrigation) and cannot be redirected to other purposes (such as suburban development).
- The EIS should include a “Water Conservation” alternative that emphasizes aggressive water conservation measures by the City of Leavenworth, Icicle-Peshastin Irrigation District, the Leavenworth Fish Hatchery and other water users. This alternative should evaluate water markets that facilitate selling and trading of water rights.
- The Water Conservation alternative should evaluate a transfer of water rights from IPID to Leavenworth for properties within the city limits that have now converted from orchards to residential properties. This alternative should analyze how appropriate reductions in water usage (that is, not using agricultural water quantities for lawn irrigation) would save water that would then be available for other Leavenworth needs.
- The Water Conservation alternative should evaluate how IPID spills large quantities of water back into the Wenatchee River at the end of several of its canals. This alternative should evaluate how this 19th century irrigation practice (which



Military to reconsider helicopter training sites

After a huge outcry from conservationists and recreationists, commanders at Joint Base Lewis McChord (JBLM) have announced they will reconsider their choices for helicopter training “mountain warfare” landing sites in the Cascades.

Some months ago, the military suddenly announced they would be moving part or all of their high altitude helicopter training from Colorado to the Cascades. Many of the sites chosen were in popular, much used recreational areas. More than one was actually located directly on top of Forest Service trails. Some were located near the Lake Chelan – Sawtooth Wilderness. One site in particular was opposed by ALPS, atop Icicle Ridge near Leavenworth, just within the Alpine Lakes Wilderness.

No one in the conservation or recreation communities had been consulted by the military about their choice of sites. The number of flights would be substantial, and they would occur night and day throughout the year. It is not clear just why the decision to relocate the training area from Colorado to the Cascades was made. Almost all mountains in Colorado are many thousands of feet higher than those in the Cascades. It would seem that the much higher mountains of Colorado would be better for assessing and learning how to deal with the effects of high altitudes on both people and machinery. Many summits in the Cascades are not even as high as valley bottoms in Colorado.

Whatever the reasons behind the move, the choice of sites and the projected intensity of use

quickly generated widespread opposition. Washington Wild, with whom ALPS has worked closely on the Wild Sky and recent Alpine Lakes Wilderness efforts, wrote a letter asking the military to reconsider its choice of sites. The letter was quickly and eagerly signed on to by almost every conservation and mountain recreation organization in the state, including ALPS. Senator Patty Murray stepped in to call for an extended comment period. Many other comments poured in, almost all opposed to the plan as presented.

Military commanders at JBLM appear to have gotten the message. Hopefully their next proposal will take better account of the many conservation, wildlife and recreation values of the Cascades.

was required to ensure water made it to the furthestmost customers) could be replaced with modern pumping and piping technologies. The EIS should consider the resulting reduction in water demand as an alternative water supply.

- The EIS should include a “Water Right Change” alternative. This alternative would evaluate improving Icicle Creek flows by moving IPID’s point of diversion downstream (to the Wenatchee River). This measure, which would add 100 cfs of water to Icicle Creek every year, would convert the IPID diversion from gravity flow to pumping (requiring electrical power). This alternative should therefore analyze renewable energy options to supply that power, including solar, wind and in-canal hydroelectric.
- The EIS should analyze each proposed action’s site-specific

impacts, past practices, and the restoration, mitigation, and funding that are needed in the future. At each site, proposed construction activities and proposed water diversions need to be spelled out in detail.

- The EIS should discuss the hydrological and biological impacts of the current drawdowns of the lakes, and any proposed changes. The analysis should include a review of scientific literature on the impacts of water removals upon wildlife, vegetation, soil and wilderness values.
- The EIS should provide a detailed operations, maintenance and environmental monitoring plan for the water infrastructure, and analysis of the wilderness impacts of specific maintenance actions, including helicopter use.

- The EIS should fully explain the purpose and need for the water these projects would provide.
- The EIS should fully explain what human activities caused the degraded conditions (such as low instream flows in Icicle Creek) that the projects seek to improve. We should not be repeating the mistakes of the past.
- The EIS should analyze adequacy of proposed instream flows to support spawning, rearing and migration of steelhead and bull trout.

ALPS members and Wilderness supporters should submit comments to the Icicle Work Group **by May 11, 2016**. By actively participating in this process, we can protect and preserve the exceptional beauty and values of the Alpine Lakes Wilderness. ■

Yakima Plan update

ALPS and other conservation groups are continuing their active opposition to the most destructive parts of the 2012 “Yakima Basin Integrated Plan.”

Senator Maria Cantwell’s bill to authorize early phases of the 2012 Yakima Plan (S.1694) moved out of committee in November 2015 and has been proposed for inclusion in the unrelated omnibus energy bill. In February 2016, ALPS and allies wrote to Senators urging them to reject the amendment to the omnibus. In March, a similar bill (H.R. 4686) was introduced in the House by Reps. Dan Newhouse and Dave Reichert. Independent of the new bills, the President’s proposed budget provides \$15.8 million of ongoing funding under existing authorizations.

In December 2015, a smaller version of the Kachess Pumping Plant (called KETFPF for Kachess Emergency Temporary Floating Pumping Plant) was cancelled by the Bureau of Reclamation after the private irrigators (farm owners) decided they did not want to pay for it. This disproved the assertion by Plan proponents that irrigators will pay for the full-size Kachess Pump project plus K-to-K Pipeline. In other words, taxpayers are still expected to pay for these projects. Also in December, an article about opposition to the Plan, entitled “Critics of Yakima Basin Integrated Plan say officials don’t listen,” was published in the *Yakima Herald-Republic* and reprinted in the *Seattle Times*. ■

Senator Murray receives recognition



Senator Patty Murray is presented with an Alpine Lakes Wilderness sign at her Seattle office on February 10, 2016, in recognition of her efforts to add the Pratt River valley and nearby areas to the Wilderness. The current, and two former ALPS presidents are in attendance. From left to right, Katherine Hollis, Conservation Director for The Mountaineers; Don Parks, ALPS board member and former ALPS president; Senator Patty Murray; Tom Uniack (in back), executive director of Washington Wild, who managed much of the Wilderness campaign; Rick McGuire, former ALPS president and current board member; Andrea Imler, Washington Trails Association; Karl Forsgaard, current ALPS president; and Ben Greuel, The Wilderness Society.