

June 12, 2015

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**SUBJECT: Comments submitted in response to KDRPP and KKC Draft Environmental Impact Statement
(Set #1)**

The following comments are submitted on behalf of *Friends of Lake Kachess*, a consortium of three homeowners associations and unaffiliated residents located in areas affected by KDRPP and KKC. I am serving as a representative of these groups and the comments represent my personal views as well. Please note this group submitted comments in the initial open period and the present comments are in addition to, not a duplication of, earlier comments. Comments in this document are derived from information not previously available, in particular the Design Feasibility Analysis Reports for KKC and KDRPP. Although the Design Feasibility reports are now located on the Bureau of Reclamation website, the availability of this important information was not announced by the Bureau of Reclamation as part of the DEIS open comment process. This represents a significant failure of outreach and communication by the Bureau of Reclamation.

Be advised that a second set of comments are being submitted by *Friends of Lake Kachess*, focusing primarily on the increased costs and need for recognition of such costs in the KDRPP and KKC projects. The two submissions are not identical comments but represent separate and substantively different issues.

These comments are submitted in response to the Draft Environmental Impact Statement (DEIS) for Kachess Drought Relief Pumping Plant (KDRPP) and the Keechelus to Kachess Conveyance (KKC), specifically for the re-opened comment period ending June 15, 2015. In all cases below, unless otherwise noted, the page, table and figure citations refer to the Design Feasibility Analysis Report for Kachess Drought Relief Pumping Plant (www.usbr.gov/pn/programs/eis/kdrpp/kdrpdraftdesign.pdf) or the Design Feasibility Analysis Report for Keechelus to Kachess Conveyance (www.usbr.gov/pn/programs/eis/kkc/kkcdraftdesign.pdf). For ease of communication these citations will be shortened to “KDRPP Draft Design” and “KKC Draft Design”, respectively, when cited below.

The following comments are offered without priority ranking; each represents a concern of the highest priority for our community. In closing, it is clear the KDRPP and KKC Projects have become highly controversial due to their negative economic and environmental impacts. The two projects cannot be supported on their merits and do not add synergy to the Integrated Plan as a whole. As a result they must be terminated before more taxpayer funds are wasted.

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1. Incursion of Wetlands area and request for full NEPA Review. KKC Draft Design states that during construction of tunnel segments, operations will “allow water seeping into the tunnel...to drain into the adjacent Swamp Lake Wetlands.” (p. 35) It further states that some of this water will be collected in “holding and treatment tanks and discharged into Swamp Lake Wetlands.” (p. 35)

This statement acknowledges the project is being conducted adjacent to an environmentally sensitive wetlands area, and indeed is intruding into the wetlands by inserting waste discharge water with unknown contaminants. In previous construction projects the U.S. Forest Service has found threatened and endangered plant life in or adjacent to these wetlands, and has prohibited road construction in this area.

The National Environment Policy Act (NEPA) requires the following with regard to floodplain management of wetlands (NEPA Policy State on Wetlands, Jan. 1970):

b. Executive Order 11990 entitled “Protection of Wetlands”, dated May 24, 1977, requires Federal agencies to take action to avoid adversely impacting wetlands wherever possible, to minimize wetlands destruction and to preserve the values of wetlands, and to prescribe procedures to implement the policies and procedures of this Executive Order.

c. It is the intent of these Executive Orders that, wherever possible, Federal agencies implement the floodplains/wetlands requirements through existing procedures, such as those internal procedures established to implement the National Environmental Policy Act (NEPA) and OMB A-95 review procedures. In those instances where the environmental impacts of a proposed action are not significant enough to require an environmental impact statement (EIS) pursuant to section 102(2)(C) of NEPA, or where programs are not subject to the requirements of NEPA, alternative but equivalent floodplain/wetlands evaluation and notice procedures must be established.

The clear meaning of Executive Order 119900 is that any action that might adversely affect wetlands must undergo NEPA Review (or its equivalent), but that when an Environmental Impact Statement (EIS) is required there must be a NEPA review.

The incursion of KDRPP and KKC into a recognized wetlands area is only one of many instances where the DEIS is deficient based upon NEPA criteria. Bull Trout, Northern Spotted Owl, Osprey, mycelium, and other endangered or threatened species have been identified as resident in the area. A comprehensive survey of plant and animal life in the KDRPP and KKC vicinity is mandatory to identify endangered and/or threatened species whose habitat and/or population may be negatively affected. The KDRPP and KKC DEIS is in violation of National Environmental Policy Act and can only be brought into compliance through a full NEPA review, specifically of the Swamp Lake Wetlands but also of all areas within the boundaries of the two projects. We ask that a full NEPA Review of KDRPP and KKC be conducted and that a revised draft DEIS of the KDRPP and KKC projects be provided before any Final Environmental Impact Statement (FEIS) is released.

2. Need to recognize increased construction activity and its effects on population and environment. Tunnel Boring Machines (TBM's) will be used to create the proposed tunnel in the KKC, as described in the Feasibility Design for KKC (p. 32-35). However there are significant differences from the description in the KDRPP DEIS. In the KKC/KDRPP DEIS the construction impact was estimated to be approximately one trip/minute on Kachess Lake Road (p. 4. 280-285) during peak times, with adjustments for different activity levels. However the KKC/KDRPP contemplated only one TBM in operation at any time. The simultaneous operation of two TBM's would double the road traffic of hauling operations (two portal shafts, two excavation sites, twice the truck traffic, etc.) . This adjustment must be made in the DEIS to accurately reflect peak and nonpeak transportation impacts in Kachess Lake Road and other access routes. A revision of Transportation Impact Estimates in the KKC/KDRPP DEIS is required given the change in operations to include simultaneous operation of TBM's.
3. Increase in scope of tunnel project and need to recognition impact on construction activities. Related to #2 above, the Feasibility Design for KKC now contemplates a 12-foot tunnel with an approximate 30% increase in excavation materials for removal and relocation. (p. 31) This increase in materials being excavated for removal will cause a corresponding increase in construction traffic, both in duration and intensity. We ask that Transportation Impact estimates of the KKC/KDRPP DEIS be recalculated to give accurate estimates based upon the Feasibility Design data.
4. Correction and communication of construction time frame. Time frames for completion of the project have been substantially increased. For example the KDRPP construction schedule in the DEIS was stated to be 3 years, but in the KDRPP Feasibility Design is stated to be 5.5 years. Similar increases in time for KKC are reported. The DEIS claimed construction effects on local citizens would be "minor" but this assertion cannot be defended when the project is nearly doubled in time frame and intensity. We ask that the DEIS be revised to reflect the more recent construction schedules and that estimates of impact be revised to state the effect on local residents will be "substantial and disruptive to normal activities."
5. Disclosure of description, authority, and plans for acquisition of private property and right-of-way easements. With regard to KKC Feasibility Design findings, it is noted (p.44) that both North and South Tunnel Segments cross under private party parcels and will require purchase. It is further stated the tunnel will cross under private property Northwest of Exit 62 of I-90. (p. 45). With regard to KDRPP Feasibility Design findings, it is noted (p. 11) the "East Shore alternative will require additional property easements or acquisitions." In these and all other instances where private property easements and/or acquisitions may be necessary, we ask that the specific parcels be identified, the current owners of those properties be notified, that the legal authority for

acquisition and/or easements be made public and stated to the parcel owners, and that this done before issuing a final EIS so affected stakeholders will have time to consider impacts on private property.

6. Disclosure of costs related to acquisition of private property and right-of-way easements. Related to item #5 above, the acquisition of private property parcels and right-of-way easements will incur costs, both of purchase and litigation. We ask these costs be included in the cost estimates for KDRPP and KKC, and that these costs be included in a re-calculation of Benefit/Cost estimates for the projects.
7. Clarification of criteria for activation pumping station in KDRPP. The Feasibility Design for KDRPP states the “pump will be used to provide flow in Yakima River when Kachess Reservoir is below the gravity (spillway) level.” (p. 36) This represents an expansion of the previously stated use criteria and could extend far beyond the 70% proration criteria. The only previously stated criteria for activating pumps stated in the KDRPP/KKC DEIS is to provide additional water when pro-rated supplies to junior water rights holders fall below 70%. It now appears the Bureau is contemplating additional pumping activity, not authorized in the legislative authority or contemplated in the DEIS to regulate Yakima River flow. We assert the Bureau does not have the authority to activate pumps in this manner, has not provided criteria or guidelines under which this (or any other) pump activation might take place, and this represents an arbitrary and unauthorized expansion of the KDRPP Project. We ask this statement be removed from the Feasibility Design for KDRPP and that any activation of pumps outside the 70% proration be specifically prohibited. It should also be noted that if this unauthorized use takes place, the estimates on Kachess Reservoir refill and availability of storage will no longer be valid and must be recalculated in light of such expanded use.
8. Failure to cooperate with area fire districts. The Bureau identifies agencies it intends to cooperate with in the projects, however in all cases it fails to recognize and commit to cooperation with area fire districts. The use of Stampede Pass Road and NF5480 for construction traffic involving KKC will have a significant impact on Station #3 of Kittitas County Fire District #8. (p. 47 of KKC Feasibility Design) Construction operations for KKC and KDRPP will have a significant impact on Kachess Lake Road and Via Kachess Road, and thereby impact access and egress for Stations #1 and #2 of Kittitas County Fire District #8. (p. 13 Feasibility Design KKC) Sparks Road and Kachess Dam road will be impacted by construction activities and this will affect service and access times for Kittitas County Fire Department #3 (Easton). Because of mutual aid agreements and proximity of fire districts any incidents in the geographic area represented by KDRPP and KKC will also affect Snoqualmie Pass Fire Department and Kittitas County Fire Department District #7. We ask that all these fire districts be considered as “cooperating agencies” by the Bureau and that they be contacted and substantively involved in any planning and mitigation activities for the projects. Separate from access and egress issues, simply the additional personnel and equipment involved in construction activities will result in additional emergency medical service and/or fire incidents. It is imperative that these agencies be involved in anticipating and mitigating negative effects.
9. Need for Environmental Toxicology assessment due to increased exposure of humans and animals to toxicants from KKC pipeline discharge. The DEIS states (p. 3-42) Keechelus Reservoir has high levels of chlorite pesticides, PCB’s, Dioxins, and other pollutants that result in tissue

levels in fish (according to a study in 2007) “exceeding the human health criteria for PCB’s.” It is obvious the KKC will spill this contaminated water into Kachess Reservoir and expose humans, fish, wildlife in and around Kachess to higher levels of these toxicants. Despite the clear hazard this represents, the DEIS does not acknowledge this risk nor does it attempt to quantify the risks. We ask that appropriate environmental toxicology studies be conducted to quantitatively determine the increased levels of all toxicants being added to Kachess Reservoir. We ask that this previously unrecognized hazard be recognized for downstream exposures via the Yakima River. We acknowledge that Keechelus Reservoir is currently spilling pollutants into the Yakima River and exposing downstream people and wildlife to poisons. However these toxicants are not currently being added to Lake Kachess, and we reject any response from Reclamation that would attempt to characterize the additional exposure as minimal or just “more of the same.” Toxicologic science recognizes the principle of a “dose-response relationship,” meaning there is a physiologic response to even minimal doses, and the response(s) must be measured and assessed properly. This is a case of a massive increase in the solvent vehicle (i.e., Keechelus water in the range of 200,000 acre feet of water), an increase in time of exposure from 0.0 days to 365 days/year, a very high level of bioavailability (possibly 100%), an unknown increase in contaminated fish tissue consumption of Lake Kachess fish from a baseline of 0.0 gms/year, an increase in numbers of fish and tissue levels of previously unexposed fish, with unknown effects on the fish stock, and a host of other factors that result in increasing the dose of, and exposure to, toxicants introduced by KKC.

10. Request for independent analysis of risk due to increased exposure of toxicants. The increase in toxicant levels of fish species in Kachess Reservoir must be objectively determined, and this increase must be translated into estimates of incidence and prevalence of morbidity and mortality to human and other wildlife using state-of-the art scientific methods. This assessment must include effects on vulnerable populations including females of child-bearing age and children. We ask that this study be conducted by a reputable third-party selected by the University of Washington Environmental Law Program. We ask that the results of this environmental toxicology analysis be fully communicated to all persons and populations facing additional exposure to these toxins and we ask that no final EIS be issued until this critical risk to human and animal health can be determined and disseminated.