

February 28, 2015

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Please accept these comments, on behalf of the Kachess Community Association, in response to the Draft Environmental Impact Statement (DEIS) for the proposed Kachess Drought Relief Pumping Plant (KDRPP) and Keechelus Reservoir-to-Kachess Reservoir Conveyance (KKC) Projects.

The KDRPP and KKC Projects pose serious threats to the economic and environmental status of the Okanogan-Wenatchee National Forest and to the several communities in the watershed of Keechelus Reservoir and Kachess Reservoir. The numerous adverse environmental impacts documented in the DEIS include habitat destruction of bull trout and Northern Spotted Owl, negative impacts on private property values, reduction in aquifer in Northern Kittitas County with the possibility of well failures, shoreline destruction, increased hazard from wildfires, reduction in recreational opportunities, increased mortality of fish and game, destruction of scenic vistas, risk to wildlife and people attributable to construction activities, damage to commercial activities and deterioration of emergency medical, fire and other public services.

Signed into law, on January 1, 1970, the National Environmental Policy Act (NEPA) established to implement protection of our public lands, managed by the Forest Service. NEPA instructs agencies (Forest Service) to assess the environmental effects of proposed actions before making decisions.

I have read the NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK - CATEGORICAL EXCLUSION FROM DOCUMENTATION (chapter 30) and cannot find any wording that would exclude the Forest Service from doing the required detailed NEPA study to determine the full impact of this project. In fact, the handbook makes it very clear that a NEPA is mandated, due to the wide spread impact these proposals will have on the environment, wildlife, plants, and fauna. The DEIS states "This DEIS was prepared in compliance with the National Environmental Policy Act (NEPA) 42 USC 4371 et seq. and the State of Washington Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the SEPA Rules (Chapter 197-11 WAC)." Where is the required NEPA study? This DEIS does not meet the requirements mandated by the NEPA process.

The previously stated negative impacts are acknowledged in the DEIS, however in most cases the Bureau simply states negative impacts "will be monitored and mitigated." The substantial negative impacts on private and public property are inadequately described and never quantified. This does not meet the letter or spirit of a valid Environmental Impact Statement. When a well has gone dry, when bull trout have been unable to spawn or have died due to low water levels, when property values have declined, and in a multitude of similar negative impacts it is either impossible or too late to "mitigate" the negative impact. Indeed the DEIS fails to provide substantive and clear information about what monitoring will occur, or what mitigation strategies would even be considered, and in all those instances must be rejected as nonresponsive.

Among our many concerns, a major one is the potential threat the KDRPP and KKC projects represent to the Kachess Community, located on the west shore of Lake Kachess. In addition to significantly decreasing our

property values and stopping our ability to recreate on or in the vicinity of the lake for periods of several consecutive years every time the lake level is dropped below its natural level, you are threatening our community's water source.

Section 3.5.2.1 acknowledges the many wells within 2 miles of Lake Kachess, however, it fails to recognize the Public Group "A" Water System, located several hundred feet from the lake shoreline. This water system provides water to 162 homes in our community, to our fire hydrants, for use in firefighting of structures and wildfire within the boundaries of Kittitas County Fire District #8, and for firefighting via tanker and transport apparatus in contiguous districts where mutual aid and collaborative agreements exist. It fails to describe or quantify the **EXACT** effect, dropping the lake level an additional 80+ feet below its natural lowest level, will have on our Public water system or the wells in the area, or on the ability to conduct effect fire suppression activities.

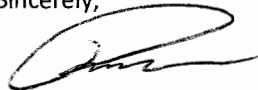
We know that when the level of the lake drops to its lowest possible level in drought years, the input water to our system decreases, but neither we nor you have any idea what would happen if the level was dropped an additional 80+ feet and remained below the full level for many years after a drought, as the DEIS projects it will do. As part of the DEIS, you must determine and quantify the effect the lake level drop will have on our Public water system and provide a mitigation plan to protect our water source.

We have senior water rights dating back to pre-May 10, 1905. As such, if this project proceeds without a full study and satisfactory mitigation, we will be forced to seek injunctive relief to stop the project and protect our water rights and the water supply to the Kachess Community.

Because the DEIS fails to adequately describe and quantify all the negative impacts of KDRPP and KKC, because it misrepresents and undervalues the true economic and environmental risks, and because it overvalues benefits to a select group of individuals it fails to meet the minimum criteria of a valid Environmental Impact Statement as set forth in the National Environmental Protection Act (NEPA). The DEIS must therefore be rejected in its current form, it must be substantially revised, and it must be resubmitted as a DEIS and with an appropriate comment period.

A more detailed analysis and comment has been prepared by the organization "Friends of Lake Kachess" citing specific examples of the above-stated concerns. I support in entirety the comments submitted by that organization (see attached). I ask that you acknowledge receipt of these comments at the earliest opportunity.

Sincerely,



Robert Angrisano

President, Kachess Community Association

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Fall City, WA 98024

**Comments on Draft Environmental Impact Statement (DEIS)  
For  
Yakima River Basin Water Enhancement Project (YRBWEP)**

Prepared by "Friends of Lake Kachess"

1. The following statement is repeated at various points: "Reclamation would use the pumping plant during drought years and could possibly use it in following years..." [emphasis added]. (ES-viii) It appears this statement is at variance with the authorized purpose of the KDRPP/KKC projects, which is to initiate pumping only when portable water supplies fall below 70%. What authority exists for using the pumping plant outside the 70% criteria, and please cite the statutory and/or regulatory authority for such an action. If such action is contemplated, what is the maximum frequency and amount of such pumping?
2. One purported goal of the KDRPP/KKC projects is to allow Reclamation to "reduce flows in the upper Yakima River, thereby improving rearing habitat for steelhead and spring Chinook." (ES-xii) However the DEIS does not provide any data on mortality or survivability of current runs (if any exist) or projected mortality/survivability of future runs. Please provide quantitative estimates of mortality and survivability gains in fish passage and cite the references for such estimates.
3. Kittitas County Fire District #8 (KCFD8) is responsible for providing emergency medical and fire service within the proposed boundaries of the proposed KDRPP/KKC project area. There will be significant vehicle, heavy equipment, and trucking equipment used on the project, by personnel. There is also the possibility of round the clock working hours for the project during non-winter months. This will require significant staffing and the possible purchase of specialized equipment rescue equipment, by KCFD8, to be able to respond in an appropriate and timely manner to life threatening emergencies. There are no provisions in the DEIS for funding this ramped up effort or mitigating these essential services during the build-out period. What funding or mitigation options are available to assure continued and unimpeded emergency services for the Kachess Reservoir community? What assurance can Reclamation give that these options will be available? What are the levels of effectiveness of any mitigation efforts?
4. The DEIS acknowledges "major construction impacts including dust, vehicle emissions, noise, and traffic." Truck traffic along Kachess Lake Road may be as high as 1 truck per minute (59 per hour) at peak levels and average 1 truck per 5 minutes.(ES xviii; Table 4-75) The claim is this will not significantly impact local traffic, emergency responders, recreationists and others, however this appears to be an overly optimistic speculation. We request that you confirm these conclusions by consulting with Kachess Fire Department No. 8, with DOT, and other affected parties. We further ask that you report the results of such consultations and cite any evidence

for any conclusion(s) by Reclamation that are counter to the conclusions of Kachess Fire Department No. 8 and/or DOT.

5. Wildland fire risk is a significant hazard in the KDRPP and KKC areas, evidenced by recent Kittitas County fires: South Cle Elum Ridge Fire, Taylor Bridge Fire, Table Mountain Fire, and others. These fires are frequently caused by sparks, construction work (e.g., welding), brake and bearing fires, and other causes related to vehicular traffic, especially heavy vehicles, and construction apparatus. (4-281) Given the large increase in traffic on Lake Kachess Road we ask for a thorough assessment of the additional risks of wildland fire imposed by construction work for KDRPP and KKC, the costs associated with suppressing or managing typical fires in the area, and the responsibility for mitigation (including financial reimbursement to private interests). If these costs are not to be borne by Reclamation we ask the affected parties (public and private) be contacted and they acknowledge their acceptance of financial and other risks in case of fire caused by KDRPP and KKC construction.
6. In numerous locations the statement is made that Kachess Reservoir will "...take 2 to 5 years following a drought year to refill" using the KKC gravity mechanism. Please provide information on the frequency with which drought refill will require 2, 3, 4, and 5 years to refill, and the evidence for such projections.(ES-xix and other locations)
7. According to the DEIS, "Bull trout will be adversely affected [in Keechelus tributaries] for approximately 115 days in 81 percent of years." Enhancement efforts in Keechelus Reservoir tributaries are described but in order for Environmental Species Act criteria to be met there must be no net loss of population. Please provide quantitative information to indicate, with certainty, that there will be no net loss of Bull Trout population in the Keechelus Reservoir based upon the enhancement efforts under consideration.(ES-xix)
8. "Food based prey in both reservoirs will be reduced in both reservoirs" but the extent of reduction is not quantified. Also, both reservoirs provide food for the threatened Osprey (*Pandion haliaetus*) protected by the Migratory Bird Treaty Act (federal) and Washington State Fish and Wildlife Department and this is not acknowledged in the DEIS. Please provide quantitative estimates of the reduction in food prey, including type of food (including fresh water mussels/clams in Little Kachess), with citation of evidence, and conduct an analysis of the effect of habitat degradation on the Osprey. (4-113 to 4-116)
9. DEIS acknowledges the drawdowns of Kachess Reservoir will have significant impacts due to changes in overall landscape character and desirability from a recreational perspective. (4-155, 4-256) For example the operation of KDRPP and KKC will likely "reduce the camping season at Lake Kachess Campgrounds by an average of 25 days." This will remove approximately one month...1/3<sup>rd</sup> of the camping season...for people who use Lake Kachess Campground. The DEIS cites Cle Elum Forest District that this is the most used Forest Service Campground in Kittitas County. Obviously this will have a large impact on citizens who are not residents of Kittitas

County. We ask that a full accounting of the loss of use of Lake Kachess Campground (LKC) be conducted and that numbers of peoples, days of recreation, types of recreation (fishing, water sports, camping, etc.) be tabulated. We further ask that this information be provided to the population who have used or will likely use LKC. We ask that this information be provided via public media, U.S.; Forest Service communications and other appropriate means, so these affected persons will have an opportunity to provide comment on the KDRPP and KKC projects.

10. Moreover the DEIS indicates water level is a factor that significantly and adversely affects property values. However despite the clear hazard to private citizens' property values, and the claim that some unidentified mitigation effort will occur if damage occurs, there is no estimate of damage or how it will be calculated. Please provide specific, quantitative analyses of adverse impacts on property values, the evidence for such analyses, the mitigation efforts that will be used, the terms and conditions (including time frame) of such mitigation efforts, and the responsible parties for mitigation.
11. Drawdown of Kachess Reservoir will expose areas with steep slopes and the DEIS indicates landslides may occur on slopes of 15% or less (3-9). Slopes along Kachess Reservoir will be exposed at grades of 20 – 60% with unknown vulnerability to slides (3-7). No information is provided on the extent, severity, specific locations, or outcomes of instability likely to occur in Kachess Reservoir. Please provide this information including the reference evidence for such estimates. DEIS indicates that slide likelihood is unknown, however that could also be said for the deadly slide that occurred this year in Oso, WA. It is unacceptable to drastically change the geologic environment to provoke possibly deadly instability and dismiss the outcomes as "unknown." Please provide more detailed information on slide risk due to KDRPP/KKC, both from historical data derived from similar geologic conditions, or from scientifically valid predictions.
12. The "cumulative effects of traffic will create a nuisance for people traveling on I-90." (ES-xxix) This corridor is the most heavily traveled mountain pass in the U.S. with annual traffic in the millions of vehicles. It is cavalier, at best, to label heavy construction caused by KDRPP/KKC projects as merely a "nuisance." Given the extremely heavy traffic and sometimes severe weather conditions, we ask for a comprehensive estimate of projected injuries, accidents, and other incidents attributable to the construction projects, and the evidence for such estimates. This will also affect Kachess Fire Department No. 8 which has primary responsibility for fire and rescue calls in the I-90 Corridor from Snoqualmie Pass to Easton, and shares coverage for dispatches East of Easton and West of Snoqualmie Pass. We ask that the added impact of aid and fire calls in the area be estimated and the financial and manpower burden on Dist. 8 be quantified, and that mitigation (including financial relief) be provided.
13. The DEIS accurately states the Kachess Reservoir aquifer will be depleted and private wells may be compromised or fail entirely (1-19). The only accommodation will be for "...Reclamation to develop appropriate mitigation strategies" if water levels and wells are adversely impacted. It is

hard to imagine any mitigation strategy that could be sufficient to ameliorate the loss of water for private residences and the DEIS does not provide any indication of what mitigations efforts would be considered or appropriate. It is essential that these mitigation efforts be identified in advance, the likelihood of their need to be implemented also identified in advance, and that these estimates be quantitative and based upon scientific evidence. We respectfully request this information immediately and further request that no action take place that would affect Kachess Reservoir aquifer until monitoring and mitigation strategies have been thoroughly identified and vetted.

14. The DEIS acknowledges Bull Trout passage between Box Canyon Creek and Kachess Reservoir will be impeded due to habitat destruction (reduction of water flow) with resultant decline in population. (ES xix) DEIS further quotes the Endangered Species Act as stating that federal agencies must “ensure that their actions do not jeopardize the continued existence of ESA-listed species, or destroy or adversely modify their critical habitat.” It appears from the clear meaning of the words in DEIS, coupled with the ESA language, that the KDRPP/KKC projects are a violation of the Act. As documented by the DEIS, Bull Trout continued existence IS JEOPARDIZED by the KDRPP and KKC Projects and some unstated number of Bull Trout will not survive. It further appears that the DEIS is attempting a “sleight of hand” with regard to the Bull Trout Enhancement measures. In other words, while habitat and actual fish counts will be reduced in Kachess Reservoir, there will be an attempt to increase Bull Trout habitat in Gold Creek and other areas. However these areas do not connect in any way to the Bull Trout population in Kachess Reservoir and will do nothing to reduce their destruction or loss of habitat. There are vague statements about “mitigation efforts” and “studies” that will be conducted but this abstract promise fails to meet the language or intent of the ESA. Please indicate by what authority this “sleight of hand” (where a population of an endangered species in one location will be adversely affected while a population in another---noncontiguous---area is enhanced) can fulfill the obligations imposed on federal agencies by the ESA.
15. It is claimed Reclamation will “implement a public communication strategy to prepare recreation users for the significant impacts on recreation at Kachess Reservoir” (ES-xxx). With all due respect, the YRBWEP and KDRPP/KKC initiatives have been characterized by their LACK of communication efforts to citizens in the affected areas. Please provide any evidence that Reclamation is capable of a public communication strategy to the affected areas, any evidence of effective past efforts, and specific examples of methods and timing to prepare recreation areas for the significant impacts acknowledged in the DEIS.
16. Based upon the DEIS it appears the two projects, KDRPP and KKC, have never been authorized in federal statute. If that is not correct please indicate the federal authorization for the two projects. If it is correct, please indicate the minimum Benefit/Cost thresholds, and criteria, for these projects to receive federal authorization, and the evidentiary basis for such thresholds.

17. Additional steps in implementation include “Reclamation’s Planning Report feasibility analysis, including benefit-cost analysis and other environmental analysis.” (1-12). The Washington Water Research Center benefit-cost analysis of the Yakima Plan’s individual water storage projects, required by the Washington State Legislature and prepared by a team of experts from the University of Washington and Washington State University, documents that KDRPP has a negative 0.46 (benefit/cost) and KKC has a negative 0.20 (benefit/cost) ratio. Please indicate the criteria that will be used to determine an acceptable vs. unacceptable benefit/cost outcome for KDRPP and KKC, and provide the basis for any criteria that could cause Reclamation to conclude the projects meet federal requirements for benefit-cost outcome.
18. We further contend (with regard to item #15 above) that the appropriate benefit/cost analysis has already been conducted and is the one required by the Washington State Legislature and prepared by a team of experts from the University of Washington and Washington State University. We ask that this study be entered into the record as a definitive analysis of Benefit/Cost analysis for YRBWEP and specifically for the KDRPP and KKC projects. If a separate analysis is conducted by Reclamation (as noted in 1-12) we ask that its authors consult with Dr. Yoder and the WSUWRC, and that Dr. Yoder and his group be allowed to review the study referred to in 1-12 and that all comments from WSUWRC be included fully and without editing in the final report.
19. Executive Order 12898: Environmental Justice states (DEIS 1-21) that “no person or group of people shoulders a disproportionate share of negative environmental impacts resulting from the execution of environmental programs.” This criteria is clearly violated by the KDRPP and KKC projects based as documented in the DEIS. Adverse impacts of these projects include water pollution, air pollution, noise pollution, traffic risk, wetlands damage, aquifer depletion, decline in property values, loss of recreation opportunities, possible shoreline instability, and many other “negative environmental impacts” resulting from KDRPP and KKC construction and operation. The DEIS fails to acknowledge (Section 4.22) these impacts and the fact they are disproportionately shouldered by approximately 500 citizens in close proximity to Kachess Reservoir. The KDRPP and KKC projects represent a transfer of private assets (wealth) from citizens of Kachess Reservoir who bear all of the negative impacts, to the citizens of Yakima Basin who receive all of the benefits and shoulder none of the negative impacts. We assert the DEIS fails on two counts, to acknowledge the disproportionate distribution of negative impacts and their explication, and to acknowledge this is a violation of Executive Order 12898: Environmental Justice. If this assertion is incorrect on either count we ask Reclamation to provide clarification and the basis for Reclamation’s position.
20. Adding to the discussion about Executive Order 12898: Environmental Justice, while the negative impacts disproportionately fall on citizens in the area of Kachess Reservoir, almost none of the benefits accrue to that population. There is no fish passage proposed or planned for the reservoir and there is no irrigation in the area. Of the 200,000 ac. ft. of water that will be drained during drought years from Kachess Reservoir, only 14.7 % will even stay in Kittitas

County (Based on equal proration, which is the law, Kittitas Reclamation District would receive only 29,400 ac. ft. [p. 3-19] and none of that would irrigate land near Kachess Reservoir. We assert this reinforces our position that KDRPP and KKC represent a violation of Executive Order 12898, and ask that Reclamation state the basis for any disagreement with our assertion. The DEIS concludes that the absence of significant minority or low-income populations in the Kachess Reservoir vicinity means that Executive Order 12898 has not been violated (4-329). However Order 12898 speaks to “disproportionate impacts” on populations and does not restrict such impacts to low income or minority.

21. Page 4-331 indicates members of the Yakama Nation and other Tribes “would be expected to use Kachess Reservoir disproportionately” to other populations. As described in Section 4.6.2 impacts to fish in Kachess Reservoir are largely negative. Therefore, “implementation of [KDRPP and KKC] could decrease the potential for subsistence use of these resources and the impact could be substantial.” This appears to be a clear statement of disproportionate impact on a minority population caused by a federal agency project, and therefore a violation of Executive Order 12898. Please explain how Reclamation can continue with a project that violates Executive Order 12898.
22. During construction the DEIS states “approximately 1,200 feet of Kachess Lake Road would be temporarily realigned around the Kachess Lake Road portal area” (2-41). However in reviewing the construction schedule it appears the definition of “temporary” is a minimum of three years. In view of the delays experienced by the Seattle tunnel project it is reasonable to expect the KKC tunnel (nearly 5 miles in length) may experience similar delays. A three year delay is hardly “temporary” to residents facing traffic congestion of 1 truck every 5 minutes (1 per minute at peak operation). In the likely event the project completion date is extended, a 5 year or greater horizon is quite possible. Please provide the rationale for considering a 3-5 year realignment as temporary, and refrain from using the term “temporary” when the clear intent is 3-5 years. In addition, please consult with affected emergency service agencies (EMS and Fire & Rescue) at Kachess Reservoir to confirm the DEIS finding that traffic problems will not be significant during construction. When information is available from affected local agencies please provide that information to all affected parties. The staging zone at Exit 62 is a particularly critical area to include in re-analysis, with traffic from the I-90 DOT Project, the quarry providing rock and other materials, two Sno-Parks, private residences, and a Landing Zone for EMS operations.
23. The frequency and amount of drawdown of Kachess Reservoir is unknown, only climate conditions in the future will provide the answer. Based upon recent history, however, prorationing occurred about once every 4 years in the last 20 years (3-20). In 5 of those years, prorationing fell below the 70% threshold and met the criteria for KCRPP to be activated. YRBWEP would allow a drawdown of 82.75 additional feet below the current lowest allowable level due to gravity flow over Kachess Dam spillway. The DEIS does not state the legal authority for establishing 82.75 feet as the maximum drawdown of Kachess Reservoir, which raises the question of whether drawdowns could occur below 82.75 ft. Is it possible that drawdown of



Kachess Reservoir could exceed 82.75 ft.? If so, under what conditions could that occur? If not, what authority (legal or otherwise) exists to assure that drawdown greater than 82.75 ft. will not occur? If drawdown greater than 82.75 ft. could occur, how much greater drawdown could occur and under what conditions? If drawdown greater than 82.75 ft. could occur what modifications of the current (and all other YRBWEP) DEIS's would be required?

24. The Table 3-39 "Characteristics of Properties Surrounding Kachess Reservoir" is inaccurate in its representation of the population affected by KDRPP and KKC. The DEIS apparently claims that only those individuals/parcels with 0.1 mile of Kachess Reservoir will be affected by changes in water level, recreation opportunities, property values, and other critical impacts. To be very clear, this statement is false. Three homeowners associations (HOA's) surround Kachess Reservoir (Lake Kachess Village HOA, Kachess Ridge HOA, and East Kachess HOA) plus individual residents located on private parcels throughout the area. We ask that a more realistic assessment of affected areas surrounding Kachess Reservoir be conducted, with a criteria of 5 miles distance to Kachess Reservoir shore. The shoreline is public access property available to anyone who travels Kachess Lake Road, Via Kachess, and/or East Lake Kachess shore road. A 0.1 mile criteria for definition of "affected persons/parcels" is unacceptable and cannot be defended by Reclamation. By the DEIS's own assertions, the area is a popular area for recreationist from the major population centers of Olympia, Seattle, and Everett. Lake Kachess Village HOA alone has 166 parcels (lots) and so the estimate of 197 "private parcels" for the total population shown in the table is significantly understated. We ask for an accurate survey and/or analysis that will correct the table to represent the true population affected by KDRPP and KKC.
25. The areas of Snoqualmie Pass, with communities of Hyak, Snoqualmie Pass, and Alpentel are significantly affected by the drainage of water from Kachess Reservoir and Keechelus Reservoir. The population of persons/parcels in this area likely exceed 1,000 and have not been notified of environmental, economic, and other impacts resulting from KDRPP and KKC. We ask that these communities be included environmental impact assessment, with public notification and opportunity for involvement, before any Final EIS is issued.
26. As noted in DEIS (4-286) the Easton State Airport is approximately 3,000 ft. southeast of the proposed discharge facilities and is used by a variety of private and public aircraft. A critical use of the airport is for large tanker and other airborne firefighting equipment, which require longer takeoff and landing space. The DEIS indicates a power transmission line will be required and may be located with 3,000 feet from the airport and exceed 60 ft. in height. The DEIS intends to use FAA minimum standards (50-1 height/length ratio) for placing transmission lines. It is further indicated FAA will be notified after the transmission line is established. In a word, this is irrational. The critical use of heavy firefighting airborne craft requires more than minimum safety standards for runway and landing, and notification after putting the line in place is irresponsible. We request that the minimum height/length standard be revisited and revised to assure safer fire suppression efforts, and that FAA be engaged immediately in this matter.

27. Drawdown of Kachess Reservoir will (4-348) “cause significant impacts on recreation...reduce aesthetic quality of the reservoir...cause recreationists to seek similar opportunities [elsewhere...cause increased use and crowding in other areas...prevent use of boat launches, decrease fishing opportunities” and other adverse impacts. These all have negative economic impacts on property values in area residences and we ask that such impacts be quantified. Absence such an analysis, any representations that future mitigation efforts will be implemented ring hollow.
28. The Spotted Owl is an endangered species. The Spotted Owl is native to forested areas surrounding Kachess Reservoir. The Spotted Owl habitat is adversely affected by KDRPP and KKC construction and operation. Therefore KDRPP and KKC cannot be implemented without violating conditions of the Endangered Species Act. If Reclamation disagrees, please explain how the KDRPP and KKC Projects can comply with ESA with regard to the Spotted Owl.
29. Environmental Commitments (shown on page 4-353) purport to indicate how “mitigation” efforts will be conducted in case of environmental damage. For example, wells will be monitored and “appropriate mitigation strategies” put in place. In all cases the mitigation occurs after the damage takes place, and in all cases the mitigation is unspecified or too vague to evaluate. As one example, after Bull Trout passage is impeded in Little Kachess basin it is too late to mitigate the damage. The Bull Trout are either dead or prevented from spawning. Please identify those mitigation efforts that take place after the damage occurs, and in each prepare a detailed analysis of what mitigation will occur and what proportion of damage will be mitigated.
30. In the building of a pipeline between Lake Keechelus and Lake Kachess, there would be a significant requirement for the storage, staging and parking of the construction equipment needed to build the pipeline. All available DOT owned space is currently leased to the contractor engaged in the multi-year 190 expansion project and we challenge the assertion by Reclamation that Exit 62 DOT facility will be adequate for KDRPP and KKC staging purposes. Please state exactly that Exit 62 DOT and no other area will be used for staging purposes. If other staging areas will be used or are contemplated, indicate those areas in sufficient detail for third-party verification. The DEIS indicates spoils from the digging of the pipeline may be disposed of in the Stampede Pass Quarry but there is no commitment to do so. If spoils will be transported and disposed of in a different location, specify the location(s). We ask that the EIS study to allow for storage and disposal of materials be conducted before a Final EIS is issued for KDRPP and KKC. (see 2.7.2.5 p. 2-50).
31. We note that DEIS indicates acquisition of Right of Way of private property may be required for completion and operation of the Kachess Reservoir Portal. (2-41 to 2-51). We ask that any and all private properties that may be considered for acquisition be identified. We further ask that

these private owners be immediately notified of this possibility, the legal basis for acquisition, the reimbursement and/or mitigation to be available, and the timing of such events.

32. DEIS states (3-42) Keechelus Reservoir has high levels of chlorite pesticides, PCB's, Dioxins, and other pollutants that result 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 create higher levels of toxins to humans, fish and wildlife in and around Kachess Reservoir. Despite the clear hazard this represents, the DEIS does not acknowledge this risk nor does it quantify the risks. We ask that appropriate environmental toxicology studies be conducted to quantitatively estimate the increased levels of all toxicants being added to Kachess Reservoir, and by extension to Yakima River, by KKC. We acknowledge that Keechelus Reservoir is currently spilling pollutants into the Yakima River and exposing downstream people and wildlife to poisons. We reject any response from Reclamation that attempts to minimize 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 every dose (i.e., exposure) and must be measured property. Increased volume of the solvent vehicle (in this case 200,000 acre feet of water), possibly time of exposure, 100% bioavailability, possibly increased consumption, increased tissue levels in fish, and a host of other factors all contribute to increasing the dose of, and exposure to, toxicants attributable to KKC.

We further ask that the increased levels in fish species of such toxicants be estimated in Kachess Reservoir and that the potential increased in incidence and prevalence of morbidity and mortality to human and other wildlife be assessed using state-of-the art scientific methods. 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 and we ask that no final EIS be issued until this critical risk to human and animal health can be determined.

33. DEIS indicates the staging area for KKC and KDRPP will be Exit 62 of I-90 currently under the management of Washington State Department of Transportation. DEIS claims space is available at Exit 62 to accommodate the construction activities, however it is our understanding this area is committed to private contractor(s) and other DOT uses at least until the completion of the I-90 widening project. In other words, Reclamation does not have assured use of this space. If this is true, the DEIS substantially misrepresents the construction logistics for KKC and KDRPP, and this means either additional and/or separate staging space will be necessary. We ask that legally enforceable documentation be provided that Exit 62 staging area is committed to KKC KDRPP. If this documentation cannot be provided, we ask that optional staging locations and logistics be provided, and an opportunity to comment on said locations, be provided before issuing a Final EIS.