Naturam Expellas Furca *Tamen Usque Recurret*

WISE USE MOVEMENT
P.O. Box 17804, Seattle, WA 98127

VIA MAIL AND EMAIL

March 6, 2015

Ms. Candace McKinley
Environmental Program Manager
Bureau of Reclamation
Columbia- Cascades Area Office
1917 March Road
Yakima, WA 98901-2058
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Dear Ms. McKinley:

The following are comments of the Wise Use Movement on the NEPA and SEPA Kachess Drought Relief Pumping Plant (KDRPP) and Keechelus Reservoir-to-Kachess Reservoir Conveyance (KKC) Draft Environmental Impact Statement (DEIS), dated January 9, 2015.

GENERAL COMMENTS

Over the last 35 years since Congress passed the Yakima River Basin Water Enhancement Project bill in 1979, the Bureau of Reclamation and Department of Ecology have wasted millions of dollars on water storage study projects in the Yakima River Basin without constructing a single water project other than three reregulation reservoirs on the Sunnyside Valley Irrigation District.

In 1982, the BuRec and Ecology studied 35 dam sites in the Yakima Basin.
http://news.google.com/newspapers?nid=860&dat=19820728&id=-H5UAAAAIBAJ&sjid=Bo8DAAAAIBAJ&pg=5454,2159561

The BuRec's 1984 Damsite and Structure Review dam site study identified the following dam sites for additional feasibility studies:

- Bumping Lake Enlargement on the Bumping River
- Cle Elum Enlargement (Cle Elum River)
- Devil's Table on Rattlesnake Creek (alternative Mile 4 damsite)
- Forks Project on the Teanaway River
- Horsetail Project on Little Naches River
- Tieton Dam Enlargement on Tieton River
- Wymer Project on Lumuma Creek
- Status Project on Status Creek
- Simcoe Project on Simcoe Creek
- Tampico Project on Ahtanum Creek

while eliminating other potential dam sites:

- Bakeoven South Fork – Tieton River
- Casland North Fork - Teanaway River

- Cooper Lake – Cooper River
- Cowiche – South Fork Cowiche Creek
- Dog Lake - C1ear Creek
- Hole in the Wall – Dry Creek
- Horseshoe Bend – Naches River
- Hyas Lake - C1e E1um River
- Little Rattler - Rattlesnake Creek
- Lost Meadow – Little Naches River
- Lower Canyon – Yakima River
- Manastash - Manastash Creek
- Mile Four - Rattlesnake Creek
- Minnie Meadows – South Fork Tieton River
- Naneum - Naneum Creek
- Pleasant Valley – American River
- Rattlesnake - Naches River
- Soda Springs – Bumping River
- Swauk – Swauk Creek
- Toppenish – Toppenish Creek
- Upper Canyon – Yakima River
- Wapatox - Naches River
- Waptus Lake – Waptus River
- Wenas - Wenas Creek

http://www.usbr.gov/pn/programs/yrbwep/reports/phase2/damsitereview.pdf

Since then, more taxpayer money has been wasted on more storage dam sites:
- Cabin Creek Project
- Black Rock Project
- Burbank Project
- Selah Project

The Wise Use Movement continues to strongly oppose more irrigation storage dams in the Yakima River Basin when over 200,000 acres of water conservation remain to be carried out, and other alternatives such as aquifer storage, water banking, and water markets have not been implemented.

The BuRec and Ecology's Scoping Summary Report for the KDRPP and KKC DEIS, March 2014, is more notable for what it refuses to evaluate:

Surface Water Resources
Note: The EIS will not list all approved water conservation plans because these details are not sufficiently related to the alternatives and the potential for significant impacts. p. 34

This is incorrect. Under Alts 2A and 2B, BuRec would deliver an additional 200,000 acre-feet of water during drought years to downstream Yakima Project irrigation districts. If these irrigation districts were to reduce their demand for irrigation water these alternatives would not be necessary. Therefore, conservation plans are a viable alternative to the proposed project and must be considered.

* <u>For each irrigation district, please provide:</u>
- <u>A description of the district</u>
- <u>The date of adoption and status of any water conservation plans developed by each district</u>
- <u>An inventory of water resources</u>
- <u>Best management practices in place</u>
- <u>The criteria for evaluating the adequacy of all water conservation plans developed</u>

Vegetation and Wetlands
Note: The EIS is not expected to contain detailed mitigation plans that include elements such as water budget, water sources, grading plans, planting plans, and/or revegetation plans. p. 34

The purpose of a project specific EIS is to provide mitigation plans to address significant adverse environmental impacts.
* Why do BuRec and Ecology continue to abuse the EIS process?

Air Quality
Note: The EIS will not conduct an analysis of the carbon footprint of the proposal because these details are not sufficiently related to the potential for significant impacts. p. 35

Providing 200,000 acre feet of additional water during drought years would generate additional agricultural activity utilizing fossil fuels that would increase the Yakima Project's carbon footprint.
* Please quantify these impacts in the DEIS.

Socioeconomics
Note: The EIS will not include a detailed economic cost/benefit analysis; nor will it attempt to weigh water conservation measures versus the proposed projects. Substantial water conservation initiatives are already proposed as part of the Integrated Plan. Water conservation is understood to be part of the comprehensive solution for the Yakima Basin; conservation is not an alternative to the proposed projects. p. 35

This is incorrect. Sec. 4.21.4.4 of the DEIS (page 4-312) provides job creation summary tables for each alternative.
* Why are the BuRec and Ecology providing job creation figures in the DEIS, but refusing to disclose the benefit/cost analysis prepared by the Washington Water Research Center?

We supported the 2013 Legislature's request that the Washington Water Research Center prepare a benefit/cost (B/C) report on the individual water storage projects in the Yakima Plan. This report, prepared by a team of experts from the University of Washington and WSU, identifies those projects in the Yakima Plan that are not economically sustainable and should be dropped from further consideration:

"Based on moderate climate and market outcomes, storage infrastructure projects implemented alone and without proposed IP instream flow augmentation result in the following estimated out-of-stream net present value and B/C ratios, none of which passes a B-C test":
* *Bumping Lake Expansion: Benefit/Cost (B/C) ratio of **0.18*** [i.e. a return of 18 cents on the dollar]
* *Wymer Dam and Reservoir: B/C ratio of **0.09*** [i.e. a return of nine cents on the dollar]
* *Cle Elum Pool raise: B/C ratio of **0.62*** [i.e. a return of 62 cents on the dollar]
* *Keechelus to Kachess Conveyance: B/C ratio of **0.20*** [i.e. a return of 20 cents on the dollar]
* *Kachess Drought Relief Pumping Plant: B/C ratio of **0.46*** [i.e. a return of 46 cents on the dollar]
WRC Report, pages iii and iv.
http://swwrc.wsu.edu/documents/2014/12/ybip_bca_swwrc_dec2014.pdf

* We request that this information be made part of the FEIS.
In addition, an EIS must present all reasonable alternatives, such as water conservation or water marketing.
* We request that these alternatives be added.

Cumulative Effects
Note: The EIS will not reevaluate cumulative effects of the overall Integrated Plan that have been evaluated previously at a planning level in the March 2012, Yakima River Basin Integrated Water Resource Management Plan Final Programmatic EIS. The cumulative effects evaluation will instead focus on effects of the proposed projects in combination with other consequential federal, state, local, and private actions. p. 35

The BuRec and Ecology insist that the proposed projects are an integral part of the controversial Yakima Plan. The March 2012 FPEIS did not evaluate cumulative impacts at the project level.
* The DEIS must evaluate the cumulative effects of the proposed project, alternatives, and the other elements of the controversial Yakima Plan.

The EIS will not advance alternatives for detailed analysis in the EIS that do not satisfy or approximate these adopted purposes of the proposed action. Substantial initiatives to promote water conservation, water marketing,

aquifer storage, improved land management, and terrestrial and aquatic habitat improvements are already proposed for implementation as part of the Integrated Plan. Because these are understood to be part of the comprehensive solution for the Yakima Basin alongside the proposed projects, they are not considered alternatives to the proposed projects. Thus, water conservation, water marketing, alternative agriculture and cropping, aquifer storage, new forest designations and practices, and related suggestions likely will not receive detailed assessment in the EIS. p. 36.

This is incorrect. The BuRec and Ecology were willing to advance alternatives as part of the Cle Elum Pool Rise DEIS (Alts. 4 and 5) that do not satisfy or approximate the Congressional authorization.
* Water conservation, water marketing, alternative agriculture and cropping, aquifer storage, new forest designation and practices are all alternatives and, therefore, must be analyzed in a detailed fashion in the EIS.

More Specific DEIS Comments Are As Follows:

Cooperating Governments and Agencies:
* Why is the Bonneville Power Administration listed as a cooperating agency when the PA does not appear to have contributed anything to the DEIS?

Executive Summary, page ES-i
Background of the Proposed Action
The actions taken by the BuRec and Ecology in the Yakima Basin over the past years do not correspond with the purported agency missions.
* Please revise these mission statements to more accurately reflect reality:
"The mission of the Bureau of Reclamation is to manage, and develop uneconomical and environmental damaging water projects for the interest of private irrigation districts.
The mission of the Department of Ecology is to develop new water storage projects and the expense of Washington's environment, and promote the unwise management of our air, land and water for the benefit of private irrigation districts."

page ES-ii
This page misstates the Yakima Plan Programmatic EIS (PEIS). This PEIS did not "determine the effects of implementing the Integrated Plan."
* Please delete this sentence.
The DPEIS, page 2-1 states that the environmental impacts of the "Integrated Plan" are evaluated at a programmatic level. The BuRec and Ecology cannot issue a PEIS and then claim that effects of the Yakima Plan have been evaluated. The BuRec and Ecology cannot claim that the PEIS selected alternative provides a comprehensive approach when the PEIS refused to include a range of alternatives other than the preferred alternative and a no-action alternative.

page ES-iv
* Why does neither the Kachess nor K-K projects list sockeye restoration as a project need, when Reservoir Fish Passage is listed on page ES-ii?

Alternative 1 – No Action (p. ES-vii) and Sec. 2.3.2.1 (pages 2-4 to 2-5)
These sections state that the YRBWEP Phase II Conservation Advisory Group and BuRec completed a "Basin Conservation Plan" in 1998. After nearly twenty years, the DEIS mentions only two projects: A Roza rereg regulation to conserve 8,584 acre-feet when the project construction is completed an operational in 2016 and a lateral improvement project to conserve 6,461 acre-feet when construction is completed and operational in 2032.

* Is this correct that these are the only two YRBWEP Phase II conservation projects to come on line in the next 17 years?
* What conservation projects where identified in the 1998 Basin Conservation Plan?
* What was the total conservation acre-feet savings identified in the 1998 Basin Conservation Plan?
* What is the total acre-feet of water conservation savings identified in the 1998 Basin Conservation Plan that has been accomplished to date?

Sec. 1.2 (p. 1-2) Background

This section states that the Yakima Workgroup developed the Yakima Plan.
* As an advisory body to the BuRec, why wasn't this group chartered under the Federal Advisory Committee Act?

Sec. 1.5.1 (p. 1-7) Location and Setting
This section fails to mention that the Kachess and Keechelus Reservoir watersheds are within the Okanogan-Wenatchee National Forest. In fact, this has been a persistent failure of the BuRec and Ecology to acknowledge the significant adverse environmental impacts to the Okanogan-Wenatchee National Forest.
* Please include this information in this section.

Sec. 1.7 (p. 1-12) Next Steps in Implementation
This section lists other steps required for implementation.
* Please list all other Federal and State permits or certifications required, including any USFS decisions required to implement these projects.

Sec. 1.8.2 (p. 1-14) Tiering to the Integrated Plan PEIS and Documents Adopted under SEPA.
The Yakima Plan PEIS failed to comply with NEPA or SEPA by refusing to analyze any alternatives other than a pre-selected controversial Yakima Plan and a no-action alternative. This DEIS further compounds this failure by refusing to analyze reasonable alternatives.
* Neither the BuRec nor Ecology should adopt or incorporate by reference the Yakima Plan PEIS.

Sec. 1.9.2 (p. 1-16 to 1-17) Washington State Authorization
The section on Washington State Authorization is incomplete. Section 5057 of Engrossed Substitute Senate Bill 5035 (2013) was passed by a Washington Legislature concerned about the BuRec and Ecology manipulation of benefits values from the controversial Yakima Plan.
* Please add the following to Section 1.9.2:

> "In 2013, the Washington State Legislature (Section 5057, ESSB 5035) required the Washington State Legislature's Water Research Center to prepare a separate benefit-cost analysis on Yakima Plan elements by December 15, 2014."

In addition, 40 CFR Sec. 1502.23 provides:

> "If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences."

* The Water Research Center's benefit-cost analysis should be appended to the DEIS.

Sec. 1.11.1 (p. 1-19) Endangered Species Act
* What steps has the US Fish and Wildlife Service taken to list Pacific lampreys as a threatened or endangered species?
* What steps has the BuRec taken to consult with the US Fish and Wildlife Service and National Marine Fisheries Service concerning annual operation of the Yakima Project?

Section 1.11.2 (p. 1-19) Fish and Wildlife Coordination Act
The Yakima River Basin Integrated Water Resource Management Plan Final Programmatic EIS (March 2012) states, "The programmatic EIS does not evaluate site-specific issues. . ." FPEIS Sec. 1.2 (p. 1-4). The FPEIS promised that impacts would be analyzed on each individual project. The BuRec states, however, in Section 5.5.2 of this DEIS, that the US Fish and Wildlife Service determined that all impacts for the KDRPP and KKC were considered in the Final Fish and Wildlife Coordination Act Report for the Integrated Plan in February 2012 and separate FWCA reports for these projects are not required.

Congress requires:

> In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to

prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise,
(1) to authorize the construction of water-resource development projects or
(2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which sections 661 to 666c of this title apply. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits. *16 U.S. Code § 662(b) Reports and recommendations; consideration*.

The Final Fish and Wildlife Coordination Act Report on the programmatic Yakima Plan, dated February 10, 2012, contains no recommendations on the wildlife aspects of the KDRPP or KKC projects and, therefore, the general FWCA Report prepared for the programmatic Yakima Plan is completely inadequate as a response to these two projects.
* The BuRec should comply with the FWCA and consult with the USFWS on the KDRPP and KKC Projects.

Table 1-2 (p. 1-23)
This table fails to list the State Shoreline Management Act, RCW Chapter 90.58, and any Substantial Development Permits, Shoreline Conditional Use Permits, or Variances, that might be required.
* Please add this to the list.

Sec. 2.3 (p. 2-2) Alternate 1 – No Action Alternative
This section states that the objectives of the current Yakima Project operation are to:
- Store as much water as possible up to the reservoir system's full active capacity of about 1 million acre-feet from the end of the irrigation season through early spring
- Provide for target flows and diversion entitlements downstream from the dams, meeting Title XII flows at Sunnyside and Prosser Diversion Dams.

* Please explain any conflicts between providing for target flows and reservoir storage from the end of the irrigation season through early spring.

Sec. 2.6 (pages 2-33+) Alternative 3A – KKC North Tunnel Alignment
Sec. 2.6.2.9 (p. 2-42) Spoils Disposal
This section states that approximately 115,000 c.y. of material would excavated and disposed of at an approved off-site location. Only a quarry near Keechelus Dam is identified as a possible disposal site.
* Please provide a map showing all proposed disposal sites that could be utilized.

Sec. 2.7 (pages 2-45+) Alternative 3B – KKC South Tunnel Alignment
Sec. 2.7.2.5 (page 2-50) Spoils Disposal
This section states that approximately 130,00 c.y. of material would excavated and disposed of at an approved off-site location. Only a quarry near Keechelus Dam is identified as a possible disposal site.
* Please provide a map showing all proposed disposal sites that could be utilized.

Sec. 2.9.2 (pages 2-54 to 2-55) Estimated Costs for Action Alternatives
The December 15, 2014, Water Research Center's B/C Analysis (Table 29) presents much lower construction cost figures for the KDRPP and KKC than presented in the DEIS Table 2-13.
* What accounts for the BuRec's higher construction costs?
* If the KDRPP Alt 2A 100 year costs are $434,390,00 and Alt 2B costs are $380,710,000 and the KKC Alt 3A 100 year costs are $221,320,000 and Alt 3B costs are $254,440,000, what are the projected dollar benefits for each alternatives?

Sec. 2.10 (p. 2-55) Other Alternatives Considered but Eliminated from Detailed Study.
The BuRec and Ecology have failed to comply with NEPA and SEPA. 40 CFR Sec. 1502.14(a) requires the BuRec to discuss the reasons for alternatives eliminated from detailed study. Here, there is no discussion of why water conservation and water marketing were eliminated from detailed study.
* We request that these alternatives be included.

Sec. 3.2 (pages 3-2+) Earth
While this section identifies soil deposits and seismicity in the area, there is no specific information concerning the likelihood of dam failure from a seismic event or dam failure. This is disturbing given the past failures of the BuRec to properly account for dam failure (e.g., Teton Dam, Idaho in 1976).
* Please provide this information, as well as a summary of any dam failure studies prepared for the Keechelus and Kachess dams.
* What is the potential for liquefaction during seismic activity at Kachess and Keechelus Reservoirs?
* What is the current analysis of dam seismic failure, earthquakes, or seepage issues at the existing Kachess and Keechelus Reservoirs?

Sec. 3.3.2 (p. 3-20) and Sec. 3.3.4 (p. 3-24) Reservoir Data (Tables 3-5 and 3-7)
* Please explain how the Keechelus Reservoir drainage area is 54.7 square miles but provides 244,000 of average annual acre-feet of runoff, while the Kachess Reservoir area is much bigger, 63.6 square miles, but provides only 213,398 average annual acre-feet of runoff?

Sec. 3.4 (pages 3-29+) Surface Water Quality
* What contribution do Keechelus and Kachess reservoirs make to degraded water quality in the Lower Yakima River?

Table 3-9 (p. 3-31) indicates that Keechelus Reservoir has a 303(d) listing of dioxins and PCBs in fish tissue.
* What are the sources of these dioxin and PCB contaminates?
* What levels of dioxin and PCBs have been detected in Keechelus Reservoir sediments?
* Wouldn't transfer of water from Keechelus Reservoir also result in dioxin and PCBs in fish tissue in Kachess River?
* Why is dissolved oxygen a 303(d) listing for the outflow of Kachess Reservoir but not for Keechelus?
* Why aren't there any TMDLs listed for the Lower Yakima River?
* Please list all TMDLs for the Lower Yakima River.

Keechelus Reservoir receives substantial stormwater runoff from heavily used I-90 along nearly its entire east shoreline. Zinc and copper are known highway runoff pollutants, yet except for a mention as part of stormwater runoff from construction, there is no mention of zinc or copper levels in either Keechelus or Kachess Reservoirs.
* Please provide this information.
* Also provide an estimate of how much zinc or copper would be transferred from Keechelus to Kachess Reservoir due to the KKC project.

The Keechelus and Kachess watersheds are within the Okanogan-Wenatchee National Forest. Therefore, they would receive runoff from any forest pesticides/herbicides used within the watersheds.
* What annual types and quantities of forest pesticides/herbicides does the Okanogan-Wenatchee National Forest apply to each watershed?
* What would be the impact of transferring water containing forest pesticides/herbicides from Keechelus Reservoir to Kachess Reservoir?

Tables 3-9 and 3-10 lists the Yakima River as 303(d) water quality impaired for temperature. Cliff Mass, University of Washington professor of climatology, in a presentation to the Yakima Rotary, October 23, 2014, predicted that due to climate change our mountains will get more rain and less snow. This would also increase water temperature for reservoir inflow and outflow.
* What impact to fish and wildlife would such higher reservoir and river water temperatures have?
* Did the Fish and Wildlife Coordination Report for the FPEIS address this?

Sec. 3.4.1.4 (p. 3-32). Washington State Antidegradation Policy
* The BuRec and Ecology should quantify the degree of temperature increase caused by the KDRPP and KKC projects from increased rainfall and decreased snowpack.

Sec. 3.4.3 (p. 3-37) Existing Surface Water Quality Conditions
It states on p. 3-37 that "Keechelus Reservoir is an unproductive oligotrophic (nutrient-poor and oxygen-rich) lake that stratifies in the summer" and on p. 3-42 that "Keechelus Reservoir had generally had low nutrient levels." The Yakima Plan proposes fish passage at all the major Yakima River Basin reservoirs.
* What species of fish are proposed for passage at Keechelus Reservoir and which species would thrive in an unproductive lake?
* Please explain how Keechelus Reservoir can be oxygen-rich and also fail to meet State water quality DO criteria?

Sec. 3.4.4 (p. 3-44) Kachess Reservoir and Tributaries
It states on p. 3-44 that "Kachess Reservoir is an unproductive oligotrophic body of water that stratifies in the summer." The Yakima Plan proposes fish passage at all the major Yakima River Basin reservoirs.
* What species of fish are proposed for passage at Keechelus Reservoir and which species would thrive in an unproductive lake?
* Please explain how Keechelus Reservoir can be oxygen-rich and also fail to meet State water quality DO criteria?

Sec. 3.6 (p. 3-55+) Fish
It states that the historical lakes, such as Keechelus and Kachess supported anadromous spring Chinook, summer steelhead, coho, and sockeye salmon as well as resident bull trout.
* What fish species are proposed for passage at Keechelus and Kachess Reservoirs?

Table 3-14 (p. 3-63)
* What accounts for the extraordinary low zooplankton weight per volume of water for Bumping Lake?

It states on pages 3-63 and 3-65 that Kachess and Keechelus zooplankton supply is comparable to or greater than that of major sockeye-producing lakes in Alaska, based on studies nearly 50 years old.
* Have these studies been updated?
* Do the comparison Alaska lakes also support Chinook, steelhead, coho salmon and bull trout?

Sec. 3.6.3.4 (p. 3-72) Sockeye Salmon
* Can the BuRec confirm that during the last six years (2009-2014) efforts to restore sockeye salmon in the Yakima Basin have averaged an annual return of 395 sockeye salmon passed Roza Dam?

Sec. 3.6.3.5. (p. 3-72) Nonsalmonids
* What is the status of listing Pacific lamprey under the Endangered Species Act?

Sec. 3.7 (p. 3-73+). Wetlands
This section states that the BuRec used the National Wetland Inventory (NWI) and a site visit to identify wetlands in the study area. Page 3-74 states that "Additional site evaluations and on-site wetland delineations would be conducted as part of project-level evaluations."
* Without a wetland delineation study, this DEIS is inadequate and does not provide decisionmakers with adequate information to understand the significant adverse environmental impacts to wetlands.
* Please have the Keechelus and Kachess project areas delineated by a professional wetland scientist.

Sec. 3.9 Federal Threatened and Endangered Species
Sec. 3.9.3 (p. 3-90). Bull Trout
This section states that bull trout require cold, clear water.
* What is the BuRec or Ecology's estimates of temperature increase in Keechelus and Kachess Reservoirs from increased rainfall and decreased snowpack and impacts on bull trout?

Sec. 3.12 (p. 3-114+) Climate Change
This section states that under the Adverse climate change scenario existing reservoirs would fill less frequently (p. 3-118).

* How would this impact fish passage proposals at Keechelus and Kachess Reservoirs?
* How does withdrawal of 200,000 additional acre-feet of water from Kachess impact target flows under the Adverse climate change scenario?

Sec. 3.14 (p. 3-57) Recreation
* What is the current off-highway vehicle (OHV) use on the Keechelus and Kachess Reservoir lakebeds and mud flats?
* What additional OHV use of Keechelus and Kachess Reservoir lakebeds and mud flats due to additional lakebed and mud flat exposure would occur due to the KDRPP and KKC projects?

Sec. 3.15 Land and Shoreline Use
Sec. 3.15.1.3 (p. 3-139) Okanogan-Wenatchee National Forest Plan
This section fails to disclose the proposed adverse impacts to the Okanogan-Wenatchee National Forest.
* Please list all specific impacts from the KDRPP and KKC projects on National Forest land.
This section complete fails to provide the reader any information of land management practices on the Okanogan-Wenatchee National Forest Plan or how such practices result in reduced snow pack within the watershed.
* What snow pack reduction in the Keechelus and Kachess watersheds is attributable to timber harvest activities?
* What is the acreage and percentage of the Keechelus and Kachess watersheds within the Okanogan-Wenatchee National Forest that has been timber harvested?
* What is the acreage and percentage that has not been replanted?
* What steps are the USFS taking to retain snow pack in the Keechelus and Kachess watersheds?

Sec. 3.15.2.1 (p. 3-142) Shoreline Management Act
The State Shoreline Management Act consists of Ecology approved local control shoreline master programs (SMP). Keechelus and Kachess Reservoirs are lakes of Statewide Significance. RCW 90.58.020 provides:

"*The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:*

(1) Recognize and protect the statewide interest over local interest;
(2) Preserve the natural character of the shoreline;
(3) Result in long term over short term benefit;
(4) Protect the resources and ecology of the shoreline;
(5) Increase public access to publicly owned areas of the shorelines;
(6) Increase recreational opportunities for the public in the shoreline;
(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."

The EIS should explain:
* How does draining an additional 200,000 acre feet from Kachess Reservoir protect the statewide interest over local interest or preserve the natural character of the shoreline when additional storage water is diverted to local irrigation?
* How does transferring water from Keechelus Reservoir to Kachess Reservoir protect the statewide interest over local interest or preserve the natural character of the Keechelus shoreline?

Under the current Kittitas SMP, the Keechelus and Kachess shorelines are within a Conservancy shoreline environment. The intent of this designation is to sustain natural resource development while maintaining the natural character of the shoreline area. Under the current SMP shoreline "works" are only allowed where they "do not substantially change the character of the environment." The proposed KDRPP and KKC projects would substantially change the character of the shoreline environment. Under a proposed amended Kittitas SMP the majority of the both reservoirs would be designated Rural Conservancy, while portions of the wet and east sides of Kachess Reservoir would be designated as Shoreline Residential.

WAC 173-26-251(2) provides:

> *Second, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance. RCW 90.58.090(5) states:*
> *"The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest."*

Kittitas County has proposed to amend its Shoreline Master Program to provide less protection to the Kachess Reservoir as a lake/shoreline of statewide significance.
* How would providing less protection satisfy the statewide interest?

It states, on page 3-142, that "The Kittitas County SMP does not apply to Federal land, including the portions of the reservoir shorelines owned and managed by Reclamation and USFS." However, Ecology's SMA webpage states:

"Because federal courts have held that shoreline permits are water quality permits, federal agency projects that affect water quality may be required to obtain shoreline permits. [See Friends of the Earth v. U.S. Navy, 841 F.2d 927(C.A. 9, 1988)]." http://www.ecy.wa.gov/programs/sea/sma/st_guide/jurisdiction/federal.html

Withdrawing additional water from Kachess Reservoir would certainly affect water quality.
* Please clarify that shoreline permits may be required for the KDRPP and KKC projects.

Sec 4.3.8 (p. 4-41) Alternative 4
Table 4-18 (p. 4-42) provides a percent of entitlement available in drought years under Alternative 4 for water years 1992, 1993, 1994, 2001, and 2005, with 1994 figures reported as 26.3 percent prorating.
* Please provide references for these figures.

The prorationed irrigation districts have experienced three successive drought water years (1992, 1993, and 1994) below 70 percent of water supply with the third year water supply at 26.3 percent.
* Please provide alternative analysis that includes a 60 percent and 50 percent water supply availability for prorationed irrigation districts.

Sec. 4.4 (p. 4-56+) Surface Water Quality
Table 4-27
* Why are there no water quality indicators for zinc, copper, or forest herbicides/pesticides?

Sec. 4.4.2 (page 4-57 to 4-58) Summary of Impacts
This section states:

> Water quality in Kachess Reservoir could be modified by that of the Keechelus Reservoir inflow. Keechelus Reservoir is currently listed as 303(d) Category 5 for PCBs and dieldrin in fish tissue. Ecology's upcoming 303(d) list for fresh waters also identifies Kachess Reservoir as 303 (d)-listed for PCBs (for fish tissue) (Norton, 2014). This proposed listing indicates that PCBs are already present in Kachess Reservoir. Existing data indicate that Kachess Reservoir has higher concentrations of PCBs than Keechelus Reservoir. The transfer from Keechelus Reservoir could thus lower (dilute) Kachess Reservoir PCB concentrations. Over time, however, the total load of PCBs in Kachess Reservoir could increase. (p. 4-58)

* What is the source of dieldrin in Keechelus Reservoir fish tissue?

* If existing data shows that Kachess Reservoir has higher concentrations of PCBs than Keechelus Reservoir, why is this data not provided?
* What is the source of PCBs to Kachess Reservoir?
* Please list all Keechelus Reservoir pollutants that have a higher concentration than Kachess Reservoir.
* How can "dilution be the solution to pollution" when the DEIS admits that over time the total load of PCBs in Kachess Reservoir could increase?
* What pollutant source controls are in place to keep pollutants out of Keechelus and Kachess Reservoirs?

This section also states: "As a result of project operations, water quality impacts are not expected in Kachess Reservoir, the Kachess River, Lake Easton, or the Easton and Parker Reaches of the Yakima River." P. 4-58. However Sec. 4.4.6.2 (p. 4-74) states: "Transfer of water from Keechelus to Kachess Reservoir could change water quality in Kachess Reservoir."
* How can both statements be correct?

Sec. 4.4.4.2 (p. 4-64) Operation
This section states that with the KKC project, higher temperatures in Kachess Reservoir would result and DO concentrations could drop to below the State's 9.5 mg/L criterion.
This is an example of what happens when one agency (Department of Ecology) acts as both a project proponent and funder and is also supposed to act as an environmental regulator.
* What would Ecology do if the KKC project results in State water quality standard violations?

Sec. 4.6 (pages 4-89+) Fish
How do the KDRPP and KKC projects meet the stated objectives of the Yakima Plan to provide fish passage at the Keechelus and Kachess Reservoirs?

The KKC project would transfer water from the Keechelus Reservoir to the Kachess Reservoir further complicating downstream fish passage for various fish species and upstream migration above each reservoir.
* How would the KKC project improve the opportunities for fish passage when surface water levels would be drawn down far below the current level in the Kachess Reservoir?

Sec. 4.6.3.2 (p. 4-103+) Operation
This section states that under the No Action Alternative, Keechelus and Kachess Reservoirs "would remain unproductive." The DEIS fails to explain how transferring contaminated water from Keechelus Reservoir to Kachess Reservoir, or how withdrawing an additional 200,000 acre feet of water from Kachess Reservoir would increase productivity.
* Please explain whether and how productivity in either reservoir would increase due to the KDRPP and KKC projects.

Sec. 4.6.4.2 (p. 4-113) Operation - KDRPP East Shore Pumping Plant Facilities
This section states that "The significant reductions in Kachess Reservoir elevation and persistence of lower elevations for longer periods of time (2 to 5 years to refill the reservoir) would likely reduce the abundance of prey, resulting in negative impacts on fish."
Sec. 4.8.8.2 (p. 4-169) states that combined operation could reduce the drawdown of Kachess Reservoir during drought years and allow BuRec to refill Kachess Reservoir more quickly.
* How much more quickly?
* Please clarify the refill time for the Kachess Reservoir with both projects.

Sec. 4.7 (pages 4-134+) Vegetation and Wetlands
* For each alternative, including the combined projects, please identify the location and acreage of vegetation and wetlands that would be impacted on the Okanogan-Wenatchee National Forest.

Sec. 4.15.4.2 (p. 4-271) Operation - KDRPP East Shore Pumping Plant Facilities
This section states, "The improved reliability of water supply to existing irrigated lands could encourage irrigators in prorationed districts to retain or plant more permanent crops and maintain existing agriculture land uses." (p. 4-271)

Encouraging prorationed irrigation districts to switch to permanent crops is contrary to sound irrigation practices in an overallocated water basin. This increases the risk of loss of permanent crops due to water curtailment to junior irrigation districts.
* Please clarify that this is a negative impact from the project.

Sec. 4.21 (p. 302+) Socioeconoices
This section estimates $207 million of aggregate industry output (Table 4-106).
The BuRec/Ecology's "Four Accounts Analysis of the Integrated Plan," dated September 26, 2012, estimated fish-related benefits to both WA and OR of over $7 billion.
* Why does this table fail to display any economic benefit from fishery increases?
* If the BuRec and Ecology intend to count fish-related benefits to all the residents of Oregon, what additional agricultural production benefits would accrue to the State of California?

Sec. 4.22 Environmental Justice
Sec. 4.22.2 (p. 4-329) Summary of Impacts
This section states that the subsistence use of renewable natural resources (such as fish, wildlife, and vegetation) by Tribes or other populations in the Kachess reservoir area and downstream has not been quantified. Page 4-330, however, states that the No-Action alternative could reduce opportunities for subsistence fishing.
* How can BuRec and Ecology draw this conclusion without any data?

Sec. 4.24 (p. 4-339+) Relationship of the Proposed Action to the Integrated Plan
The specific goals of the Yakima Plan listed on page 4-340 include "fish passage." This section fails to explain how either the KDRPP and KKC would benefit fish passage at either the Keechelus and Kachess Reservoirs.
* If the KDRPP and KKC do not contribute to the goal of fish passage, this section should say so.

Sec. 4.25 (pages 4-341) Cumulative Impacts
This section is completely inadequate.
The CEQ regulations (40 CFR §§ 1500 -1508) define the impacts and effects that must be addressed and considered by Federal agencies in satisfying the requirements of the NEPA process. This includes cumulative impacts:

> ***Cumulative impact*** *is the impact on the environment, which results from the incremental impact of the action when added* ***to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.*** *Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 CFR § 1508.7. (emphasis added)*

The KDRPP and KKC projects Project are designated "components" of the Yakima River Basin Integrated Water Resource Management Plan. The Yakima River Basin Integrated Water Resource Management Plan EIS stated, "The programmatic EIS does not evaluate site-specific issues. . ." *FPEIS Sec. 1.2.* This is the second project-specific EIS prepared as part of the controversial Yakima Plan.
* As required by Sec. 1508.7, the EIS must analyze the cumulative impacts from other actions taken that would modify in-stream flows and other actions that would increase storage water for irrigators.

A comment submitted in 2012 to the Final Programmatic EIS noted, "The 1998 DEIS on the YRBWEP stated a goal of '165,000 acre-feet of water savings in 8 years' under the Basin Conservation Program."
* This EIS should address whether this goal has been achieved, and if it has not been demonstrably achieved, the EIS should explain why additional water resource projects are proposed in the absence of conservation efforts.
The Yakima Project storage dams also impede or preclude movement of sediment and organic material (e.g., woody debris) to the river downstream. The consequential effects on channel morphology, substrate characteristics, habitat quality, and productivity are usually significant. The downstream migration of bed materials is an essential process which maintains channel complexity and thus habitat quality. The recruitment of gravels and small cobbles, essential for the construction of redds by spawning salmonids, is necessary to replace those that are inevitably washed downstream. Coarse particulate organic matter, ranging from large trees to leaf litter, is an important energy and structural component of all riverine ecosystems. Large woody debris (LWD) provides physical habitat for both fish and aquatic invertebrates, while leaf litter is an essential energy source in the food chain that drives stream productivity.
* How do either of these projects contribute to recruitment of gravels and small cobbles or large wood debris?

Sec. 4.25.1.1 (p. 4-341) Land Use Practices
This section states that "Agricultural development in the Yakima River basin over the past 150 years, including Reclamation's Yakima Project, has caused impacts to surface water, water quality, fish, vegetation and wetlands, wildlife, and cultural resources." These are weasel words.
* Please amend this sentence as follows: "Agricultural development in the Yakima River basin over the past 150 years, including Reclamation's Yakima Project, has caused extreme and significant adverse cumulative impacts to surface water, water quality, fish, vegetation and wetlands, wildlife, and cultural resources."

This section complete fails to provide the reader any information of past land management practices on the Okanogan-Wenatchee National Forest Plan or how such practices result in reduced snow pack within the Keechelus and Kachess watersheds.
* What has been the historical yearly water yield off the Okanogan-Wenatchee National Forest in the Keechelus and Kachess watersheds?
* How many miles of roads have been constructed within the Okanogan-Wenatchee National Forest's Keechelus and Kachess watersheds?
* What are the current off-road vehicle policies within the Okanogan-Wenatchee National Forest's Keechelus and Kachess watersheds?

Sec. 4.25.1.2 (p. 4-342) Water Management Practices
This section states that "Past water management actions have caused cumulative impacts at the Kachess and Keechelus Reservoir areas that have affected surface water, fish, vegetation, wildlife, and cultural resources."
* Please amend this to more accurately state: "Past water management actions have caused significant adverse cumulative impacts at the Kachess and Keechelus Reservoir areas that have affected surface water, fish, vegetation, wildlife, and cultural resources."

Sec. 4.25.3 (p. 4-343) Reasonably Foreseeable Future Actions
This section complete fails to provide the reader any information of proposed land management practices on the Okanogan-Wenatchee National Forest Plan or how such practices result in reduced snow pack within the Keechelus or Kachess watersheds.
* What impacts to the Keechelus and Kachess watersheds would occur under the Proposed Action for Forest Plan Revision, released by the USFS in June 2011?

Sec. 4.25.3.3 (p. 4-344) Cumulative Impacts of Reasonably Foreseeable Projects
This section states that the KDRPP and KKC in combination with other reasonably foreseeable projects would contribute to regional trends toward reduced habitat. This section fails to describe the reasonably foreseeable projects toward reducing habitat on the Okanogan-Wenatchee National Forest, such as the Bumping Lake Expansion project, or other Yakima Plan projects such as a new Wymer Dam.
* Please include these projects as part of the cumulative impacts.

Sec. 4.25.3.4 (p. 4-345+)
This section (KDRPP Fish – p. 4-347) states that the additional drawdown of Kachess Reservoir would further impede fish passage to reservoir tributaries and between the Kachess basin and Little Kachess basin.
* What about impeding fish passage at the Kachess Reservoir itself?
It states that fish in the reservoir could be negatively impacted by increased water temperature, decreased water quality, and decreased food prey.
* How does this meet the goal of fish restoration in the Yakima Basin?

This section (KKC Surface Water Quality – p. 4-349) also states that PCB and dieldrin contamination has been identified in Keechelus and that transferring this water to Kachess Reservoir could degrade water quality in Kachess Reservoir.
* What water treatment would be carried out on this transferred water?
This section also states that water quality impacts would be confined to the reservoirs.
* What is the basis for this statement if reservoir water is released downstream?

This section (KKC Fish – page 4-349) fails to describe how operation of the KKC project would impact proposed fish passage at the Kachess Reservoir.
* Please provide this analysis.

Sec. 4.30 (p. 4-353) Environmental Commitments
This section states that wells near Kachess Reservoir to determine if the additional reservoir drawdown lowers groundwater levels.
* If wells are impacted, what mitigation would be proposed?
* Given that pollutant levels in Kachess Reservoir are likely to increases from water transferred from Keechelus Reservoir, what well water alternatives are available if Kachess water does not meet drinking water standards?

Sec. 5.5 (p. 5-5) Compliance with Federal and State Laws and Executive Orders
* Why is compliance with the Federal Advisory Committee Act not listed?
* Why is compliance with the State Shoreline Management Act listed?

Appendix A
Page 2 states that the "Integrated Plan Workgroup is primarily made up of representatives of statutorily created organizations. This includes State and Federal agencies, the Yakama Nation, local government, irrigation districts and environmental groups."
* If the Integrated Plan Workgroup was statutorily created, please provide a citation.
Otherwise, environmental groups should not be listed as a "statutorily created organization." In addition, the initial Workgroup included only a single environmental group.
* Please change environmental groups to "a single environmental group."

CONCLUSION

This DEIS is inadequate because it is based on the Yakima Plan Final Programmatic EIS that failed to provide alternatives, and added environmental damaging elements (National Recreation Areas for off-road vehicle use) after the close of comments on the Draft Programmatic EIS.

This DEIS is inadequate because it fails to provide alternatives to providing the additional storage water to irrigation districts. An EIS should include a range of reasonable alternatives that meet the stated purpose and need for the project and that are responsive to the issues identified during the scoping process. This will ensure that the EIS provides the public and the decisionmaker with information that sharply defines the issues and identifies a clear basis for choice among alternatives as required by NEPA. This applies even if some of them could be outside the capability of the applicant or the jurisdiction of the agency preparing the EIS for the proposed actions. The Environmental Protection Agency (EPA) encourages selection of alternative(s) that will minimize environmental degradation.

Because both the NEPA and SEPA process must be followed, we request that the BuRec and Ecology each provide separate responses to the above comments.

Please send us a copy any FEIS that is released.

Sincerely,

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