



*Naturam Expellas Furca*

*Tamen Usque Recurret*

# WISE USE MOVEMENT

*P.O. Box 17804, Seattle, WA 98127*

VIA MAIL AND EMAIL

November 20, 2014

Ms. Candace McKinley  
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Dear Ms. McKinley:

The following are comments of the Wise Use Movement on the NEPA and SEPA Cle Elum Pool Raise Project Draft Environmental Impact Statement (DEIS), dated September 23, 2014.

## **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=-H5UAAAIBAJ&sjid=Bo8DAAAIBAJ&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 - Clear Creek
- Hole in the Wall – Dry Creek
- Horseshoe Bend – Naches River
- Hyas Lake - Cle Elum 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 and water banking need to be addressed.

The 1945 Federal Court Consent Decree established that the Total Water Supply Available (TWSA) be provided first to the senior irrigation districts with non-proratable water rights in case of a drought with anything left over to the junior irrigation districts with proratable water rights (while maintaining some base-line minimum fish flows). The Cle Elum DEIS says that when Congress authorized the Cle Elum project back in 1994, it removed the three-foot raise acre-feet from the TWSA and allocated it to in-stream flows. The BuRec has failed to explain how the TWSA can be modified without amending the 1945 Federal Court Consent Decree.

\* Does the BuRec and Ecology intend to amend the 1945 Federal Court Consent Decree to remove any additional storage at the Cle Elum reservoir from the TWSA?

The BuRec and Ecology's Scoping Summary Report for the Cle Elum Pool Raise Environmental Impact Statement, February 2014, is more notable for what it refuses to evaluate:

*Surface Water Resources*

*Note: The EIS will not evaluate the water demands of agricultural commodities or identify all approved water conservation plans because these requests are not sufficiently related to the proposed action and its potential to cause significant impacts. p. 20.*

This is incorrect. Under Alts. 4 and 5, the BuRec would deliver an additional 14,600 acre-feet of water. The proratable water users that would benefit from an increase in water supply provided by this project include the Kittitas Reclamation District, Roza Irrigation District, Wapato Irrigation Project, and to a lesser extent, the Kennewick Irrigation District during a drought year. If these irrigation districts were to reduce their demand for

irrigation water by 14,600 acre-feet, Alts. 4 and 5 would not be necessary. Therefore, conservation plans are a viable alternative to the proposed project and must be considered.

\* For each irrigation district, please provide:

- A description of the district
- The date of adoption and status of any water conservation plans developed by each district
- An inventory of water resources
- Best management practices in place
- The criteria for evaluating the adequacy of all water conservation plans developed

*Socio-economic*

*Note: The EIS is not expected to provide a cost-per-acre-foot comparison between the proposed pool raise and water conservation; nor will the EIS develop a benefit and cost analysis. The EIS will not include a detailed quantitative analysis of jobs creation, effects on wage levels, local set-asides, or demand for local lodging during construction because this information is not necessary to understand and evaluate the potential for significant impacts. p. 22*

This is incorrect. Sec. 4.18.6.2 (p. 4-133) of the DEIS does provide a job creation summary in Table 4-36.

\* Why are the BuRec and Ecology providing job creation figures in the DEIS, but refuses to provide a cost-per-acre-foot comparison between the proposed pool raise and water conservation?

*Cumulative Effects*

*Note: The EIS will not reevaluate cumulative effects on the entire Yakima River basin associated with the Integrated Plan. These effects have been evaluated previously in the March 2012, Yakima River Basin Integrated Water Resource Management Plan Final Programmatic EIS. p. 22.*

The BuRec and Ecology insist that the proposed project is 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.

*Alternatives*

*The EIS will not advance alternatives for detailed analysis in the EIS that do not satisfy or approximate this congressional authorization. Thus, water conservation, water marketing, alternative agriculture and cropping, aquifer storage, new forest designation and practices, and similar suggestions that were identified during scoping likely will not receive detailed assessment in the EIS. p. 23.*

This is incorrect. The BuRec and Ecology are willing to advance alternatives (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 to Alts. 4 and 5 and, therefore, must be analyzed in a detailed fashion.

**More Specific DEIS Comments Are As Follows:**

**Section 1.4.1 (p. 1-3). Location and Setting**

This section states that the Cle Elum Reservoir is the main source of water to meet the large irrigation demands in the lower Yakima River basin. The Cle Elum Reservoir has an active capacity of 436,900 acre feet. Kachess Reservoir has an active capacity of 239,000 acre-feet and Keechelus Reservoir has an active capacity of 157,900 acre feet.

\* If Cle Elum Reservoir has less than half the combined capacity of Kachess and Keechelus Reservoirs, how can it be the main source of irrigation demands in the lower Yakima River basin?

This section fails to disclose that, according to the BuRec's 1984 Damsite and Structure Review, considering the length of the glacial materials of over 100 feet at this dam, a potential for liquefaction may exist; that of particular concern is the potential for seismic activity at the site and the performance of the dam and foundation under seismic loading and apparently, zones of potentially liquefiable materials are present in the foundation (pp. 29 and 30).

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

The DEIS contains no information on dam seismic failure, earthquakes, or seepage issues. This is disturbing given the past failures of the BuRec to properly account for dam failure (e.g., Teton Dam, Idaho in 1976).

\* What is the current analysis of dam seismic failure, earthquakes, or seepage issues at the existing Cle Elum Dam and with a proposed three-foot raise?

Nor does the DEIS's References section include the BuRec's *Technical Service Center Technical Memorandum No. UX-8313-2, Geological and Geotechnical Analysis for the Modification Decision Analysis of the Cle Elum Dam* (February 2000).

<http://www.usbr.gov/pn/programs/eis/cleelumraise/geo.pdf>

\* Why was this technical memorandum not addressed as part of this DEIS?

\* Please summarize this memorandum, including its findings on voids within the existing dam.

This section fails to mention that the Cle Elum Reservoir watershed is within the Okanogan-Wenatchee National Forest.

\* Please include this information in this section.

### **Section 1.6.1 and 1.6.2 (pp. 1-9 to 1-10). 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. The Cle Elum Pool Raise 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.

### **Section 1.8.2 (p. 1-11). 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 1.8.2:

“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, including the Cle Elum Reservoir project, 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.

### **Section 1.9.2 (p. 1-3). 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. In Appendix F, however, the BuRec states that the FPEIS “is sufficient for future projects undertaken for the Integrated Plan, including Cle Elum Pool Raise. . . Separate [Fish and Wildlife Coordination Act] 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 Cle Elum Pool Raise project and, therefore, the general FWCA Report prepared for the programmatic Yakima Plan is completely inadequate as a response to the Cle Elum Pool Raise Project.

\* The BuRec should comply with the FWCA and consult with the USFWS on the Cle Elum Pool Raise Project.

### **Sec. 2.3 (p. 2-3). Alternate 1 – No Action Alternative**

This section makes passive reference to the Cle Elum Dam Fish Passage Facilities project.

\* Please provide a clearer analysis under the various alternatives as to the impacts of the pool raise project to the fish passage project.

\* Regarding Figure 2-3, please provide a different contrast in colors between the 2240 and 2243 elevation contours as the blue and green used is not distinguishable. If necessary provide large scale maps, especially for the upper reservoir.

**Sec. 2.4.2 (p. 2-16). Additional Stored Water for In-stream Flows.** This section states that “Section 4.2.3.1 provides more information about flow releases.” There is no Section 4.2.3.1.

\* Please correct this.

### **Alt. 2**

#### **Sec. 2.4.3.2 (p. 2-19). Rock “Shoreline Hardening” Construction Activities**

The Corps of Engineers is well known for using “weasel words.” It is unfortunate that the BuRec and Ecology are using the same methods. Please replace “Shoreline Protection,” with “Shoreline Hardening.” Rock riprap, rock walls or gabion baskets do not “protect” the biological functions of the shoreline. They destroy and harden the shoreline. Approximately 16,900 feet of “shoreline hardening” for private shoreline properties listed in Table 2-3 (page 2-17) is proposed under Alt. 2. However, Table 2-4 provides clear and grub in acres; cut, fill and riprap as cubic yards, and geotextile as square yards.

\* Please revise Table 2-3 and Figure 2-8 to clarify the location and length of stabilization with each type of proposed “shoreline hardening.”

#### **Sec. 2.4.3.4 (p. 2-20). Land Acquisition**

This section states that BuRec would only acquire land or easements for shoreline hardening from willing sellers.

\* Does this mean that the BuRec would not use eminent domain to acquire these private lands?

#### **Sec. 2.4.3.5 (p. 2-20). Maintenance of Rock Shoreline Protection.**

This section states that maintenance would include spraying.

\* Please identify the type of herbicides that would be used and the likely maximum quantity of herbicides that could be expected to be used annually and over the life of the project.

#### **Sec. 2.4.5.2 (p. 2-25). Cle Elum River Campground**

\* What specific impacts would the proposed Cle Elum pool raise have on the Cle Elum River Campground?

### Alt. 3

**Sec. 2.5.3.3 (p. 2-31). Hybrid Shoreline Protection Construction Approaches.** This section is more helpful in identifying the hybrid shoreline approaches by reach and type. However, it is difficult, if not impossible to compare the shoreline impacts from Alt. 2 and Alt. 3 by site.

\* Please rewrite Alt. 2 and Alt. 3 and Table 2-7 with a side by side table of each shoreline site by reach and the proposed construction approaches for each.

### Alt. 4

#### **Secs. 2.6 and 2.7 (pp. 2-34 to 2-38). Additional Stored Water Used for TWSA alternatives**

The BuRec and Ecology cannot have it both ways. The BuRec and Ecology cannot refuse to consider alternatives to the three-foot pool raise (such as groundwater storage, water conservation, deeper access of the Kachess dead water pool, or a Cle Elum pool raise of one or two feet) because Congress authorized a Cle Elum Pool Raise project and allocated a certain amount of water in 1994, and then propose two new alternatives that the BuRec and Ecology cannot carry out without further action by Congress.

#### **Sec. 2.6.2 and 2.7.2 (pp. 2-35 and 2-27). Additional Stored Water Used for TWSA.**

\* The BuRec and Ecology should clarify the following:

- Under Alts. 4 and 5, the BuRec would carry over additional stored water from year to year until a drought occurs. How, exactly, would Cle Elum stored water be “carried over?” Assuming a winter/spring that fills all reservoirs, is the BuRec proposing that the Cle Elum reservoir would be drained 14,600 acre-feet less, to help carry this water over to the next growing season?
- Under Alts. 4 and 5, if the reservoir does not fill due to insufficient runoff, how does the three-foot raise provide any additional water for TWSA?
- Section 4.2.4.1 (p. 4-4) states that for Alt. 2, “In drought years, the reservoir would not fill to elevation 2,240, so no additional storage would occur and the reservoir fluctuation would remain the same as existing.” If, in a drought year, the Cle Elum reservoir would not fill and no additional storage would occur, how would additional water be provided to proratable irrigation districts under Alts. 4 and 5?

Sec. 4.2.6.3 states that the proratable water users that would benefit from an increase in water supply provided by this project include the Kittitas Reclamation District, Roza Irrigation District, Wapato Irrigation Project, and to a lesser extent, the Kennewick Irrigation District.

\* What specific allocations would each of these four Irrigations receive from an additional 14,600 acre feet?

#### **Sec. 2.9.1 (p. 2-39). Inactive Storage Proposals**

It is interesting that the BuRec rejected constructing a tunnel to access inactive storage in the Cle Elum Reservoir on the basis of cost alone.

\* Wouldn't this alternative have less environmental shoreline impacts than the proposed three-foot raise?

\* Please evaluate the environmental impacts of accessing 14,500 acre feet of inactive storage in the Cle Elum Reservoir access.

#### **Sec. 2.9.2 (p. 2-39). Increased Storage Proposals**

Raising the Cle Elum Reservoir by one or two feet would have less damaging shoreline impacts than raising the Cle Elum Reservoir by three feet. Please evaluate the environmental impacts of a one, as well as two feet raise.

#### **Sec. 3.2.2 (p. 3-8). Cle Elm Dam and Reservoir Operations**

This section states that the greatest volume of water released from Cle Elum Reservoir occurs in July and August to meet most of the lower Yakima River basin irrigation demands and that in September the BuRec reduces the July and August median release of 2,863 cfs from the Cle Elum Reservoir to a minimum flow range of 180 to 300 cfs.

\* What would be the optimum in-stream flows for fishery resources in the Cle Elum River?

\* What prohibits the BuRec from releasing these optimum in-stream flows?

#### **Sec. 3.4.1.2 (p. 3-16). State Water Quality Assessment and 303(d) List**

This section states that the State's 303(d) list includes the Cle Elum River is listed for water temperature (Category 5) for reservoir inflow and outflow and (Category 2) for temperature farther downstream and upstream at the outlet.

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. Increasing the storage of Cle Elum Reservoir would increase the volume of higher temperature water released to the Cle Elum River.

\* What impact to fish and wildlife would such higher river water temperatures have?

\* Did the Fish and Wildlife Coordination Report for the FPEIS address this?

#### **Sec. 3.4.1.4 (p. 3-17). Washington State Antidegradation Policy**

\* The BuRec and Ecology should quantify the degree of temperature increase caused by raising Cle Elum Reservoir or the BuRec or Ecology's estimates of temperature increase in Cle Elum Reservoir or the Cle Elum River from increased rainfall and decreased snowpack.

#### **Sec. 3.4.4.2 (p. 3-21). Downstream from the Reservoir**

This section states that during spring, BuRec may release water from the spillway gates (reservoir surface) into the Cle Elum River with minimal impacts from increased temperature and that releases from the spillway during July and August do not occur.

\* Under Alts. 4 and 5, which propose releases for irrigation during drought years, when would releases take place?

#### **Sec. 3.5.2 (p. 3-24). Onsite Septic Systems**

This section states that up to 14 OSS are on parcels that could be inundated. This section fails to disclose the elevation of these OSSs.

\* How much closer to the water table would each of these OSSs be with the proposed three-foot pool raise?

#### **Sec. 3.6.1 (p. 3-26). Resident Fish**

This section states that the Cle Elum Reservoir is an unproductive environment with low nutrient levels, chlorophyll a concentrations, phytoplankton biovolume, and zooplankton densities.

\* How will this unproductive environment be made more unproductive by the shoreline hardening measures proposed under Alts. 2 through 5?

#### **Sec. 3.6.2.1 (p. 3-31). Sockeye**

This section does not fully describe the current truck and haul upstream passage over the existing Cle Elum dam.

\* When would sockeye returns be large enough to stop trapping sockeye from Priest Rapids Dam?

\* How would sockeye be expected to survive in such a nutrient poor reservoir with additional shoreline hardening?

#### **Sec. 3.7.2 (p. 3-35). Wetlands**

This section states that the BuRec used the National Wetland Inventory (NWI) to identify wetlands in the study area and that the NWI mapped approximately two acres of palustrine wetlands in the higher reservoir level that would be inundated. While the NWI can provide approximate inventories, it cannot substitute for a wetland delineation by a professional wetland scientist.

\* Please have the Cle Elum shoreline wetlands delineated by a professional wetland scientist.

\* What mitigation is proposed for the loss of the two acres of palustrine wetlands from inundation?

#### **Sec. 3.9 Federal Threatened and Endangered Species**

##### **Sec. 3.9.1 (p. 3-39). Bull Trout**

This section states that bull trout require cold, clear water.

\* What is the BuRec or Ecology's estimates of temperature increase in Cle Elum Reservoir or the Cle Elum River from increased rainfall and decreased snowpack and impacts on bull trout?

#### **Sec. 3.12 (p. 3-50). Climate Change**

This section states that under the Adverse climate change scenario, the enlarged storage capacity provided by the Cle Elum Pool Raise Project would be available LESS often. Sec. 3.12.1.2 states that "The model predicts the existing reservoir to be 16 feet lower, on average, under the Adverse climate change scenario."

\* If this might be the case, why didn't the BuRec and Ecology carry forward the alternative of accessing the dead-storage water in the Cle Elum Reservoir?

\* Please revise Table 2-2, to reflect the range of dates of expected periods of additional inundation for the Pool Raise Project based on the Adverse scenario.

\* Why would the BuRec and Ecology promote a project to raise the reservoir, if the existing reservoir would be 16 feet lower, on average, under the Adverse scenario?

### **Sec. 3.14 (p. 3-57). Recreation**

This section states that off-highway vehicle (OHV) use increases as mud flats develop, but that the United States Forest Service (USFS) restricts OHV use on the lakebed to ingress and egress to the shoreline and does not allow it at all in some areas and that the USFS prohibits recreational use of OHVs around the lakebed.

\* Please clarify this section as to whether OHV use is allowed on the lakebed and mudflats, what is meant by “ingress and egress to the shoreline,” and how many tickets the USFS has issued in 2013 and 2014 for any OHV violations in this area.

\* Please revise Figure 3-6 to include a line showing the proposed 2,243-foot Elevation Contour.

### **Sec. 3.15. Land and Shoreline Use**

#### **Sec. 3.15.1.3 (p. 3-63). Wenatchee National Forest Plan**

This section completely 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 Cle Elum watershed is attributable to timber harvest activities?

\* What is the acreage and percentage of the Cle Elum watershed 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 Cle Elum watershed?

#### **Sec. 3.15.3 (p. 3-64). Local Land Use Planning**

\* Please provide a map showing the local land use planning zoning for the surrounding area.

\* Please revise Figure 3-7 to include a line showing the proposed 2,243-foot Elevation Contour.

#### **Sec. 3.15.3.2 (p. 3-65). Shoreline Management**

The State Shoreline Management Act consists of an Ecology approved local control shoreline master programs (SMP). Cle Elum Reservoir is a lake 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 16,900 feet of shoreline modification, including 192,000 cubic yards of cut, 53,000 cubic yards of fill, and 45,000 cubic yards of riprap (Alts. 2 and 4) protect the statewide interest over local interest, especially if additional storage water is diverted to local irrigation (Alts. 4 and 5)?

\* How does 16,900 feet of shoreline modification, including 192,000 cubic yards of cut, 53,000 cubic yards of fill, and 45,000 cubic yards of riprap (Alts. 2 and 4) preserve the natural character of the shoreline?

\* How does 16,900 feet of shoreline modification, including 192,000 cubic yards of cut, 53,000 cubic yards of fill, and 45,000 cubic yards of riprap (Alt. 2) protect the resources and ecology of the shoreline?

Under the current Kittitas SMP, much of the shoreline of Cle Elum Reservoir and the Cle Elum River is 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 shoreline hardening would substantially change the character of the shoreline environment. Under the proposed amended SMP the majority of the Cle Elum Reservoir would be designated Rural Conservancy and the portion of the southeastern side



of the reservoir in private ownership designated Shoreline Residential, allowing shoreline hardening as a conditional use.

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 Cle Elum Reservoir as a lake/shoreline of statewide significance.

\* How would providing less protection satisfy the statewide interest?

### **Sec. 3.17 (p. 3-66). Transportation**

\* Please revise Figure 3-8 to include a line showing the proposed 2,243-foot Elevation Contour.

### **Sec. 4.2.3 (p. 4-3). Alternative 1 – No Action Alternative**

Addressing the demands of proratable irrigators was NOT the purpose of PL 103-434).

\* Please delete "or proratable irrigators" from the first sentence of the last paragraph on this page.

### **Section 4.2.4.1 (p. 4-4). Alt 2 – Spillway Radial Gate Modifications to Raise the Reservoir Level**

This section states that the high and low water levels would increase by the amount of additional storage captured and that the difference would be three feet at full pool "and about 5 feet at lower reservoir levels when the reservoir is drawn down."

\* Please clarify this statement. How would the reservoir be five feet at lower reservoir levels when the reservoir is drawn down? Is this the carry over storage level mentioned in Sec. 4.2.4.2? Wouldn't the reservoir be drawn down to its current level even with a three-foot pool raise?

This section states that the Cle Elum Reservoir would exceed the current elevation level of 2,240 feet about 72 percent of the years modeled and the 2,243 feet 52 percent of the years modeled.

\* How often would a two-foot pool raise exceed the 2,242 foot elevation?

### **Sec. 4.2.4.2 (p. 4-6). Water Used for In-stream Flow**

This section states that the primary benefit of increased winter in-stream flows would be for salmonid overwintering habitat in the Cle Elum River. However, neither this section nor Section 3.6.2 (p. 3-31) Anadromous Fish specifically quantifies salmonid overwintering habitat or the net increase in anadromous fish in the Cle Elum River from the proposed pool raise alone. Instead, Section 3.6.2 states that that the Yakama Nation trap and transport mixed Wenatchee and Lake Osoyoos stocks of sockeye salmon from Priest Rapids Dam to Cle Elum Reservoir; releases 500,000 spring fry and summer parr coho in habitats upstream of Cle Elum Reservoir; and collects returning spring Chinook at Roza Dam and transports them to Cle Elum Reservoir.

\* What is the net increase in anadromous fish in the Cle Elum Reservoir and the Cle Elum River from the proposed pool raise alone?

\* Will the trap and haul activities decrease, increase or stay the same under Alt. 2?

\* What species of salmonids would benefit from increased winter in-stream flows in the Cle Elum River?

\* How would Alt. 2 benefit Pacific lamprey?

### **Alt. 4**

#### **Sec. 4.2.6.2 (p. 4-9). Increased Reservoir Pool**

\* Would the use of the additional three foot pool raise for irrigation mean that the reservoir would be drained down to its current level during a drought year with no carry over?

#### **Sec. 4.2.6.3 (p. 4-11). Additional Stored Water Used for TWSA**

Table 4-4 contains "September 30 Prorating Level" for Water Years 1992, 1993, and 1994, with 1994 figures reported as 26.3 percent.

\* Please provide references for these figures.

The prorated 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 prorated irrigation districts.

### **Sec. 4.3**

#### **Figure 4-5 (p. 4-22). Proposed Shoreline Mitigation Areas and Habitat Improvement Areas**

\* Please revise Figure 3-8 to include a line showing the proposed 2,243-foot Elevation Contour.

#### **Sec. 4.4.4.2 (p. 4-28). Additional Stored Water Used for In-stream Flow**

While this section does predict a 0.6 degree (F) increase in water temperatures in the Cle Elum River, it does not quantify the increase in temperature from climate change that may result from less snowpack in the Cle Elum River Basin.

\* Please provide an analysis of Cle Elum Reservoir and Cle River temperatures from the BuRec's Adverse climate change scenario.

#### **Sec. 4.6.3 (p. 4-41). Alternative 1 – No Action Alternative**

This section states that under the no-action alternative, fish survival and productivity in the Cle Elum River would remain relatively low. The Cle Elum Dam Fish Passage Facilities project is a separate element of the controversial Yakima Plan.

\* Please provide additional information as to the quantification of salmon species improvements from the Cle Elum Dam Fish Passage Facilities alone, the pool raise project alone, and the combination of both these projects.

### **Alt. 2**

#### **Sec. 4.7.4.1 (p. 4-48), Spillway Radial Gate Modification to Raise the Reservoir Levels**

This section states that no significant changes to wetland communities around the Cle Elum Reservoir. The proposed Alt. 2 would inundate an additional 46 acres of wetland/vegetation communities. Drawing down the reservoir would then turn these 46 acres back into "upland" dry communities.

\* What is the expected wetland and wildlife community loss from this 46 acre transition?

This section states that approximately 30 acres of coniferous forest, 11 acres of deciduous trees and scrubs, and 0.1 acres of herbaceous vegetation would be inundated by the project. Sec. 4.7.8 (p. 4-55) Mitigation Measures, is far too general to provide decisionmakers with any real information.

\* What specific mitigation does BuRec and Ecology propose for this loss?

### **Sec. 4.9. Threatened and Endangered Species**

#### **Sec. 4.9.2 (p. 4-65). Summary of Impacts**

This section states that "The No-Action Alternative would result in continuation of current conditions, which could result in detrimental long-term impacts to listed species in the Cle Elum and upper Yakima rivers." This is incorrect. The controversial Yakima Plan consists of elements that have already been authorized by Congress (such as the Cle Elum Pool Raise) and the Cle Elum Fish Passage project, for which the BuRec already completed a Record of Decision in August 2011. \* Please delete this sentence.

\* Please amend this section to clarify that irrigation withdrawals, together with forest harvest and road construction, as well as ORV abuse continue to be actions that continue to have detrimental long-term impacts to listed species in the Cle Elum and upper Yakima Rivers.

#### **Sec. 4.9.4.2 (p. 4-68). Additional Storage Water Used for In-stream Flow - Operation**

This section states that there is no evidence that bull trout spawn below Cle Elum Dam.

\* Please identify all side channel or off-channel habitat for bull trout that would be improved by operation of additional stored water for in-stream flows.

#### **Sec. 4.9.4.3 (p. 4-70). Rock Shoreline Protection - Operation**

This section states that shoreline "protection may" permanently replace wildlife habitats. . ."

\* Please amend this section to state that "shoreline hardening will permanently replace wildlife habitats, such as areas of conifer forest and deciduous shrub communities, with rock embankment."

**Sec. 4.12.4 (p. 4-90). Alternative 2- Additional Stored Water Used for In-stream Flow and Rock Shoreline “Protection”**

This section states that “. . .the project would have small, positive impact. . . on the ability of. . .the agricultural sector of the economy. . .to better withstand and adapt to changing conditions. . .”

\* Please amend this section to delete the reference to “the agricultural sector of the economy.” as, under Alt. 2, the BuRec claims that all stored water would be allocated to in-stream flow, not to irrigation districts.

**Section 4.18.4.2 (p. 4-129). Use of Additional Stored Water for In-stream Flow**

This section states that “The additional water stored for in-stream flow would have a minor unquantified beneficial effects on fish populations. The additional water would increase the areas suitable for rearing during dry years. This might possibly increase recreational or commercial fishing activity. However, data are not available that quantify this impact resulting from potential improvements in fish populations.” The BuRec has studied the Yakima Basin and spent hundreds of millions of dollars on consultant reports and engineering and environmental studies over the past half-century.

\* What explains the lack of data regarding recreational or commercial fishing activities?

\* What are the current conditions for such activities?

\* How much additional area would be available for rearing during dry years and for which species?

\* How could addition water increase areas suitable for rearing during dry years if the Cle Elem Reservoir did not fill above elevation 2,240 feet?

**Sec. 4.18.6.2 (p. 4-133). Use of Additional Stored Water for TWSA – Changes in Agricultural Production**

This section estimates that \$10,243,000 of agricultural production benefits would accrue to the State of Washington (Table 4-36). 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.

\* 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 Oregon?

\* If the BuRec and Ecology estimates that \$10 million of agricultural benefits would accrue due to 16,400 acre feet of additional storage, would these same benefits also accrue if Yakima irrigation districts were 16,400 acre feet more efficient with their existing water deliveries?

This section states that “. . .that Reclamation allocates the water to only the most efficient and highest value uses” during severe drought conditions.

\* Please explain how the Bureau does this.

\* How does each prorateable irrigation district distribute water during a drought year?

**Sec. 4.22. Environmental Justice**

**Sec. 4.22.2 (p. 4-143). Summary of Impacts**

This section states that the No-Action alternative could reduce opportunities for subsistence fishing, associated with reduced in-stream flows in the Cle Elum River. As noted, above, the BuRec and Ecology have no data concerning recreational or commercial fishing activity.

\* If the BuRec and Ecology have no data concerning recreational or commercial fishing activity (Sec. 4.18.4.2), what quantitative subsistent fishing data does the BuRec or Ecology have?

**Sec. 4.23 (p. 4-145). Relationship of the Pool Raise Project to the Integrated Plan**

This section states that the Pool Raise Project is an important component of the controversial Integrated Plan. . .” This is incorrect.

\* Please revise this section to clarify that the Pool Raise Project was authorized by Congress in 1994 and is a separate project that can be implemented, whether any other element of the controversial Yakima Plan is carried out.

\* Please revise this section clarify the quantitative changes to fishery resources that would occur 1) with the Cle Elum Pool Raise Project and the Cle Elum Fish Passage Project

2) with just the Cle Elum Pool Raise Project

3) with just the Cle Elum Fish Passage Project.

**Sec. 4.24. Cumulative Impacts**

**Sec. 4.24.1.1 (p. 4-146). Land Use Practices**

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 Cle Elum watershed.

\* What has been the historical yearly water yield off the Okanogan-Wenatchee National Forest in the Cle Elum watershed?

\* How many miles of roads have been constructed within the Okanogan-Wenatchee National Forest's Cle Elum watershed?

\* What are the current off-road vehicle policies within the Okanogan-Wenatchee National Forest's Cle Elum watershed?

#### **Sec. 4.24.1.2 (p. 4-146). Water Management Practices**

This section states that "Past water management actions have caused cumulative impacts at the Cle Elum Reservoir area that have affected surface water, fish, vegetation, wildlife, and cultural resources." These are weasel words.

\* Please amend this sentence to add, "have cause extreme and significant adverse cumulative impacts at the Cle Elum Reservoir area that have adversely affected . . ."

#### **Sec. 4.24.3 (p. 4-147). 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 Cle Elum watershed.

\* What impacts to the Cle Elum watershed would occur under the Proposed Action for Forest Plan Revision, released by the USFS in June 2011?

#### **Sec. 4.24.3.2 (p. 4-149). Potential Cumulative Impacts**

This section states that the Cle Elum Dam Fish Passage Facilities Project would install upstream and downstream fish passage facilities for juvenile and adult salmonids.

\* Where else has the BuRec successfully provided downstream fish passage in a reservoir with such extreme seasonal elevation changes?

\* Please revise this section clarify the environmental impacts that would occur

1) with the Cle Elum Pool Raise Project and the Cle Elum Fish Passage Project

2) with just the Cle Elum Pool Raise Project

3) with just the Cle Elum Fish Passage Project.

#### **Sec. 4.24.4 (p. 4-151). Cumulative Impacts Summary**

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 Cle Elum Pool Raise Project is designated a "component" 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 first project-specific EIS prepared as part of the controversial Yakima Plan. Alts. 2 and 3 purport to provide additional storage water to modify Cle Elum River in-stream flows, while Alts. 4 and 5 purport to provide additional storage water for irrigators.

\* 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.

### CONCLUSION

In conclusion, the DEIS is inadequate because it is based on a 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.

The DEIS is inadequate because it also fails to provide alternatives to providing the additional storage water to irrigation districts with a Congressional amendment or explain how any additional storage water can be allocated to in-stream flows without amending the 1945 Federal Court Consent Decree.

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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