Alpine Lakes Protection Society
Endangered Species Coalition
North Cascades Conservation Council
Pilchuck Audubon Society
Sierra Club
Western Lands Project
Western Watersheds Project

June 7, 2011

Bureau of Reclamation
Columbia-Cascades Area Office
Attention: Candace McKinley
Environmental Program Manager
1917 Marsh Road
Yakima, WA 98901

RE: Yakima River Basin Integrated Water Resource Management Plan Scoping Comments
Via Email to: yrbwep@usbr.gov

Dear Ms. McKinley:

The Sierra Club has reviewed the Federal Register Programmatic Environmental Impact Statement (PEIS) Federal Register scoping notice for the "Integrated Water Resource Management Plan, Yakima River Basin Water Enhancement Project, Benton, Kittitas, Klickitat, and Yakima Counties, Washington. *76 FR 18780 (April 5, 2011)*. In addition to compliance with the National Environmental Policy Act, according to the Federal Register notice, the proposed PEIS will also be prepared under the Washington State Environmental Policy Act.

GENERAL COMMENTS

Since the 1979 passage by Congress of the Yakima River Basin Enhancement Project, the Bureau of Reclamation (BuRec) and Washington Department of Ecology (Ecology) have failed for over thirty years to seriously address issues of water-spreading, water-pricing, water metering, project repayment, surplus crops, and water conservation in irrigation districts in the Yakima Basin.

The Sierra Club remains strongly opposed to efforts to construct massive new water storage dams for irrigators in Eastern Washington. Projects such as the Bumping Lake Enlargement would flood ancient forest roadless land within the Wenatchee National Forest. The Bumping Lake Enlargement and Wymer Dam proposals would likely cost over two billion dollars if they were ever built. These projects have been studied repeatedly over the last three decades and have failed to generate a positive benefit/cost ratio or Congressional authorization. During this same time period, Yakima irrigation districts have only been asked to undertake voluntary water conservation and have yet to pay off the existing BuRec's Yakima Basin Project.

As recently as December 2008, the BuRec concluded that a Bumping Lake Expansion should be dropped from its Yakima River Basin Water Storage Feasibility Study for the following reasons:

> The William O. Douglas Wilderness Area, approximately 170,000 acres, is adjacent to the existing Bumping Lake. None of the reservoir enlargement options that have been considered were within the Wilderness Area boundary. However, a common concern voiced was that the enlarged reservoir would be visible from various vantage points and detract from the scenic vistas and aesthetic value of the Wilderness Area through reservoir drawdown and exposure of the reservoir bottom area.
>
> About 2,800 acres of terrestrial habitat, including approximately 1,900 acres of old-growth timber [ancient forest], would be inundated if Bumping Lake were enlarged to a capacity of 400,000–458,000 acre-feet. Old-growth timber serves as habitat for the spotted owl, an ESA-listed endangered species.
>
> Enlarging Bumping Lake would inundate approximately 10 miles of perennial and intermittent stream habitat downstream from the existing dam and upstream of the existing reservoir, affecting the aquatic ecosystem and fishery resources. This is compounded by the recent designation of Deep Creek and Bumping River as critical habitat for bull trout.
>
> The larger-capacity reservoir would not fill on a regular basis and would not be a reliable source of water. Previous studies identified approximately 14 summer homes within the impact area of the enlarged reservoir. It was proposed that these summer homes would need to be relocated downstream from the new dam. A number of the owners opposed downstream relocation. The enlarged reservoir also would inundate existing recreational facilities and approximately 9 miles of U.S. Forest Service road, plus approximately 17 miles of road that would be closed, terminating all vehicle traffic above the damsite and road access to campgrounds above the existing reservoir. In addition to the roads, about 4 miles of trails would be inundated. These actions would hamper accessibility to areas above the reservoir. Increased traffic associated with construction activities at the new dam, including logging of the enlarged reservoir area, would have an adverse impact on the community of Goose Prairie. Further, increased recreation use at an enlarged reservoir also could adversely affect the community. While the concept of a natural (unregulated) hydrograph was not a primary issue in the past, it has become a significant concern in recent years. Representatives of the Washington Department of Fish and Wildlife and others expressed considerable reluctance at the spring 2007 Storage Study Roundtable discussions to include an enlarged Bumping Lake as a storage alternative to be carried into the planning report and environmental impact statement phase of the Storage Study." *BuRec Final Report/EIS, p. 2-129 (December 2008).*

The PEIS should address the following:

* What are the Yakima irrigation districts growing? How much acreage is devoted to surplus crops? Is the Kittitas Irrigation District still growing hay for the Japanese race horse industry?

* What have the Yakima irrigation districts actually done on the ground since 1980 on water conservation?

* What are the current costs to the irrigators of water (per acre-feet) and electricity (are they still subsidized by the BPA)?

* Have the Yakima River Basin irrigation districts repaid the costs of the existing Yakima Basin Irrigation Project? If not, what is the amount left to be repaid? What would be the true costs of irrigated crops if they had to pay market rates for water and power?

* How many vineyards in the Yakima River Basin are sustainable and do not rely on irrigation or groundwater?

* What is the current contribution to early spring runoff from clearcuts on the Wenatchee National Forest, DNR land and private forestry land in the Yakima River Basin? The PEIS should look at the alternative of halting timber harvesting in the Yakima River Basin to retain more snow pack and improve in-stream flows throughout the summer.

More Specific Comments

As set out in 40 C.F.R. Section 1501.7(2) and WAC 197-11-408(1), the Sierra Club has identified significant issues to be analyzed in depth in the PEIS. The following are specific comments on the elements presented in the proposed Yakima River Basin Study Integrated Water Resource Management Plan (PIWRMP) (Vol. 1), dated February 2011 and The Yakima River Basin Water Enhancement Project (YRBWEP) Workgroup Integrated Water Resource Management Plan Summary Support Document (YRBSSD) (March 23, 2011):

3.1 Fish Passage

* The PIWRMP references a 2006 "Settlement Agreement between the Yakama Nation and Reclamation." *PIWRMP Vol. 1, page 25.* Will the PEIS clarify whether this settlement obligates the BuRec to undertake fish passage at the five existing large storage reservoirs independent of any further action under the proposed "Integrated Plan"? If the BuRec has an independent obligation to carry out fish passage planning and projects, then this section should be deleted from the "Integrated Plan."

* The Yakima River Basin Water Enhancement Project (YRBWEP) Workgroup Integrated Water Resource Management Plan Summary Support Document (YRBSSD) (March 23, 2011) does not adequately describe the proposed "Integrated Plan." The YRBSSD, page 3, states: "At Clear Lake dam, replace the existing upstream passage facilities." The PIWRMP Vol 1, page 24 states: "Upstream and downstream passage of adult bull trout would be improved by modifying the existing fishway or by constructing a new fishway at the spillway adjacent to the Clear Lake Dam." Did the Work Group only agree to upstream passage facilities in the YRBSSD?

* Describe the specific location and design of the proposed upstream and downstream fishway. Describe all anadromous or resident fish species that would use the improved existing or new Clear Lake Dam fishway. Provide an estimate for each anadromous or resident fish species of the expected increased numbers due to the proposed new upstream and downstream fishway vs. improvements or modifications to the existing fishway.

* Figure 4-1, Improvements in Instream Flows under Integrated Plan (PIWRMP, Vol. 1, page 47) shows that with the "Integrated Plan," only minor in-stream flow reach results from FWIP (<5%) would occur in the lower reach of the Yakima River from the Roza Diversion Dam down to Richland, WA. No improvement would occur or ISF Goals would not be met on the Naches River from Yakima to the confluence of the Tieton River. With only minor in-stream flow improvements in the lower Yakima and no in-stream flow improvements on the Naches River, how will fish passage at Clear Lake be enhanced?

* Clear Lake Dam lies above Tieton Dam. The PIWRMP (Vol. 1, page 25) states that upstream and downstream fish passage would be installed at Tieton Dam where passage is determined to be feasible based on future evaluation studies. How can anadromous salmonid access to habitat above Clear Lake dam be provided without fish passage at the lower Tieton Dam?

* The YRBSSD, page 3, states: "At Box Canyon Creek (Kachess Lake tributary), ensure effective passage for pre-spawn adult bull trout." What specific steps would be taken to "ensure effective passage"? The PIWRMP (Vol. 1, page 58) states that for Box Canyon Creek the "Integrated Plan" would result in adverse impacts. What are these adverse impacts and what mitigation is proposed?

* The YRBSSD, page 3, states: "For Cle Elum dam, install downstream juvenile passage facilities and fish ladder and collection facility for capture and upstream transport by tanker truck." Describe the specific location and design of the proposed downstream juvenile passage facilities and fish ladder and collection facility. Describe all anadromous or resident fish species that would use these passage facilities. Provide an estimate for each anadromous or resident fish species of the expected increased numbers due to the proposed passage facilities.

* Figure 4-1, Improvements in Instream Flows under Integrated Plan (PIWRMP Vol. 1, page 47) shows that with the "Integrated plan," only minor in-stream flow reach results from FWIP (<5%) would occur in the lower reach of the Yakima River from the Roza Diversion Dam down to Richland, WA. With only minor in-stream flow improvements in the lower Yakima how will fish passage at Cle Elum dam be enhanced?

* On April 13, 2011, the BuRec issued a Notice of availability of the FEIS for the Cle Elum Dam Fish Passage Facilities and Fish Reintroduction Project in the Federal Register (76 FR 20707). The PEIS should explain how this separate FEIS fits into the "Integrated Plan." If this is an independent project, then it should be deleted from the "Integrated Plan."

* The YRBSSD, page 3 states, "For Bumping dam, install upstream and downstream fish passage as part of the proposed Bumping Lake enlargement, or at the existing dam if the enlargement is not authorized." Describe the specific location and design of the proposed

upstream and downstream fish passage facilities. Describe all anadromous or resident fish species that would use these passage facilities. Provide an estimate for each anadromous or resident fish species of the expected increased numbers due to the proposed passage facilities.

* Figure 4-1. Improvements in Instream Flows under Integrated Plan (YRBS Vol. 1, page 47) shows that with the "Integrated plan," only minor in-stream flow reach results from FWIP (<5%) would occur in the lower reach of the Yakima River from the Roza Diversion Dam down to Richland, WA. No improvement would occur or ISF Goals would not be met on the Naches River from Yakima to the confluence of the Tieton River. Only minor in-stream flow reach improvement from FWIP (<5%) would occur in the lower Bumping River. With only minor in-stream flow improvements in the lower Yakima and lower Bumping River and no in-stream flow improvements on the Naches River, how will fish passage at Bumping Lake be enhanced?

* The YRBSSD, page 3, states, "Install upstream and downstream fish passage at Tieton, Keechelus, and Kachess dams, subject to further evaluation of alternatives to determine the most feasible approach for providing passage at each dam." What is the cause for the lack of progress on feasibility studies on fish passage at Tieton, Keechelus, and Kachess dams given that this was part of the 2006 Settlement Agreement between the Yakama Nation and BuRec?

* The PIWRMP Volume 1, page 24 states, "Providing unimpeded fish migration past the existing storage dams in the Yakima Basin would increase species distribution. . ." The PEIS should clarify how this goal of providing unimpeded fish migration is consistent with existing storage dams? Is the BuRec equating proposed fish passage as the equivalent of a free-flowing river?

3.2 Structural and Operational Changes

3.2.1 Cle Elum Dam (Pool Raise)

* This proposed project was not evaluated as part of Ecology's 2009 Yakima River Basin Integrated Water Resource Management Alternative Final EIS. Will the PEIS identify the adverse environmental impacts to the Cle Elum Reservoir shoreline, vegetation, fish forage habitat, and wildlife? How long would the three-foot elevation rise inundate previously unflooded shoreline area during a normal water year? A drought water year? Assuming that the three foot rise would kill the inundated forest/vegetation, what decrease in shading and insect production would occur as a result of this project?

3.2.2 Kittitas Reclamation District (KRD) Canal Modifications

* Describe the legal mechanism by which conserved water from the KRD laterals could be transferred to enhance in-stream flows. Under the 1945 Consent Decree, would the KRD retain the same water rights to any re-regulation reservoir water during a drought year?

3.2.3 Keechelus to Kachess (K to K) pipeline

* This project would be coordinated with on-going construction of I-90. How realistic is this given the time period need to complete this PEIS and any additional site-specific EIS review?

3.2.4 Power Subordination

* This project requires mitigation agreed upon and approved by BuRec, Bonneville Power Administration and either Roza or Kennewick Irrigation District as applicable. What type of mitigation would be considered?

3.2.5 Wapatox Improvements

* The YRBSSD, page 3, states that this project could consolidate diversions into the Wapatox Canal such as the Naches Selah Irrigation District, the City of Yakima Water Treatment Plant and the Gleed Ditch but that these water users may choose to not participate in the project. How many elements of the "Integrated Plan" are dependent on voluntary participation? The PEIS should prepare a range of participation for each element dependent on voluntary participation.

3.3 Surface Water Storage

The following are specific comments and issues to be addressed as part of any draft PEIS on the proposed development of any construction of new storage reservoirs in the Yakima River Basin, including any dam storage sites proposed for storage of water pumped from the Columbia River.

1. Alternatives

* The PEIS should evaluate other alternatives that restore in-stream flows to the Yakima River Basin and tributaries including a greater range of water conservation savings (see comments on enhanced water conservation below).

2. Earth Resources

* How will the PEIS evaluate the construction of new storage reservoirs' potential impacts and identify potential mitigation measures for those impacts such as impacts of upland discharge, including soil contamination and erosion; impacts of surface water discharge, and potential impacts resulting from earthquakes?

3. Air Resources

* How will the PEIS evaluate the construction of new storage reservoirs' potential impacts on existing air quality?
* How will the PEIS evaluate the construction of new storage reservoirs' compliance with the requirements of the Clean Air Act for construction and operation phases?
* What would be the construction of new storage reservoirs' contribution to climate change gases?
* What would be the construction of new storage reservoirs' carbon footprint?
* How extensive will the assessment of air quality and visibility impacts be? Will emission sources to be studied include emergency generators and other secondary sources? Will the PEIS evaluate the impacts on air quality and visibility caused by fugitive and exhaust emissions from construction, traffic, and all point source emissions?

4. Water Resources

* Will the PEIS include a description of the potential for spills of contaminants into waters of the United States and the measures such as an emergency response plan to mitigate impacts?
* What is the scope of the water quality analysis? Will the PEIS disclose which water bodies may be impacted by the construction of new storage reservoirs, the nature of the potential impacts, and the specific pollutants likely to impact those waters? Will it also report those water

bodies potentially affected by the project that are listed on the State's current 303(d) list and whether the Washington Department of Ecology has developed a water quality restoration plan (Total Maximum Daily Load) for the water bodies and the pollutants of concern? If a Total Maximum Daily Load (TMDL) has not been established for those water bodies on the 303(d) list, in the interim will the PEIS demonstrate that there will be no net degradation of water quality to these listed waters?

* Will the PEIS explain how anti-degradation provisions of the Clean Water Act would be met for the construction of new storage reservoirs?
* Will any damage to the shoreline or other waterfront impacts result from the construction of new storage reservoirs and associated uses in the area?
* Will the PEIS discuss how Clean Water Act (CWA) Section 404 requirements for wetlands would be met and evaluate potential impacts to adjacent wetlands or indirect impacts to wetlands such as hydrologic changes due to increases in impervious surface? Will the PEIS disclose where there are known waters or wetlands that would be directly or indirectly affected by the proposed construction of new storage reservoirs?
* Will the proposed construction of new storage reservoirs incorporate any riparian/wetland restoration along Yakima River or tributaries?
* Will the PEIS address compliance with Executive Order (E.O.) 11990, Protection of Wetlands?
* Will the proposed construction of new storage reservoirs require any additional dredging?

5. Fishery Impacts

* Will the PEIS address impacts to fishery habitat from vibration, sound, shading, wave disturbance, alterations to currents and circulation, water quality, scouring, sediment transport, shoreline erosion (landfall) and structural habitat alteration?
* Will the PEIS address physical and acoustical impacts during construction and operation?
* Will the Biological Assessment required for compliance with Section 7 of the Endangered Species Act (ESA) be a clearly identifiable section?
* Will an assessment of fisheries and benthic impacts specifically address the requirements for an Essential Fish Habitat Assessment per the Magnuson Stevens Act?
* Will studies for all final sites include an assessment of: 1) species type, life stage, and abundance; based upon existing, publicly available information, 2) potential changes to habitat types and sizes; and 3) the potential for fishery population reductions.
* Will the PEIS assess potential indirect impacts to fish, mammals, and turtles that may result from changes in water movement, sediment transport, and shoreline erosion?
* Will the PEIS include an assessment of potential impacts to fishing techniques and gear types used by commercial and recreational fishermen? The PEIS should identify all potential conflicts with existing fishery use patterns and the potential for fishery elimination due to the consequences of the construction of new storage reservoirs. The PEIS should include a review of existing literature and databases to identify and evaluate commercial and recreational fish data and abundance data in the Yakima River Basin. Data to be reviewed should include: National Marine Fisheries Service (NMFS) Commercial Data, NMFS Recreational Data, Washington Department of Fish and Wildlife Commercial Data, and supplemented with intercept surveys.
* Will the PEIS comprehensively address the interconnections between the benthic, fisheries and avian resources? The predator-prey interactions are important considerations in fully

understanding the potential impacts in siting additional dam projects within the Yakima River Basin.

6. Biological Resources

* Will the PEIS analyze potential impacts on fish, wildlife and their habitats from every element of the construction of new storage reservoirs, along with identification of mitigation measures?
* How will the PEIS consider ecological objectives? Will ecological objectives be designed to protect water quality and to maintain and/or enhance the natural habitats in the Yakima River Basin for the benefit of fish and wildlife resources and the public?
* Will the PEIS address measures that compensate for the loss of habitats of value to fish and wildlife?
* Will the PEIS identify the endangered, threatened, and candidate species under the ESA, and other sensitive species within the Yakima River Basin? In addition, will the PEIS describe the critical habitat for these species and identify any impacts the construction of new storage reservoirs will have on these species and their critical habitat?
* Will the PEIS describe the current quality and potential capacity of habitat, its use by fish and wildlife in the Yakima River Basin and identify known fish and wildlife corridors, migration routes, and areas of seasonal fish and wildlife congregation?
* Will the PEIS evaluate effects on fish and wildlife from habitat removal and alteration, aquatic and terrestrial habitat fragmentation caused by roads, land use, and management activities, and human activity? How will endangered species and habitat, including steelhead and salmon in the Yakima River Basin, be protected?
* Will the PEIS address whether northern spotted owls are present on nearby National Forest lands, State Department of Natural Resources lands, or private forestry lands and whether the species or individuals of the species may be affected by construction and operational activities?
* What major plant communities are present and affected? Will the PEIS consider impacts on sensitive plant species, particularly those endemic to the Yakima River Basin? How will sensitive plant species in the vicinity be protected?
* What impacts would new dam construction and operation have on the Pacific Lamprey? Will the PEIS discuss how the "Integrated Plan" contributes to the recovery of the Pacific Lamprey?

7. Avian Impacts

* How will the PEIS describe the impacts to the Yakima River Basin, particularly on migratory birds? How will the PEIS establish a baseline data set? The species, number, type of use, and spatial and temporal patterns of use should be described. Information derived from other studies, which provides a three-year baseline data set, should be included if available. Information should be based on (1) existing, published and unpublished research results, especially research that describes long-term patterns in use, and (2) new field studies undertaken for this PEIS. Data on use throughout the year, especially in spring for migratory species, and under a range of conditions should be collected. Data collection should allow a statistically rigorous analysis of results. Issues needing to be addressed include: (1) bird migration, (2) bird flight during storms, foul weather, and/or fog conditions, (3) food availability, (4) predation, and (5) benthic habitat and benthic food sources.
* Will the Biological Assessment required for compliance with Section 7 of the ESA be a clearly identifiable section?

8. Noise and vibrations

* How will the PEIS address the potential for underwater noise and vibrations associated with construction and operation of the facilities?
* The PEIS should include an assessment of the magnitude and frequency of underwater noise and vibrations, and the potential for adversely affecting fish and mammal habitats and migration. It should also include an assessment of fish and mammal tolerance to noise and vibrations, with particular emphasis on noise and vibration thresholds that may exist for each of the species. The PEIS should also include the potential of noise impacts to human activity at any of the proposed dam construction sites.
* How will the PEIS address identification of existing noise levels and evaluation of the construction of new storage reservoirs' potential short-term and long-term noise impacts along with potential mitigation measures?
* Have noise contour maps been developed for construction of new storage reservoirs and does it show day-night average sound level (DNL)? How will any DNL's that are in excess of local ordinance requirements be mitigated?
* Will the PEIS evaluate noise generating activities associated with construction and on-going operations, including traffic to and from any project site?

9. Environmental Health

* How will the PEIS address impacts of hazardous materials and identification of mitigation measures?

10. Land and Shoreline Use

* How will the PEIS address compliance with land-use laws, plans and policies?
* How will the PEIS address compliance with the State Shoreline Management Act?

11. Aesthetics

* How will the PEIS address visibility of any proposed project and need for landscaping or buffers? How will the PEIS assess effects of light and glare from construction on adjacent properties and communities?

12. Recreation

* How will the PEIS address any proposed project's impacts on recreational use of the Yakima River and tributaries?

13. Transportation

* How will the PEIS address the any proposed project's potential transportation impacts and identification of mitigation measures?
* Will the PEIS identify existing traffic levels and transportation infrastructure, impacts of and proposed project on both, potential increases in traffic accidents, additional maintenance, and minimization of traffic impacts?
* How many vehicle trips would be generated, including trips by employees and service and delivery vehicles from any proposed project?
* Will the PEIS evaluate the level of service and overall traffic generation from various

activities at any proposed project site including: construction traffic and the level of service and overall traffic generation reasonably expected from project-associated growth in the surrounding communities? Will this evaluation be made on a daily, weekend, and seasonal basis?
* Will the traffic study calculate road maintenance costs attributable to any proposed project?
* What is the scope of mitigation of traffic impacts that will be considered in the PEIS?
* What is the capacity of local roads to accommodate additional traffic associated with the construction of any proposed project? Will there be congestion at the interchanges serving any proposed project?
* What transportation impacts to Goose Prairie would occur due construction of a Bumping Lake Enlargement project?

14. Public Services and Utilities
* What will be the need for additional public services, including public safety and emergency services during any proposed dam construction?
* What impacts to local school systems in the Yakima River Basin can be expected?
* How will housing needs for employees be addressed? Where will employee construction housing be developed?

15. Cultural Resources
* How will the PEIS address requirements to comply with federal and state laws concerning cultural resources?
* Will the scope of the cultural resources analysis include identifying all historic properties or cultural resources potentially impacted by the project or associated offsite development, including traditional cultural properties, other Native cultural resources, and non-Native historic properties? Will the PEIS evaluate the impacts to any identified historic properties and cultural resources, i.e., what are the impacts of the project and associated off-site development (e.g., housing, amenities)?
* How will historical Tribal uses of this area be factored in, including effects on sacred sites and fishing grounds?
* How will the project affect the cultural heritage of the area?
* Will the PEIS consider Tribal fishery impacts?
* How will the PEIS fulfill the requirements of Section 106 of National Historic Preservation Act including coordination with the State Historic Preservation Officer?

16. Environmental Justice
* Will the PEIS consider, based on the experience of such projects elsewhere, effects on levels of poverty?
* Will the PEIS assess whether low income or people of color communities will be impacted by the proposed project and disclose what efforts were taken to meet environmental justice requirements consistent with Executive Order (EO) 12898?

17. Socio-Economics
* Will a comprehensive economic analysis be undertaken to identify potential effects of any proposed project on the Yakima River Basin?
* What will be the time frame for the assessment of economic and social impacts; 10, 20, 50 years?

* For comparison purposes, will the socioeconomic effects of other similar projects on other communities in the state be examined?
* Will the demand for hotel rooms in the Yakima River Basin be calculated?
* How many jobs will be created; at what wage levels? What percentage of work would be reserved for local contractors?
* What will be the consequences on property values and property taxes in the Yakima River Basin?
* How will impacts from any project impact existing restaurants, hotels, motels, RV facilities, and other overnight tourism lodging facilities? Will the PEIS assess whether there will be a loss of workers from existing businesses? What nationally accepted professional or scholarly data will be used to evaluate the potential impacts over the next ten years?
* Will the PEIS assess the current social and economic impacts of not having adequate public and essential commercial services (e.g., housing, medical, emergency) for current and future workers?
* How will effects on quality of life, including community character, demographics, and small-town atmosphere, be assessed?
* Will the potential dislocation of current residents due to an increased cost of living be considered?
* How will the PEIS address safety considerations during construction of any project?

18. Other Issues
* Will Tribal consultation occur with nearby Indian tribes in a manner consistent with Section 20(b)(1)(A) of IGRA, the Department's trust responsibilities to tribes, and the 1994 Executive Memorandum entitled Government-to-Government IGRA Section 20?
* How will Washington communities be consulted with and involved in the NEPA and SEPA processes?
* What consultation with school districts and other service providers will occur?
* What other permits and approvals are required?
* Have geo-tech studies been done for any proposed project site?
* Would any proposed project be affected by seismic faults or fractures?
* Will the PEIS address the potential for increased litter?
* Will the PEIS address the disposal of solid waste?
* What drilling data is available to show the profile and nature of the proposed dam sites for the Bumping Lake Enlargement and the Wymer Dam project?
* Please describe the habitat that would be inundated by a Wymer Reservoir, including the extent of sage grouse habitat existing and the number of sage grouse that currently use the proposed inundated area.
* What is the potential for shoreline erosion from using a Wymer Reservoir as a pump storage project?
* For both the Wymer and Bumping Lake projects, describe the legal mechanism by which Wymer or Bumping Lake water could be transferred to enhance in-stream flows. Under the 1945 Consent Decree, wouldn't the senior irrigation districts retain the same water rights requiring allocation of any Wymer or Bumping Lake reservoir water to the TWSA during a drought year?

* Under the 1945 Consent Decree how can any water retained in an enlarged Bumping Lake or Wymer Reservoir be allocated to in-stream flows?
* What are the estimated evaporation rates for both a Wymer and Bumping Lake reservoir?
* What are the estimated refill times for both a Wymer and Bumping Lake reservoir assuming a complete drawn down during a drought year?
* Regarding the Lake Kachess Inactive Storage project, how does accessing this inactive storage conflict with fish passage/habitat enhancement proposed for Lake Kachess?
* The PEIS should evaluate all impacts from proposed construction on the Bumping River, Goose Prairie, and the William O. Douglas Wilderness Area.

3.3.4 Columbia River Pump Exchange with Yakima Storage
* Identify all potential dam sites in the Yakima Basin proposed for storage of water pumped from the Columbia River, including but not limited to Black Rock, Selah Canyon and Burbank Canyon and all significant adverse environmental impacts..
* Identify all legal and biological constraints from interbasin transfer of water from the Columbia River to the Yakima River Basin.
* Identify all cumulative impacts of other water withdrawal proposals from the Columbia River.

3.4 Groundwater Storage
3.4.1 Shallow Aquifer Recharge
* Under the 1945 Consent Decree how would any water stored in shallow aquifers be treated under the Total Water Supply re-allocated to in-stream flows?

3.4.2 Aquifer Storage and Recovery
* Under the 1945 Consent Decree how can any water stored in underground aquifers be allocated to in-stream flows?

3.5 Habitat Protection and Enhancement
3.5.1 Targeted Watershed Protections and Enhancements
The YRBSSD, pages 8 and 9, describe a list of watershed protections and enhancements that were first presented to the Yakima River Basin Work Group in March of 2011. Many details of this proposal are lacking. The targeted acquisitions include:

- 46,000 acre tract in the middle and lower Teanaway River Basin comprised of mid-to-high elevation mixed conifer forest, lower elevation grand fir and ponderosa pine.

* Identify the location of this tract. Clarify the current ownership of this acreage. Clarify the targeted acquisition of the 46,000 acres. How much of this acreage consists of contiguous roadless areas greater than 5,000 acres? If any, where are they located? How much of this acreage contains critical area for listed ESA species? Identify all northern spotted owl habitat and current populations. Identify all known bull trout habitat and current populations. If any, where are they located? How much of this acreage is proposed for public ownership? If any, where is it located? How much of this acreage would remain in private (non-governmental) ownership? If any, where is it located? What is the remaining volume of marketable timber? If any, where is it located? Would the 46,000 acres continue to be subject to logging? What are

alternative uses and environmental impacts to this tract assuming that this tract is dropped from the "Integrated Plan"?

- 15,000 acre tract in the Yakima River canyon, including the valley bottom and eastern slopes, from the Yakima River to I-82.

Clarify the current ownership of this acreage. How much of this acreage consists of contiguous roadless areas greater than 5,000 acres? If any, where are they located? How much of this acreage contains ESA habitat? Identify all northern spotted owl habitat and current populations. Identify all known bull trout habitat and current populations. If any, where are they located? How much of this acreage is proposed for public ownership? If any, where is it located? How much of this acreage would remain in private (non-governmental) ownership? If any, where is it located? What is the remaining volume of marketable timber? If any, where is it located?

- 10,000 acres at the headwaters of the Little Naches River and lands surrounding the headwaters of Taneum and Manastash Creeks.

* Clarify the current ownership of this acreage. How much of this acreage consists of contiguous roadless areas greater than 5,000 acres? If any, where are they located? How much of this acreage contains ESA habitat? Identify all northern spotted owl habitat and current populations. Identify all known bull trout habitat and current populations. If any, where are they located? How much of this acreage is proposed for public ownership? If any, where is it located? How much of this acreage would remain in private (non-governmental) ownership? If any, where is it located? What is the remaining volume of marketable timber? If any, where is it located?

- If these preferred sites cannot be acquired, a combination of alternative sites of equivalent conservation value may be selected as long as alternatives collectively meet the following targets:

Conservation Target for High Elevation Watershed Enhancement: 45,000 acres
Conservation Target for Shrub-Steppe Habitat Enhancement: 15,000 acres
Conservation Target for Forest Habitat Enhancement: 10,000 acres

Additional lands are eligible and/ or have already been recommended for federal Wilderness and Wild and Scenic River designation through other processes. In addition to the conservation targets provided above, protection of the following lands is consistent with values and objectives of the "Integrated Plan:"

* Identify the location of these conservation target lands and any additional lands eligible or already recommend for federal Wilderness and Wild & Scenic River designation.

- Wilderness designation should be pursued for the land around Bumping Lake that is not consumed by the reservoir expansion.

* Identify the acreage of National Forest roadless area that would be inundated by an expanded reservoir around Bumping Lake.

* Identify any previous BuRec reservoir project that has inundated National Forest roadless area and what mitigation was proposed or carried out.

- Wilderness or other appropriate designation should also be sought for roadless areas in the Teanaway, in the area between Kachess and Cle Elum Lakes, and in the upper reaches of Manastash and Tanuem Creeks in order to protect headwaters streams, snow pack, and forests.

* Identify the roadless acreage in the above areas. How does the proposal for roadless area protection in the upper reaches of Manastash and Tanuem Creek different from the 10,000 acres at the headwaters of the Little Naches River and lands surrounding the headwaters of Taneum and Manastash Creeks? Is this double-counting?

- Wild and Scenic River designation should be sought for the American, Upper Cle Elum, and Waptus rivers. Other rivers determined eligible and recommended for designation in future forest plans should also be considered.

* The purpose of the federal Wild and Scenic Rivers Act is to preserve rivers in "free-flowing condition." What additional specific dams are proposed for the American, upper Cle Elum and Waptus rivers that threaten the free-flowing condition of these rivers? If there are no dams proposed for these river segments, what is the purpose of a wild or scenic river designation?

* The PEIS should identify all threatened or endangered species within the Yakima River Basin and identify all designated critical habitat.

3.5.2 Fish Habitat Enhancement

* The proposed "Integrated Plan" proposes approximately $460 million in habitat enhancement measures included flow restoration, removing fish barriers, and screening diversions. Screening diversions was one of the original programs to be carried out by the YRBWEP authorized in 1979. Will the PEIS list all diversion screening that has taken place since 1979? Will the PEIS disclose why diversion screening is still needed over thirty years later? Will the PEIS disclose which fish habitat enhancement measures are voluntary in nature?

*Without significant improvements to in-stream flows in the lower Yakima River, how will fish habitat enhancement improvements in the upper Yakima River Basin be ensured?

3.6 Enhanced Water Conservation

3.6.1 Agricultural Conservation

The proposed agricultural water conservation program under the "Integrated Plan" proposes to conserve up to 170,000 acre-feet of water in good water years. However, the "Integrated Plan" does not identify specific projects for implementation. As a result of this decision, water conservation is put at a significant disadvantage as the BuRec and Ecology are all to eager and willing to identify precisely the dam storage projects they intend to build, while disdaining to even hint at what or where water conservation projects would take place. In addition it is apparent that unlike dam storage projects which BuRec and Ecology would like to have authorized and constructed, water conservation projects would remain voluntary.

* This section identifies only a single goal of conserving up to 170,000 acre-feet in good water years. The Work Group prepared a Summary Results – Water Needs Assessment Yakima River Basin Study (Task 2), date July 20, 2010. Table 2 lists 213,595 acre-feet of water conservation savings from projects recommended for inclusion. What accounts for these discrepancies in water conservation? The PEIS should set out an alternative of maximum water conservation efforts, in addition to the 170,000 acre-feet proposed under the "Integrated Plan."

* Assuming that the proposed water conservation program would conserve up to 170,000 acre-feet of water in good water years, how many acre-feet of water would be conserved during drought years?

* Identify all water conservation projects undertaken in the Yakima River Basin since 1979.

* Under the Central Valley Project Improvement Act of 1992 (CVPIA) and the Reclamation Reform Act of 1982 established Criteria for Evaluating Water Management Plans. These plans must contain the following information:

1. Description of the District
2. Inventory of Water Resources
3. Best Management Practices (BMPs) for Agricultural Contractors
4. BMPs for Urban Contractors
5. Plan Implementation
6. Exemption Process
7. Regional Criteria
8. Five-Year Revisions.

Has the BuRec applied the CVP Criteria to any of the past or proposed Yakima River Basin irrigation district water conservation plans? The PEIS should list all BuRec approved water conservation plans for the Yakima River Basin.

* According to the BuRec Draft Programmatic EIS on the Yakima River Basin Water Enhancement Project, dated April 1998, page 33, "Under the Basin Conservation Program, a goal of the legislation is to achieve 165,000 acre-feet of water savings in 8 years." Has this level of acre-feet of water savings been achieved? If so, in which irrigation districts?

* The Department of Ecology FEIS on the Yakima River Basin Integrated Water Resource Management Alternative (dated June 2009, #09-11-012) Tables 2-3 and 2-4 display 223,596 acre-feet of potential conserved water savings from Yakima River water users and an additional 20,003 acre-feet of potential conserved water savings from Naches River Water Users. Why does the "Integrated Plan" propose less than half of the water conservation potential proposed just two years ago?

* These Tables disclose 84,700 acre-feet of water conservation potential on the Wapato Irrigation Project (WIP). Why does the "Integrated Plan" fail to identify any specific water conservation improvements for the WIP?

3.6.2 Municipal and Domestic Conservation program

* How much water could be conserved by ending the exempt well provisions under Washington Water Law?

3.7 Market Reallocation

* Will the PEIS provide a list of all legal and institutional barriers to market reallocation?

* Will the PEIS provide an estimate of the current water savings that could occur under existing Washington Water Law?

* Will the PEIS evaluate the results of the Market-Based Reallocation of Water Resources (Yakima River Basin Study Task 4.12, November 19, 2010, Power Point page 14)? Do BuRec and Ecology agree that up to 110,000 acre-feet of water may be available for inter-district water trades and up to 230,000 acre-feet of water may be available for intra-district trades? Doesn't this alternative alone have the capacity to meet the irrigation "goals" of the "Integrated Plan"? Will the PEIS evaluate this alternative?

4.0 Rolling Review and Future Plan Adjustments

* The Department of Ecology has created a Yakima Work Group "Implementation Subcommittee" with limited participation and meetings that are not subject to public notice. A listing and summary of all Work Group "Implementation Committee" meetings should be included in the PEIS.

5.1 Potential Barriers to Plan Implementation and Mitigation Strategies

* A Conservation Advisory Group (CAG) was appointed by the Secretary of Interior under Title XII on July 13, 1995 (membership includes two Yakima River Basin irrigators, one from the Yakama Indian Nation, one from environmental interests, one from Washington State University Ag Extension Service, and WDFW). Will the PEIS disclose the relationship of the CAG to the establishment of the Yakima Work Group?

* Will the PEIS provide an analysis on how water stored or pumped in a new or expanded reservoir and already allocated under the 1945 Consent Decree may be reallocated to in-stream flows?.

* Failure to comply with the Federal Advisory Committee Act (FACA) is a potential barrier to plan implementation. The Federal Advisory Committee Act (Pub. L. 92-463, 6 October 1972) seeks to curtail the rampant "locker-room discussion" that had become prevalent in administrative decisions. These "locker-room discussion" are masked under titles like "task force," "subcommittee," and "working group" meetings, which are less than full FACA meetings so they do not have to be open to the public. Will the PEIS disclose whether the Yakima Work Group was established under FACA? Will the PEIS disclose all meetings of the Yakima Work Group Executive Committee, the minutes from those meetings and how public notice was given? Will the PEIS disclose all meetings of the Yakima Work Group Implementation Subcommittee, the minutes of those meetings and how public notice was given?

* Will the PEIS evaluate the U.S. Supreme Court's May 2, 2011, decision in *Montana v. Wyoming* (563 U.S. ____(2011)) and possible legal effects on water rights in the Yakima River Basin?

Finally, as set out in 40 C.F.R. Sec. 1502.14, alternatives are the heart of the environmental impact statement. The BuRec has an affirmative obligation to "[R]igorously explore and objectively evaluate all reasonable alternatives, including those that may require changes to existing law or not within the jurisdiction of the lead agency. *40 C.F.R Sec. 1502.14(a)-f).* Any PEIS must include a non-structural alternative including both water conservation and water marketing to provide the public and Congress with a fair comparison and range of choices and not just an *ad hoc* justification of a limited work group hand selected by the BuRec and Ecology.

Please send us a copy of the draft Programmatic EIS when it becomes available.

Sincerely,

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