

Chapter 5

Consultation and Coordination

This chapter describes Reclamation’s public involvement and consultation and coordination activities to date, as well as future actions that will occur during the processing of this document.

Public Involvement

Public involvement is a process where interested and affected individuals, organizations, agencies, and governmental entities are consulted and included in Reclamation’s decision making process. In addition to providing information to the public regarding this draft environmental impact statement, Reclamation solicited responses regarding the public’s needs, values, and evaluations of the proposed alternatives. Both formal and informal input have been encouraged and used.

This section on public involvement also serves as the public involvement summary report for this action.

Scoping Process

An early and open scoping process is required as part of the environmental impact statement (EIS) preparation (49 Code of Federal Regulations [CFR], Part 1501.7). Scoping, as defined in the CEQ regulations of 1978, is “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.” The scoping process helps to:

- Identify issues, concerns, and possible impacts
- Identify existing information sources
- Develop alternatives

On April 25, 2001, Reclamation published in the Federal Register a Notice of Intent to prepare an EIS to evaluate impacts of altering existing operations at Banks Lake to provide for an annual August drawdown of up to 10 feet from full pool and to hold a public scoping meeting in the local area.

Reclamation notified potentially interested parties about the Banks Lake Drawdown EIS scoping process and provided opportunities to comment. A meeting notice describing the EIS, requesting comments, providing a return postage paid envelope, and announcing the date, time, and location of the public scoping meeting was mailed to over 300 potentially interested individuals, groups, and governmental agencies. Reclamation also provided a news release about the scoping meeting to area media.

Grant County Board of Commissioners requested that Grant County be granted cooperating agency status in completing the environmental impact statement. A Memorandum of Agreement formalizing the county's role as a cooperating agency was never finalized; however, several meetings were held with the county and the county provided specific economic data for use in the environmental impact statement. They also reviewed and commented on the environmental impact statement, both in writing and at the public hearings.

Public Scoping Meeting

Reclamation held a scoping meeting the evening of Tuesday May 15, 2001, in Coulee City, Washington. Reclamation presented background information and described preliminary alternatives being considered for the drawdown of Banks Lake and provided opportunities to ask questions, identify issues and concerns associated with the preliminary alternatives, or identify other alternatives for the drawdown. About 55 people attended the meeting. Oral comments were recorded on flip charts. Comment sheets and postage-paid return envelopes were provided.

In addition to comments received at the meeting, a total of 34 written comment sheets and letters were received in time to be included in the scoping summary document (Reclamation, Scoping Summary, 2001). Copies of the scoping summary were mailed to those on Reclamation's mailing list for this study. The scoping summary is included in this EIS as appendix B.

The nature of the comments ranged from brief comments or questions to very detailed statements. The issues identified during this process have been considered throughout the discussion of the affected environment and environmental consequences.

Some comments concern actions or issues that are outside the scope of this EIS. These are valid concerns, but they do not address the purpose of this action or they relate to other actions not a part of this EIS. The EIS technical team considered and used the remaining comments as appropriate to prepare the EIS.

Key issues centered on:

- Evaluating a full range of alternatives
- Ensuring irrigation water supply and delivery, particularly in water-short years

- Determining impacts to infrastructure—lakebed power lines, lakeside roadway foundations
- Protecting water quality
- Identifying impacts on fish and wildlife, including habitat and reservoir elevations
- Addressing threatened and endangered species issues
- Identifying impacts to habitat, including noxious weeds and riparian habitat
- Determining how recreation such as fishing and boating would be affected during drawdown by the various alternatives
- Ensuring the public is safe from boating and fire hazards during drawdown
- Identifying impacts to power production and operation
- Protecting cultural resource sites
- Ensuring continued stability of the local economy, including the recreation service sectors

Publics were divided on the drawdown. Some supported the drawdown to ensure water supplies for salmon because they believed the benefit would outweigh negative impacts to anything else. Others opposed the drawdown because they believed adverse economic impacts to the local area would be greater than the benefit to salmon.

Some comments were outside the scope of the EIS because they were not related to the purpose of the project. The project purpose is to evaluate impacts of an additional 5 foot drawdown at Banks Lake during August, in response to Action 31 of the NMFS December 2000 FCRPS BiOp.

Comments outside the scope of the EIS included:

- Stopping salmon fishing
- Drawing down Lake Roosevelt instead of Banks Lake
- Monitoring the effectiveness of the additional water
- Increasing fish stocking at other lakes
- Providing demonstrated scientific basis for the additional water

Public Hearings and Review of Draft EIS

The Draft Environmental Impact Statement (DEIS) was filed with the Environmental Protection Agency (EPA) on January 6, 2003. A Notice of Availability and Public Hearings appeared in the *Federal Register* January 9, 2003. A news release announcing availability of the DEIS and dates, times, and locations of public hearings was sent to area media. Comments were scheduled to be received for 60 days until March 10, 2003.

Approximately 375 copies of the Draft EIS were distributed to Federal, State, and local agencies, native American tribes, irrigation districts, and interested members of organizations and the general public. The original 60-day comment period was extended 30 days from March 10 to April 11, 2003, at the request of the East Columbia Basin Irrigation District. Notice of the comment period extension was published in the *Federal Register* on March 17, 2003. A letter announcing the extension was mailed on March 4, 2003, to everyone who was sent a copy of the Draft EIS. A news release announcing the extension of the comment period was sent to area media.

In addition, two private groups placed advertisements and comment forms in local newspapers, requesting comments be provided to Reclamation. Local private petitions were also distributed for signature stating opposition to the drawdown. About 275 signatures were affixed to the petitions.

A formal public hearing was conducted the afternoon of February 11, 2003, in Coulee City, Washington, and the evening of February 12, 2003, in Moses Lake, Washington. Eleven speakers gave formal oral testimony at the first public hearing, and three gave testimony at the second public hearing. Twenty-five entities and individuals provided written public hearing comments that are included in the hearing record. The public hearing record is available for public review at Reclamation's Upper Columbia Area Office in Yakima, Washington; in the Ephrata Field Office in Ephrata, Washington; and in the Pacific Northwest Regional Office in Boise, Idaho.

The public hearing testimony and written public hearing comments are summarized below.

Economic impact—Economic impact to the local community “is not negligible.” Impacts will occur not only to the individual businesses and indirect sales when tourists stay away, but also to the revenue for community services and the local school system. Tourism keeps the communities near Banks Lake alive in the summer.

Economic impact to hydropower—Net reductions in hydropower generation at Grand Coulee and at Coulee City as a result of the drawdown could be significant and could be as much as \$1.5 million annually.

Recreation—Recreation access would be devastated. All boat launches in Banks Lake would be useless except for two; swimming and fishing access would be cut off or very limited.

Flow augmentation—The National Marine Fisheries Service says the Banks Lake drawdown has uncertainty surrounding the success of flow augmentation for fish survival. Adequate justification that the drawdown would benefit the endangered species in the lower portion of the Columbia River has not been provided.

Salmon value—The alternative appears to be another example of sacrificing a rural community for the endangered species. The salmon runs over the past couple of years have been at record levels.

Irrigated agriculture—Farmers everywhere are concerned with some of the heavy-handed actions of NOAA Fisheries and irrigation curtailments in other areas. The reliability of our water supply is our primary concern.

Visual quality—The last drawdown caused fish to die in muddy ponds, exposed mud flats, muddy water halfway across the lake, and huge dust storms as mud flats dried, as well as a 2,500 acre “bathtub ring” around the lake. We do not wish this to happen yearly.

Health and safety—A lake drawdown would create an odor problem as well as add to the mosquito population and become a breeding ground for mosquitoes that could harbor the West Nile Virus.

Health and safety, lake navigation—If you could actually get your boat into the water, navigation on the lake would be unsafe for both property and people because of exposed rocks and tree snags.

Vegetation—Any significant change in the lake elevation would adversely affect groundwater levels during the growing season. Lower groundwater levels, in turn, has a potential to adversely affect the vegetation communities, including marshy areas around the edge of the lake, which now exhibit an abundance of birds and other animals.

Social environment—The National Environmental Policy Act not only requires the Federal Government to consider the impact of the actions on the environment but also to preserve culture, heritage, and customs. This action would negatively affect the customs and culture in the community. The drawdown would cause the community to lose the use of the lake, which would affect their quality of life.

Environmental justice—Environmental justice addresses the fair treatment of people of all races and incomes; no group of people should bear a disproportionate share of negative impacts from an environmental action. However, Grant County has 15 percent of the people who live below the poverty level compared with 10 percent for the State as a whole.

Alternatives and mitigation—The No Action Alternative still means that some water (5 feet of drawdown) could contribute to the flow and help with the salmon migration at McNary Dam. We’re not saying no water for mitigation, because that would happen. However, some oppose both the No Action and Action Alternatives.

State responsibility—State of Washington Salmon Recovery Act of 1998 says the State should “retain primary responsibility for managing the natural resources of the State....”

Cooperating agency—A request for cooperating agency status by Grant County had not been granted.

Procedural flaws —the 5-foot drawdown really is not the No Action Alternative; the Banks Lake operations before 2000 should be considered no action.

A total of 141 written review comment documents were received during the 90-day public review period January 6, 2003, to April 11, 2003. These documents and Reclamation’s responses to the comments are included in the Comments and Responses volume of this final EIS.

Reclamation’s practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that Reclamation withhold their home address from public disclosure, which were honored to the extent allowable by law. There also may be circumstances in which Reclamation would withhold a respondent’s identity from public disclosure, as allowable by law. Reclamation will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

A record of decision can be issued no sooner than 30 days after EPA issues its notice that the EIS is available for review.

Coordination and Consultation

Endangered Species Act

In accordance with Section 7(c) of the Endangered Species Act of 1973, Reclamation requested from the Fish and Wildlife Service (Service) a list of threatened and endangered species, candidate species, and species of concern potentially found in the Banks Lake drawdown study area (May 2001). Reclamation determined that the proposed project may affect, but is not likely to adversely affect, the bald eagle, and would not affect any other listed species. The Service has sent Reclamation a letter of concurrence, dated April 3, 2003.

This analysis was done in compliance with Action 31 of the Reasonable and Prudent Alternative under the December 2000 Biological Opinion issued by the National

Marine Fisheries Service (NMFS) (currently National Oceanic Atmospheric Administration [NOAA] Fisheries) for operation of the Federal Columbia River Power System. Therefore, additional ESA consultation with NMFS is not necessary.

Fish and Wildlife Coordination Act

In accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 USC 661 et seq.), the Service provided a final Coordination Act Report documenting wildlife resources, habitat, and management concerns within the drawdown study area (Service 2002) to assist in developing this document. The final Coordination Act Report is attached as appendix A.

If the Action Alternative is implemented, Reclamation will implement the following recommendations contained in the Coordination Act Report:

- Some mitigation actions for various adverse impacts (existing and potential future impacts) could include the establishment of native riparian vegetation in various areas of the drawdown zone, such as native bunchgrasses and forbs in shrub-steppe and riparian vegetation along the shorelines. The limited time frame of this drawdown may limit the logistical feasibility of this mitigation.
- If the 10-foot drawdown is implemented, Reclamation should ensure timely refill of Banks Lake up to 1565 feet by early September to ensure operation of net-pens.
- Reclamation shall work collaboratively with the WDFW and the Service to develop studies that would examine the effects or lack of effects of the proposed drawdown on rearing fish species in Banks Lake.
- The Service recommends Reclamation develop a short-term plan that would address potential modifications of current boat ramp and moorage facilities in order to facilitate summer use activities.
- Reclamation should ensure that a complement of riparian vegetation be maintained along the Banks Lake drawdown zone and that conditions should be sufficient to provide for short-term input of nutrients into the water column as Banks Lake approaches its refill goal.
- A study to determine the reproductive success of western grebes in the study area should be initiated to help determine the level of management that should be applied to protect these birds in light of the proposed drawdown.
- Hatchery compensation via the WDFW is an option that Reclamation should pursue if lack of recruitment for certain fish populations is linked to the proposed drawdown.

- Protection of habitat, such as shrub-steppe, from fire is important, in this and region because it does not recover quickly from fire. Attempts should be made to ensure shoreline access to water resources in the event of uncontrolled wildfire in these designated shrub-steppe areas.
- Updating the GIS [geographic information system] work that was done at Banks Lake by Reclamation would be valuable. Aside from changes that will occur over time, this would allow some of the errors the Service identified in its 1998 Planning Aid Memorandum (U.S. Fish and Wildlife Service 1998) to be corrected and a more accurate vegetation map to be generated to determine potential wetland impacts linked to the drawdown and concurrent management actions.
- Reclamation should initiate studies to examine the potential effects of the drawdown on wildlife species.

The following are the CAR recommendations that Reclamation would not agree to for the reasons provided.

- The Bureau of Reclamation should designate a minimum operating level for Banks that allows for feasible operation of net-pen operations at the north and south ends of Banks Lake.

Reclamation retains the ability to operate the reservoir at any elevation that allows for complete delivery of water to CBP irrigators. This minimum elevation would not allow for operation of the net pens. However, Reclamation will attempt to maintain an elevation in Banks Lake that allows for operation of the net pens.

- Funding should be provided for improvement of existing net pens, including structures to eliminate depredation by birds if “Action” Alternative B is selected.

Reclamation will not provide funding to private endeavors utilizing the reservoir for rearing of fish. While Reclamation issued permits for the operation of the net pens, the sole operation risk is with the groups operating the pens.

- If 10-foot drawdown is extended into the early spring season of 2003, Reclamation shall ensure that both net-pen operations at the north and south ends of Banks Lake will be moved to an ideal operation location before September 2002.

No refill scenario being considered leaves Banks Lake below 1565 past the middle of September. During those years when maintenance needs of the reservoir facilities requires an extended drawdown and overwinter retention of the lower elevation, Reclamation will not assist with the relocation of the net pens. However, Reclamation will inform the operators of the net pens when such maintenance drawdowns will occur so that operation of the pens can be suspended at that time.

- The high value of the Devil’s Punch Bowl area to several migratory bird species and the close proximity of a significant amount of recreation pressure undoubtedly leads to adverse impacts to sensitive habitats and disturbance to these species. Actions should be included, for the “No Action” and “Action” alternatives, which provide some level of protection to species using this area, at least during nesting and rearing seasons.

The Action alternatives have slight negative affects on recreation, potentially reducing recreation pressure as outlined in the recommendation. This reduction would be limited to a short period in August/September, so most likely would not affect nesting but could reduce disturbance during the rearing period. To a large extent, the recreational activities which result in the impacts of concern are outside of the scope of this EIS. While the recreational activities may affect species using the Devil’s Punch Bowl, they are better addressed in management plans that have been developed by the managing agencies, including implementation of the recently completed Resource Management Plan for Banks Lake (Reclamation 2001).

- Surveys for pygmy rabbits should be done in specific areas within shrub-steppe communities to address the potential of increased public use that has been diverted away from Banks Lake due to the drawdown.

Reclamation has determined that the drawdown will not affect public use of the lands around Banks Lake, and therefore, will not affect potential pygmy rabbit habitat in the Banks Lake area.

- Restrictions on the use of PWC during fish spawning seasons in certain areas could benefit several fish species where spawning habitat has become limited due to the proposed drawdown.

It is not anticipated that spawning areas will be limited due to the drawdown. Reclamation addressed the question of restrictions on personal watercrafts in the development of the Banks Lake Resource Management Plan and concluded that Reclamation has no authority to regulate watercraft in the State of Washington.

- Impacts of the several fishing tournaments at Banks Lake on fisheries should be determined and tournaments modified or curtailed, if necessary to facilitate spawning events.

Fishing tournaments and their regulation are the responsibility of the Washington State Department of Fish and Wildlife. Reclamation has no authority to regulate the timing, extent or number of tournaments.

- Additional Ute ladies'-tresses surveys should be conducted at the two perennial streams which enter Banks Lake from the northwest and some of the springs and seeps within the immediate vicinity to determine potential impacts to this plant from the proposed drawdown.

The drawdown will not affect any wet area where this species might exist. Additional surveys will be completed as part of the overall management of Banks Lake under current programs Reclamation has in place.

- Reclamation should use all available techniques to eliminate water milfoil if proposed drawdown is implemented. Do not use control methods that would result in negative impacts to desirable submergent, aquatic plants and aquatic invertebrates.

The extent of drawdown in the “Action” alternative is not lengthy enough to affect Eurasian water milfoil. It is not anticipated that this drawdown will effect the amount or extent of the milfoil infestation in the reservoir, nor are there known techniques available for such control. Future deeper drawdowns for maintenance purposes, where the level of the reservoir is reduced throughout the winter will most likely have some effect on milfoil but short duration drawdowns do not.

National Historic Preservation Act

Consultation under Section 106 of the National Historic Preservation Act occurs in two stages with the Washington State Historic Preservation Office and Indian Tribes with traditional territory in and adjacent to the project area. These Tribes are the Confederated Tribes of the Colville Indian Reservation, Yakama Nation, and Spokane Tribe of Indians. The first stage is the consultation that occurs upon transmitting notification of the undertaking, which the draft EIS accomplished. The second stage occurs when the report resulting from the surveys called for in the chosen alternative is forwarded for review and comment. If historic resources are identified that would experience adverse effects from the preferred alternative, additional consultation to resolve the effects is done with the Advisory Council on Historic Preservation.

Tribal Consultation

In May 2001, Reclamation sent letters to the Chairs of the Confederated Tribes of the Colville Reservation (CCT), the Spokane Tribe of Indians (Spokane Tribe), and the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) inviting them to attend the scoping meeting in Coulee City or to send comments in writing. At the request of CCT, Reclamation staff met with the CCT staff to discuss their specific comments.

The draft EIS was sent to the CCT, the Spokane Tribe, and the Yakama Nation, with an offer to meet with each tribe and a promise from Reclamation to call to determine if such a meeting was desired. Calls to the Chairs of the CCT and Spokane Tribe elicited directions to their respective staffs to both call Reclamation and to formally respond to the draft EIS with comment letters. These letters and responses are included in the Comments and Responses volume of the EIS. The Yakama Nation was visited by Reclamation staff and a letter of comment was

received from them after the end of the comment period. In a letter of reply to the Yakama Nation, Reclamation again extended an invitation to request a meeting. Copies of tribal correspondence are included in appendix D.

Additional consultation with tribes may occur if their review of the EIS raises the need to clarify and discuss specific issues or actions on a government-to-government basis.

