

RECLAMATION

Managing Water in the West

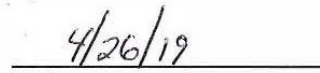
Record of Decision for the Kachess Drought Relief Pumping Plant and Keechelus Reservoir-to- Kachess Reservoir Conveyance Final Environmental Impact Statement

Yakima Project, Washington

Approved:



Lorri Gray
Regional Director
Pacific Northwest Region



Date



U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
Columbia-Cascades Area Office

April 2019

MISSION STATEMENTS

U.S. Department of the Interior

Protecting America's Great Outdoors and Powering Our Future

The Department of the Interior protects America's natural resources and heritage, honors our cultures and tribal communities, and supplies the energy to power our future.

Bureau of Reclamation

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

SUMMARY OF ACTION

The U.S. Department of the Interior, Bureau of Reclamation, prepared this Record of Decision (ROD) for the Kachess Drought Relief Pumping Plant (KDRPP) and Keechelus Reservoir-to-Kachess Reservoir Conveyance (KKC) Final Environmental Impact Statement (Tier-1 EIS).¹ This ROD identifies Reclamation's intention to further analyze one of the proposed site-specific projects to provide access to the inactive storage in Kachess Reservoir and a more sustainable water supply in years of severe drought. This site-specific project is one of several proposals recommended in the 2012 *Yakima River Basin Integrated Water Resource Management Plan Final Programmatic EIS* (2012 Integrated Plan FPEIS) and Reclamation's 2013 Integrated Plan FPEIS ROD.² The 2013 Integrated Plan FPEIS ROD directed Reclamation to analyze the Kachess Reservoir site-specific project as part of its commitment to secure future water supply for the Yakima River basin, while also enhancing and conserving fish and wildlife species and habitat.³

Reclamation is the Federal lead agency for this Tier-1 EIS prepared under the National Environmental Policy Act (NEPA). The Washington State Department of Ecology (Ecology), is the co-lead agency pursuant to the State Environmental Policy Act (SEPA). Cooperating agencies for the NEPA process are the Confederated Tribes and Bands of the Yakama Nation, U.S. Department of Agriculture, U.S. Forest Service, U.S. Department of Energy, and Bonneville Power Administration. Roza Irrigation District is a cooperating agency with Ecology under SEPA.

This ROD is prepared pursuant to the NEPA (42 USC §§ 4321, *et seq.*); the U.S. Department of the Interior procedures for implementing NEPA (43 CFR §§ 46.10, *et seq.*); and the Council on Environmental Quality regulations implementing NEPA (40 CFR §§1500, *et seq.*).

Reclamation and Ecology used a phased environmental review process for the KDRPP-KKC project by tiering this Tier-1 EIS to the 2012 Integrated Plan FPEIS. Tiering is a phased environmental review process commonly used in the development of complex projects (see 43 CFR § 46.140; 40 CFR § 1502.20, 1508.28).

In this ROD, Reclamation continues this practice. The Tier-1 EIS evaluates impacts on a broader scale to enable the decisionmaker to narrow feasible options for further review in a

¹ No changes were made to the EIS to reflect the phasing process. However, for purposes of this ROD, the EIS is being referred to or defined as the Tier-1 EIS.

² Reclamation developed the Integrated Plan to address a variety of water resource and ecosystem issues affecting fish passage and habitat, and agricultural and municipal and domestic water supplies. See <https://www.usbr.gov/pn/programs/yrbwep/reports/FPEIS/fpeis.pdf>.

³ In the 2012 Integrated Plan FPEIS, Reclamation discussed the option of withdrawing 200,000 acre-feet from Kachess Reservoir, either through a gravity-flow tunnel that discharges into the Yakima River or by withdrawing water from the outlet and using a pump station near the shoreline to pump through a pipeline to discharge to Kachess River downstream from the dam. Both options recognized that fish passage improvements at Box Canyon Creek would be added for Bull Trout. *Id.* § 2.4.5.2

Tier-2 EIS. A Tier-2 NEPA process will evaluate and analyze at a site-specific level the issues specific to each alternative, with consideration focused on micro-siting issues and other appropriate matters.

Through this ROD, Reclamation has decided to carry forward Alternative 4 - KDRPP Floating Pumping Plant (Alternative 4) as described below for further review. This ROD focuses the proposal for further review and does not approve Alternative 4 or make any final agency decision on whether a floating pumping plant will be approved following a Tier-2 NEPA process.

An additional Tier-2 EIS addressing the floating pumping plant and reasonable alternatives will be prepared before final decision to authorize the proposed action is made. The Tier-2 EIS will be site-specific and tier to the 2012 Integrated Plan FPEIS in addition to the Tier-1 EIS to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision (See 43 CFR § 46.140; 40 CFR. § 1502.20). In addition, Reclamation will coordinate the Tier-2 EIS NEPA process with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) during Endangered Species Act (ESA) consultations.

BUREAU OF RECLAMATION DECISION

Reclamation adopts a phased approach to the environmental review proposal and identifies the Proposed Action as set out in Alternative 4 of the Tier-1 EIS as appropriate for further consideration in a future Tier-2 EIS. Consistent with this decision, the remaining alternatives in the Tier-1 EIS, including the KKC, will not be carried forward into the Tier-2 EIS.

Based on the Tier-1 EIS and other factors stated herein, Reclamation concludes that a floating pumping plant and volitional fish passage will have less adverse impacts than the other action alternatives considered in the Tier-1 EIS, making it suitable for further consideration. Of the alternatives studied, it appears to best meet the direction of the 2013 Integrated Plan FPEIS ROD to consider a drought relief pumping plant to access inactive storage at Kachess Reservoir during times of severe drought. Reclamation considered the comments received from agencies, Tribes, and the public during the scoping process and public comment periods for the Tier-1 EIS. Reclamation will solicit additional public comments during the Tier-2 EIS scoping process and the public comment period.

No final agency action is taken in this ROD, and no implementation of any action is authorized at this time.

AUTHORITY FOR ACTION

Reclamation issues this ROD pursuant to the Reclamation Act of 1902 and Acts amendatory and supplemental authority thereto (43 USC §§ 371 *et seq*). The Secretary of the Interior Ethan A. Hitchcock authorized the construction of the first dams for the Yakima Project on December 12, 1905, and President Taft authorized three more divisions of the Yakima Project for the storage and delivery of waters for irrigation purposes on January 5, 1911. President Franklin Roosevelt authorized a later division on November 6, 1935, before Congress authorized the Kennewick Division 12 years later in June 12, 1948. Congress also supplemented the foregoing authorities with comprehensive legislation titled, the Yakima

River Basin Water Enhancement Project (YRBWEP) Act Feasibility Study on December 28, 1979 (93 Stat. 1241, Public Law 96-162). It provided Reclamation the authority for ongoing feasibility studies in relation to the *KDRPP-KKC Supplemental Draft EIS* (SDEIS). Thereafter, Section 109 of The Hoover Power Plant Act of 1984 (98 Stat. 1333, Public Law 98-1340) authorized the Secretary of the Interior to, “design, construct, operate, and maintain fish passage facilities within the Yakima River Basin.” Under what has become known as YRBWEP Phase I, improvements to existing fish passage facilities and installation of new fish ladders and fish screens was begun.

Moreover, Section 1205 of the YRBWEP Act of 1994 (108 Stat. 4526 Public Law 103-434) added fish, wildlife, and recreation as purposes of the Yakima Project. Section 1207 of the YRBWEP Act of 1994 provides authority for enhancement programs in other Yakima River basin tributaries that would include those proposed for habitat restoration and enhancement as part of the action alternatives considered (YRBWEP Phase II).

ALTERNATIVES CONSIDERED IN THE TIER-1 EIS

The Tier-1 EIS analyzes five alternatives that vary in the inclusion, location, and design of the KDRPP and KKC. Details of the alternatives are in the Tier-1 EIS filed with the U.S. Environmental Protection Agency as #2019-04295 with the Notice of Availability published in the *Federal Register* on March 15, 2019.

Under Alternative 1, the No Action Alternative, Reclamation would continue to operate Kachess and Keechelus reservoirs consistent with current operational practices and constraints.

Alternative 2 consists of building a new water intake and pumping plant on the east shore of Kachess Reservoir to convey water to the Kachess River. A pipeline would be built between the new pumping plant and existing outlet works. During droughts, the new intake and pumping plant would allow up to 200,000 acre-feet of water from the hypolimnion or bottom layer of the reservoir to be delivered to downstream Yakima Project proratable entities, such as the Roza Irrigation District, Kittitas Reclamation District, Kennewick Irrigation District, and Wapato Irrigation Project.

Alternative 3 consists of building a new intake and pumping plant on the south shore of Kachess Reservoir adjacent to the existing outlet works discharge pool and downstream from the existing outlet channel, which would be used to release water to the Kachess River (no pipeline would be required). Alternative 3 would be operated the same as Alternative 2.

Alternative 4 consists of building a new intake and pumping plant on a floating barge that would be moored on the south shore of Kachess Reservoir adjacent to the existing outlet channel. A pipeline would be built from the floating pumping plant to the existing outlet channel. Alternative 4 would be operated the same as Alternative 2.

Alternative 5 combines the KDRPP alternatives with the KKC North Tunnel Alignment. The KKC North Tunnel Alignment would divert water from the Yakima River immediately downstream from Keechelus Dam and convey it through a new tunnel to Kachess Reservoir. The KKC North Tunnel Alignment would reduce high flows below the dam to provide spawning and rearing habitat for fish in the Yakima River, and it would accelerate refilling of

Kachess Reservoir if one of the proposed pumping plants is built and operated. In addition to construction and operation of the KKC North Tunnel Alignment, Alternative 5A includes the same east shore pumping plant as Alternative 2. Alternative 5B includes the same south shore pumping plant as Alternative 3. Alternative 5C includes the same floating pumping plant as Alternative 4. It is important to note that Alternatives 2 through 5 each include volitional fish passage.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Alternative 4, KDRPP Floating Pumping Plant, is considered the environmentally preferable alternative for further analysis. Compared to Alternatives 2 and 3, Alternative 4 will have less adverse impacts on biological resources. Alternative 4 avoids significant issues associated with large construction projects as it involves the least earth disturbance during construction and has the smallest construction footprint. Alternative 4 also involves the least amount of acreage, which allows retention of greater intact habitat.

The No Action Alternative would avoid all project impacts but would meet none of the project objectives. Beneficial effects including increasing water supply in severe drought years would not occur.

BASIS FOR DECISION/FACTORS CONSIDERED

This ROD identifies Alternative 4 as best suited for further consideration in a Tier-2 EIS. Reclamation's decision to further analyze this site-specific proposal is based on consideration of the factors described in the following sections: Response to Reclamation's Purpose and Need; Economic, Water Policy, Statutory Considerations; Environmental Effects; and Community Involvement.

Response to Reclamation's Purpose and Need

The decision is to further study Alternative 4 in a Tier-2 EIS. Alternative 4 responds to Reclamation's purpose and need by furthering the Integrated Plan's goal of providing more sustainable water resources for agricultural, municipal, and domestic needs, while helping to restore the ecological functions and health of the riverine environment in the Yakima River basin. Specifically, Alternative 4 meets the Integrated Plan's objective to access water below elevation 2,192 that is currently inaccessible in Kachess Reservoir to improve the water supply during prorationing years. If constructed, the floating pumping plant will provide an alternative supply of water by tapping up to 200,000 acre-feet of water from Kachess Reservoir's inactive storage of 585,000 acre-feet. The floating pumping plant will be used during drought years when prorationing is at 70 percent or lower. In addition, it has less adverse impacts than the other alternatives considered in the Tier-1 EIS.

Economic, Water Policy, Statutory Considerations

Economic. The evaluation of alternatives required an assessment of costs and benefits associated with each alternative. Alternative 4 as well as other shoreline pumping plants would draw from Kachess Reservoir up to 200,000 acre-feet of an existing inactive pool of 585,000 acre-feet of water. This drawdown would mean that recreationists, boaters, and fishermen would temporarily lose a portion of the reservoir surface area available at current low pool. While it is expected that the reservoir area (exposed bed) would be less visually

attractive from a recreational or landowner perspective, these factors are not foreseen to significantly impact economic benefits derived from recreation (See Tier-1 EIS §§ 4.10; 4.14).

It is believed that the Yakima River basin will see an overall improved water supply and agricultural output that will provide an overall increase in regional economic activity by at least 1 percent for drought years that would otherwise be lost income, lost output, and lost jobs. The overall positive regional economic impact from accessing inactive storage in droughts more than offsets the immediate negative economic effects to recreationists, boaters, and fishermen.

Water Policy and Statutory Considerations. Alternative 4 is consistent with the requirements of the 2012 Integrated Plan FPEIS and with the analysis in Reclamation's 2013 Integrated Plan FPEIS ROD. It fulfills the intent of the Integrated Plan for tapping the inactive storage in Kachess Reservoir while resulting in less adverse impacts than the other alternatives considered in the Tier-1 EIS; therefore, Alternative 4 was selected for detailed consideration in the Tier-2 EIS along with reasonable alternatives determined through scoping.

The overarching goals of the Integrated Plan to secure future water supply for the Yakima River basin favor the phased NEPA process adopted in this ROD. Public input on the KDRPP-KKC Draft EIS (DEIS 2015) and Supplemental Draft EIS (SDEIS 2018) demonstrated that other irrigation districts may have an interest in participating in the drought relief program. While Roza Irrigation District has been a key proponent for an additional source of supply for its high-valued crops during a drought, it is possible that the pumped water supply designated for irrigated agricultural use could be used by other proratable entities besides Roza who would share in the cost of construction. Reclamation will need to evaluate this possibility and determine the administrative requirements for agreements, terms and conditions related to operations, and requirements for pumping and use of water among these entities. These requirements may result in differing environmental effects.

Environmental Effects. There are no environmental effects expected from this Tier-1 ROD, as no final agency action is being taken, and no implementation action or construction is being approved or authorized at this time. Additional environmental review will be completed before Reclamation makes a final decision authorizing the construction and operation of the proposed facility.

The decision is to adopt a phased process for NEPA compliance and identify Alternative 4 for additional Tier-2 EIS study, thereby eliminating the remaining alternatives analyzed in the Tier-1 EIS from further consideration in future NEPA analysis. A future Tier-2 EIS will disclose and analyze, as appropriate, environmental effects of the Tier-2 EIS proposed action and reasonable alternatives as required by NEPA.

For purposes of this Tier-1 ROD, Reclamation considered the effects analyzed in the Tier-1 EIS. While effects from operation of any pumping plant may be largely similar, there are differences related to construction and other aspects of the alternatives considered in the Tier-1 EIS. These differences support Reclamation's Tier-1 ROD, and include the effects on land use, visual resources, transportation, wetlands, wildlife, and recreation as described below.

These impacts are assessed in the Tier-1 EIS at an appropriate level for this Tier-1 ROD. Table 1 sets forth the environmental effects supporting this Tier-1 ROD.

Table 1. Environmental effects basis for decision to advance Alternative 4 (Floating Pumping Plant) to Tier-2 EIS

Resources	Effects
Earth	Disturbs the fewest acres of all alternatives. <i>See</i> Tier-1 EIS, Sections 4.2.2, and 4.2.6.1, and Table 4-1 (showing significantly lower acreage impacted by construction of Alternative 4 e.g., 7 acres versus 75.5 acres for Alternative 2). <i>See also</i> Sections 4.7.6.1 (impacts on vegetation resources in terms of acres are fewer than Alternative 4).
Visual Resources	Less impacts on visual resources due to shorter construction duration. <i>See</i> Tier-1 EIS, Sections 4.10.2, and 4.10.6.1, and Table 4-102. Section 4.10.6.1 concludes, “Alternative 4 would have a minor to short-term effect on the visual character and integrity of the landscape and constitute less overall impacts on the visual resource than all other action alternatives.”
Transportation	Fewer impacts on transportation resource both in duration and extent of impact. <i>See</i> Tier-1 EIS, Sections 4.17.2, and 4.17.6.1, and Table 4-142. Section 4.17.2 concludes, “Alternative 4 would be expected to have the least transportation impacts when compared to the other action alternatives due to the shorter construction duration and because it would result in fewer trips during construction.”
Wetlands	No temporary or permanent impacts on wetlands. <i>See</i> Tier-1 EIS, Sections 4.7.2, and 4.7.6.1, and Table 4-86.
Wildlife	Has the smallest permanent impact (7 acres, versus 18 acres for Alternative 2, and 8 acres for Alternative 3) and no additional temporary disturbance (75.5 acres for Alternative 2 and 44.5 acres for Alternative 3). Shorter construction duration would lessen construction noise impacts on wildlife as well. <i>See</i> Tier-1 EIS, Sections 4.8.2, and 4.8.6.1, and Table 4-93, and 4-98.
Construction noise	Shorter construction duration would lessen the time people would hear construction noise. <i>See</i> Tier-1 EIS, Sections 4.13.2 and 4.13.6.1.
Recreation	Shorter construction duration would lessen impacts on recreationists. <i>See</i> Tier-1 EIS, Section 4.14.5.1.

Community Involvement. The decision set forth in this Tier-1 ROD was influenced by community involvement in the NEPA process. The phased approach was chosen by Reclamation after careful consideration of public comments and concerns. Reclamation received nearly 600 written public comments on the DEIS and nearly 1,700 written public comments on the SDEIS. Responses to these comments are presented in the Tier-1 EIS, Volumes II and III. In addition, public hearings were held for scoping, and there were also public comment periods for both the DEIS and SDEIS. Substantial interaction with governmental entities, tribes, individuals, water users, and cooperating agencies occurred throughout the NEPA process. Because of the public comments and interactions, Reclamation determined that the phased approach adopted here is appropriate under NEPA for further consideration and refinement of issues presented by the proposal to pump inactive storage out of Kachess Reservoir in years of severe drought.

The Tier-1 EIS allows Reclamation to narrow the proposal to alternatives with less impacts, taking into consideration community concerns while continuing to move forward with the mandate to consider a drought relief pumping plant at Kachess Reservoir pursuant to the 2013 Integrated Plan FPEIS ROD. Reclamation will provide additional opportunities for community involvement, including public comment, in the Tier-2 NEPA process.

PUBLIC COMMENTS ON THE FINAL EIS

Reclamation received 6 written comment letters and 25 form letters on the Final EIS. In addition, Errata #2 to the FEIS (posted on Reclamation's website) includes a petition sent during the SDEIS comment period but not received by Reclamation due to a technical issue. The major issues raised in these letters and Errata #2, along with Reclamation's responses to those issues are presented in Attachment A.

ENVIRONMENTAL COMMITMENTS AND MONITORING

No environmental commitments or monitoring are associated with the Tier-1 ROD, as no implementation actions are approved or authorized. As discussed above, no environmental impacts will result from this ROD; therefore, there are no effects to avoid, minimize, or mitigate.

FUTURE TIER-2 PROCESS

A floating pumping plant and reasonable alternatives, as appropriate, will be evaluated under NEPA in a future Tier-2 EIS before Reclamation issues a final decision authorizing construction or operation of a facility. A Tier-2 EIS will tier to other NEPA documents as appropriate, and Reclamation will prepare additional analysis where needed to sufficiently evaluate the impacts of the Tier-2 proposal. It is expected this will include appropriate issues identified in scoping and may refine the analysis on the following issues:

- Impacts to Bull Trout and associated designated critical fish habitat
- Groundwater wells potentially affected by reservoir drawdown
- Visual resources and property values related to the reservoir drawdown
- Operations of the floating pumping plant and any alternatives to avoid injury to current Yakima basin water users

- Cultural resources effects associated with volitional fish passage, including coordination with Tribal entities if the reservoir drawdown uncovers important Tribal or cultural artifacts
- Issues related to the pumping plant's specific location and refined operations
- Potential issues raised in the public scoping or comment processes
- Additional information relative to the proposed action and operation of the pumping plant

A Tier-2 EIS will consider avoidance and minimization of impacts on sensitive environmental resources as required by NEPA and Department of the Interior regulations and policy. Reclamation anticipates that Tier-2 proposals would involve alternatives funded and constructed by Roza Irrigation District, or other prorated water users, and would not involve Federal funding.

As discussed above, based on the Tier-1 EIS, Reclamation has chosen to advance the Alternative 4 for further analysis. Reclamation and Ecology will prepare an additional Tier-2 EIS to analyze alternatives to the floating pumping plant as described in the Tier-1 EIS in conjunction with a no-action alternative. Wherever possible, the Tier-2 EIS will tier to the Tier-1 EIS or the 2012 Integrated Plan FPEIS to eliminate repetitive discussion of issues.

Attachment A

Responses to Issues Raised in Comment Letters

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The following are responses to issues raised in the public comment letters on the FEIS and Errata #2 to the FEIS:

Issues Raised	Response
<p>The FEIS failed to provide Congress with adequate information on the project due to Reclamation’s decision to withhold issuance of the FEIS until after Congress passed S. 47.</p> <p>The FEIS fails to clarify how the Integrated Plan, which “may combine or implement actions simultaneously,” conforms with S. 47.</p>	<p>S. 47 became Public Law 116-9, also referred to as the John D. Dingell, Jr. Conservation, Management, and Recreation Act. It was signed by the President on March 12, 2019, and was not dependent on the issuance of the KDRPP-KKC FEIS. Section 8201 of the Act authorizes YRBWEP Phase III, also known as the Integrated Plan.</p> <p>Section 8201(b)(3)(D)(i) provides that projects and activities identified by the Secretary of the Interior for implementation of the Yakima Basin Integrated Plan shall be carried out only in accordance with applicable laws, including NEPA.</p> <p>Further, the Senate Committee on Energy and Natural Resources held a hearing on a predecessor bill on July 7, 2015. The record of that hearing is available online at: https://www.govinfo.gov/app/details/CHRG-114shrg95296/context. Many individuals and organizations that submitted comments on the KDRPP-KKC DEIS also submitted statements for this hearing; some individuals attached copies of their DEIS comment letters to the statements. Therefore, much of the substance of the public comments was seen by Congress well before S. 47 was passed.</p>
<p>“Thank you for your comment” is not an acceptable response under 40 CFR 1503.4.</p>	<p>Acknowledgement of a comment is an acceptable response to a comment that expresses philosophy, values, and/or general support or opposition to the project or analysis methodologies; in those instances, Reclamation determined that no substantive response to the comment was necessary.</p>
<p>The FEIS is inadequate because it relies on the inadequate Programmatic FEIS, which also failed to consider a reasonable range of alternatives.</p>	<p>The adequacy of the range of alternatives considered in the Integrated Plan FPEIS was not under consideration in the KDRPP-KKC FEIS. The KDRPP-KKC FEIS was tiered to the Integrated Plan FPEIS and provides a site-specific analysis of the KDRPP and KKC alternatives. Thus, the FEIS incorporates by reference the general discussions of the FPEIS, “concentrating solely on the issues specific to the” FEIS, i.e., the issues specific to the KDRPP and KKC. 40 C.F.R. § 1508.28.</p>

Issues Raised	Response
<p>The FEIS is inadequate and fails to comply with the State or National Environmental Policy Act, because it doesn't consider a full range of alternatives, including water conservation, water efficiency and water marketing.</p>	<p>The KDRPP-KKC FEIS is tiered to the Integrated Plan FPEIS released in March 2012, which considered the alternatives described in the comment. In addition, initiatives to promote water conservation, water marketing, aquifer storage, improved land management, and terrestrial and aquatic habitat improvements are proposed for implementation as part of the Integrated Plan. Because these are understood to be part of the comprehensive solution for the Yakima basin alongside the proposed projects discussed in the KDRPP-KKC FEIS, they are not considered as alternatives in this FEIS. For more information, please see the response to Common Issue 4 in Volume II of the FEIS (p. DEIS-CR-4).</p>
<p>The FEIS needs to analyze the cumulative impacts from other actions taken that would modify instream flows and other actions that would increase water storage for irrigators.</p>	<p>Section 4.25 of the SDEIS and FEIS includes the actions contemplated in the Integrated Plan as part of the present and reasonably foreseeable future actions.</p>
<p>A comment submitted in 2012 to the Final Programmatic EIS [FPEIS] noted, "The 1998 DEIS on the YRBWEP stated a goal of 165,000 acre-feet of water savings in 8 years under the Basin Conservation Program." The FEIS should address whether this goal has been achieved, and if it has not been demonstrably achieved, the FEIS should explain why additional water resource projects are proposed in the absence of conservation efforts.</p>	<p>Conservation efforts are addressed in the response to Common Issue 4 in Volume II of the FEIS (p. DEIS-CR-4).</p>
<p>The FEIS fails to clarify who will fund, design, construct, operate, and maintain some or all the proposed actions.</p> <p>Taxpayer dollars to fund the project are not justified.</p>	<p>As outlined in the response to Common Issue 2 in Volume II of the FEIS (p. DEIS-CR-3), as a condition of the Preferred Alternative, the project proponents would be required to fund, design, construct, operate and maintain the project.</p>

Issues Raised	Response
<p>The FEIS fails to disclose that the Washington State Legislature requires that the Water Research Center prepare a cost-benefit analysis for any project funded by the State in excess of \$100 million. RCW 90.38.110. How and when does Ecology intend to comply with RCW 90.38.110?</p>	<p>The Water Research Center cost-benefit analysis is addressed in the response to Common Issue 2 in Volume II of the FEIS (p. DEIS-CR-3). The Water Research Center prepared a cost-benefit analysis in accordance with RCW 90.38.110. Moreover, currently, Washington State is not considering funding construction of either the KDRPP or KKC project.</p>
<p>The FEIS needs to clarify who would carry out the avoidance, minimization, and mitigation actions.</p>	<p>Reclamation and Ecology provided additional detail in the FEIS to document monitoring and mitigation commitments. Because the ROD does not implement any of the alternatives, Reclamation will further evaluate monitoring and mitigation as part of the Tier-2 EIS.</p>
<p>The FEIS fails to address the ESA consultation process, and it was issued prior to the completion of the ESA process.</p>	<p>In compliance with Section 7(a)(2) of the Endangered Species Act (ESA), Reclamation prepared a Biological Assessment and requested formal consultation with both the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). There are no environmental effects expected from this ROD, as no final agency action is being taken, and no implementation action or construction is being approved or authorized at this time. Additional environmental review will be completed before Reclamation makes a final decision authorizing the construction and operation of the proposed facility.</p> <p>Consultation with NMFS and USFWS will continue during the Tier-2 EIS process.</p>
<p>The FEIS fails to quantify the number of years Lake Kachess would be drawn down below the existing minimum pool level. The Executive Summary merely says, "the maximum extent of the drawdown would be 80 feet in some years..."</p>	<p>Tables 2-9 and 4-4 of the FEIS outline the number of days and years that the Kachess Reservoir would be drawn down below elevation 2,192.75 (the existing minimum pool level) based on 91 modeled years. Figures 4-6 and 4-7 of the FEIS provide further information. Alternatives 2, 3, and 4 would be below this level on 6,225 days (an average of 183 days in each of the 34 years in which the reservoir would be below this level out of the 91 years modeled). Alternatives 5A, 5B, and 5C would be below this level on 4,976 days (an average of 156 days in each of the 32 years in which the reservoir would be below this level out of the 91 years modeled).</p>
<p>The FEIS fails to explain how the volitional Bull Trout passage improvements would mitigate for impacts to passage of Bull Trout between Big and Little Kachess Lakes, especially as it has been removed from the proposed action.</p>	<p>The volitional Bull Trout passage improvements are proposed as part of each action alternative; they have not been removed. The improvements would provide a roughened channel that would allow Bull Trout to continue to move between Little Kachess and Big Kachess during drawdown, when passage would otherwise be impeded by the drawdown of the reservoir.</p>

Issues Raised	Response
<p>The FEIS fails to include greenhouse gas emissions from existing reservoirs. According to “Greenhouse Gas Emissions from Reservoir Water Surfaces: A New Global Synthesis,” all 75 reservoirs were shown to release methane, including Cle Elum, Keechelus, and Kachess. The FEIS fails to address methane releases from the proposed project.</p>	<p>Greenhouse gas emissions analysis is detailed in Chapter 4.12 of the FEIS.</p> <p>Reclamation has reviewed the “Greenhouse Gas Emissions from Reservoir Water Surfaces: A New Global Synthesis” document available on the Internet and has determined that any methane releases from existing reservoirs documented in this study would not be affected by the alternatives considered in the FEIS.</p>
<p>The FEIS fails to accurately describe the origins of the Integrated Plan. Rather than disclose that Ecology developed the elements of the Integrated Plan as part of a June 2009 FEIS and then formed a Yakima Workgroup to rubber stamp this already developed plan, Ecology presents a fiction that entities in the Yakima basin have worked over 30 years toward implementing the Integrated Plan.</p>	<p>Chapter 1 of the 2012 Integrated Plan FPEIS provides a more complete discussion on the origins of the Integrated Plan. This FPEIS and several other documents are available for review on Reclamation’s Yakima Basin Integrated Plan website: https://www.usbr.gov/pn/programs/yrbwep/2011integratedplan/index.html</p>
<p>There will be erosion issues and habitat degradation for ESA-listed species.</p>	<p>Erosion is addressed in Chapter 4.2 of the KDRPP-KKC FEIS. Habitat for species listed under the ESA is addressed in Chapter 4.9.</p> <p>Proposed mitigation measures for erosion and ESA-listed species are included in sections 4.2.10 and 4.9.10 of the FEIS, respectively.</p>

Issues Raised	Response
<p>The FEIS fails to include in its References section reports which do not support Reclamation and Ecology's predetermined outcomes, including:</p> <ul style="list-style-type: none"> • <i>Detailed Implementation Plan Yakima River Basin</i> • <i>Final Environmental Impact Statement, Yakima River Basin Integrated Water Resource Management Alternative</i> • <i>Benefit-cost Analysis of the Yakima Basin Integrated Plan Projects, Report to the Washington State Legislature</i> • <i>Columbia River Basin Long-Term Water Supply and Demand Forecast 2016 Legislative Report</i> • <i>Evaluation with Recommendations by the Washington State Academy of Sciences of Interim Report: 2015 Drought and Agriculture, Washington State Department of Agriculture</i> 	<p>Several studies have been conducted concerning the Yakima River basin over the years, and many are still in process. The Yakima Basin Integrated Plan builds on previous work such as the documents listed. However, they are not referenced because the KDRPP-KKC FEIS did not rely directly on them, except for the Benefit-Cost Analysis and the <i>Washington State Department of Agriculture Interim Report 2015</i> (see page 4-331 of KKC-KDRPP FEIS).</p> <p>The analysis in the KDRPP-KKC FEIS tiers to the Integrated Plan FPEIS. The FPEIS cites the <i>Final Environmental Impact Statement Yakima River Basin Integrated Water Resource Management Alternative 2009</i>, as this is the basis for the Yakima Basin Integrated Plan.</p> <p>The FPEIS also cites the <i>Watershed Management Plan 2003</i> that the <i>Detailed Implementation Plan Yakima River Basin</i> builds on.</p> <p>The <i>Columbia River Basin Long-Term Water Supply and Demand Forecast 2016 Legislative Report</i> in Table ES-3 on page 9 of the Executive Summary references the <i>Yakima Integrated Water Resource Management Plan</i> (April 2011) and states that the estimated additional volume needed in the Yakima River basin is 450,000 acre-feet of surface water supply which is supported by the proposed Kachess Drought Relief Pumping Plant.</p>

Issues Raised	Response
<p>The FEIS is inadequate and fails to address concerns regarding the 1945 consent decree. Rather, the FEIS buries a brief mention in Appendix F, pages 6 and 7.</p> <p>“A 1945 consent decree issued by the District Court of Eastern Washington provides the legal basis for management of surface water in the Yakima River basin. The consent decree requires Reclamation to calculate Total Water Supply Available (TWSA) each year. In any given year TWSA is the sum of: (1) the estimated April through September natural runoff volume for the Yakima River near Parker, (Parker Gage, just downstream of Sunnyside Dam), (2) the amount of water stored in Reclamation's five reservoirs on April 1, and (3) an estimate of return flows from water users located upstream of the Parker Gage.”</p> <p>However, the FEIS does not explain how S. 47, Section 8201 (c)(2)(A)(iii) allows Congress to amend a Federal court consent decree.</p> <p>The FEIS must address how S. 47 impacts the 1945 Consent Decree.</p>	<p>Although a consideration of P.L. 116-9’s effects on the 1945 consent decree is outside the scope of the FEIS, Reclamation does not believe that the legislation conflicts with the consent decree. Sections 1.2.1 and 1.9.1 of the FEIS address the legal framework governing water management in the basin. These sections tier to Sections 1.6.3 and 1.6.4 of the Integrated Plan FPEIS, which include a discussion of the 1945 consent decree. None of the alternatives in the FEIS affects the 1945 consent decree.</p> <p>Although this issue is outside the scope of the FEIS, Reclamation does not believe the 1945 consent decree is impacted by S. 47, which became the John D. Dingell, Jr. Conservation, Management, and Recreation Act, Pub. L. No. 116-9 (2019). Rather, the statute establishes that the use of water pumped from inactive storage (below existing outlet works) in Kachess Reservoir is outside the scope of the consent decree. This is consistent with the Ninth Circuit’s decision in <i>Kittitas Reclamation District v. Sunnyside Valley Irrigation District</i>, 626 F.2d 95 (9th Cir. 1980). Reclamation will continue to comply with the consent decree as interpreted and applied by the Yakima Superior Court in the Yakima River Basin Water Rights Adjudication, <i>Washington Department of Ecology v. Acquavella</i>.</p>

Issues Raised	Response
The costs shown in Table 2-5 need to be a range, and no detailed cost analysis is provided.	The potential range of costs is discussed in the text of Section 2.7.2 of the KDRPP-KKC FEIS, immediately prior to Table 2-5.
It appears as though a second undocumented independent real estate appraiser was consulted on the property value question.	This appears to be a misunderstanding of the text in the FEIS. Page 4-328 states: “Among the sources reviewed for this qualitative assessment was a study prepared for WDFW and Ecology (Dean Potter & Associates, 2015). These agencies engaged an independent Real Estate Appraiser to conduct this study ...” Dean Potter & Associates is the independent real estate appraiser referenced.
What is the true purpose and need of the project?	The purpose and need for the proposed action are outlined in Section 1.3 of the FEIS.
What are the true impacts of the proposal?	The impacts of the proposal are discussed throughout the FEIS.
Serious questions remain to be answered about the essential viability of this project based on a high probability that the surrounding watershed will not replenish the extra water taken by the pumping plant in the event of a drought, thereby leaving even less water available to all recipients of Yakima River water in succeeding years.	<p>The same amount of water will be available in years following a drought as that available without the proposed projects. The Total Water Supply Available (TWSA), which is used to satisfy existing obligations, will not be reduced in years following a drought. In a drought year, the contents in all basin reservoirs are completely allocated and used, with minimal carry-over; essentially, no storage would be reserved for the following irrigation season. In the year following a drought year, all water flowing into the basin reservoirs would be available to meet demands in both the KDRPP scenario and in the existing TWSA scenario. In either case, it would be the same amount of water and is entirely dependent on the subsequent years’ hydrology. This applies to Kachess as well as to the other basin reservoirs. Following KDRPP usage, all the inflows to Kachess, even those stored below elevation 2192.75 feet, must be available for use in the TWSA if they are needed to maintain “existing” condition water supply. If the reservoir is drawn down to where it had been the previous season, it would have used all the new year’s inflows.</p> <p>This is described in the FEIS. Proposed reservoir operations under the proposed action and the anticipated resulting reservoir levels are outlined in Section 4.3 of the FEIS. According to modeling data, as discussed in the FEIS and as shown in Figures 4-6 and 4-7 (page 4-31), Kachess Reservoir may be drawn down up to 80 feet below the current minimum pool elevation in the second year of a 3-year drought and would refill in 2 to 5 years without decreasing TWSA.</p>

Issues Raised	Response
<p>Affected stakeholders have been excluded from representation in the YRBWEP Workgroup, have been prevented from participating in any substantive way in discussions, and remain unrepresented and excluded.</p>	<p>Workgroup formation and membership is described in Section 1.9.3 of the Integrated Plan FPEIS. Section 5.2 of the FEIS details public involvement for the EIS process and includes specific details of stakeholder engagement in section 5.2.5. Reclamation and Ecology have held and participated in Technical Listening Sessions with affected stakeholders over the course of the NEPA process.</p>
<p>Since at least 2015, with the release of the KKC-KDRPP DEIS, Reclamation has failed to provide substantive responses to citizen's comments; indeed, there is evidence that thousands of comments were lost or ignored in the most recent SDEIS that resulted in the FEIS.</p>	<p>Responses to all comments received on the DEIS and SDEIS are provided in Volumes II and III of the FEIS. We acknowledge that an email sent to Reclamation on July 11, 2018, was not received. Reclamation has since issued Errata #2 posted at https://www.usbr.gov/pn/programs/eis/kdrpp/feis2019/feiserrata2.pdf. Reclamation has included those comments in this table.</p>
<p>Since Alternative 4 as described in the FEIS shows impairment to the Kennewick Irrigation District (KID) water supply, it concerns KID greatly that the operational plan for this project was not part of the environmental review process. KID encourages that the operational plan be included in the next environmental review.</p>	<p>Typical annual operations for Alternative 4 are described in Section 2.5.3 (p. 2-50) and are based upon typical annual operations for Alternative 2 as described in Section 2.3.3 (p. 2-18) of the FEIS. These operational scenarios form the basis for the analysis of operational impacts from the proposed action found throughout the FEIS. In addition, Reclamation is developing a detailed operational plan that will support the environmental analysis in Tier II.</p>

Issues Raised	Response
<p>The FEIS misrepresents and distorts the facts concerning the Teanaway Community Forest (TCF) purchase. The FEIS attempts to mislead the public that unless 214,000 acre-feet of water (200,000 from Lake Kachess) is found by 2025, the TCF will be transferred to the common school trust fund and will be sold or logged, thereby removing it from public access. That possibility is only one of many options; other (far more likely) options would maintain the TCF as a recreational area for citizens, continue to develop TCF for wildlife habitat, implement conservation strategies consistent with public sentiment, or countless other possibilities in response to the public interest. In fact, the only requirement of the TCF purchase is that a report must be filed by 2025 reporting progress, and in subsequent 5-year periods until the year 2045. Only the loss of TCF to logging is presented in the FEIS (Section 1.8.2 in Chapter 1 on Page 1-19). The FEIS threatens the public with permanent loss of the TCF and is at least inaccurate, and demonstrably deceptive.</p>	<p>Section 1.8.2 states, "... The milestone established a timeline for permits and financing to be in place by June 30, 2025, for construction of one or more water supply facilities designated to provide at least 214,000 acre-feet of water supply. If the milestone is not met, the bill authorizes the Board of Natural Resources to transfer the TCF land to the common school trust and to manage the land for the beneficiaries of the trust." This language is taken directly from the Yakima Policy Bill 2SSB 5367.</p>
<p>The KID requests engagement with Reclamation, Ecology, and the other proratable entities to address the diminishment of prorated supply in refill years.</p>	<p>Reclamation and Ecology look forward to continuing discussions with KID and other proratable users regarding the prorated water supply in refill years. As outlined in Chapter 2 of the FEIS (pp 2-20 and 2-21), the system would be operated to ensure that TWSA with KDRPP is the same as it would have been without KDRPP, and KID will continue to receive at least its prorated entitlement in refill years.</p>

Issues Raised	Response
<p>The unprecedented draining of water from Lake Kachess via the KDRPP creates a serious fire risk hazard, making it more likely fires will occur while impeding the ability of three fire districts to prevent and suppress fires. For 5 years, Reclamation has refused to acknowledge this problem, engage the fire districts, or come forward with a mitigation plan</p>	<p>Fire hazards are addressed in Common Issue 10 in Volume II of the FEIS (p. DEIS-CR-7). During preparation of the EIS, Reclamation spoke with Kittitas Fire District No. 8 (KFD 8), and the Washington Department of Natural Resources (DNR) to gather more information regarding fire hazards and fire suppression capabilities and to further evaluate how reservoir operations would be affected by the proposed action. The proposed drawdown as shown in Figure 2-5 indicates the reservoir would have a minimum of 385,000 acre-feet of water remaining if the full 200,000 acre-feet were pumped from the reservoir; this is sufficient to fight fires as detailed in the FEIS, Chapter 3 (see pp 3-189, 4-355).</p> <p>In addition, the project proponents will construct a boat ramp on the east shore of Kachess Reservoir near Kachess Dam that would provide access to surface water year-round and would be available to aid in firefighting. The firefighters would also continue to have access to water from the Kachess River downstream of Kachess Dam. Reclamation would continue to coordinate with the local fire departments.</p>