Alpine Lakes Protection Society * Center for Biological Diversity
El Sendero Backcountry Ski and Snowshoe Club
Federation of Western Outdoor Clubs * Friends of Bumping Lake
Friends of the Earth * Friends of Wild Sky * Kittitas Audubon Society
Middle Fork Outdoor Recreation Coalition
North Cascades Conservation Council * Olympic Forest Coalition
Sierra Club * Western Lands Project

December 15, 2013

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

RE: Keechelus to Kachess Conveyance, Kachess Inactive Storage, and Cle Elum Reservoir Pool Raise SEPA/NEPA Scoping Comments
Via Email to: yrbwep@usbr.gov

Dear Ms. McKinley:

We have reviewed the scoping notices for the preparation of SEPA/NEPA EISs for the Keechelus to Kachess (K-K) Conveyance, Kachess Inactive Storage, and Cle Elum Reservoir Pool Raise.

GENERAL COMMENTS

Since the 1979 passage by Congress of the Yakima River Basin Water Enhancement Project (YRBWEP), 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. 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. The BuRec and Ecology Yakima River Basin Integrated Water Resource Management Plan (Yakima Plan) includes the K-K Conveyance and Kachess Inactive Storage projects, which are proposed to further benefit Yakima Basin irrigators. Although the Cle Elum Reservoir Pool Raise was authorized by Congress to improve flows for fish, the Yakima Plan proposes to change this authorization to allow Yakima irrigators to also claim this water.

The Yakima River Basin Integrated Water Resources Management Plan FEIS (March 2012) failed to provide any alternatives, other than the required no-action alternative. The proposed EISs for the K-K, Kachess, and Cle Elum projects must provide information and analysis that would allow decisionmakers or the public to determine whether there are other less environmentally damaging alternatives with lower financial cost as detailed below.

PROJECT WIDE SCOPING COMMENTS

The Yakima Plan FEIS also failed to provide specific responses to scoping comments on the Yakima Plan. Because the proposed EISs are now project specific, these EISs should address the following:

1. Earth Resources

* How will the EISs evaluate the construction of the prosed projects' 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?

2. Air Resources

* How will the EISs evaluate the construction of the proposed projects' potential impacts on existing air quality?
* How will the EISs evaluate the construction of the proposed projects' compliance with the requirements of the Clean Air Act for construction and operation phases?
* What would be the construction of the projects' contribution to climate change gases?
* What would be the construction of the projects' 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 EISs evaluate the impacts on air quality and visibility caused by fugitive and exhaust emissions from construction, traffic, and all point source emissions?

3. Water Resources

* Will the EISs 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 EISs disclose which water bodies may be impacted by the construction of the proposed projects, 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 EISs demonstrate that there will be no net degradation of water quality to these listed waters?
* Will the EISs explain how anti-degradation provisions of the Clean Water Act would be met for the construction of the proposed projects?
* 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 EISs 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 EISs disclose where there are known waters or wetlands that would be directly or indirectly affected by the proposed construction?
* Will the EISs address compliance with Executive Order (E.O.) 11990, Protection of Wetlands?

4. Fishery Impacts
* Will the EISs 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 EISs 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 EISs assess potential indirect impacts to fish, mammals, and turtles that may result from changes in water movement, sediment transport, and shoreline erosion?
* Will the EISs include an assessment of potential impacts to fishing techniques and gear types used by commercial and recreational fishermen? The EISs should identify all potential conflicts with existing fishery use patterns and the potential for fishery elimination due to the consequences of the construction of the proposed projects. The EISs 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 EISs comprehensively address the interconnections between the benthic, fisheries and avian resources? The predator-prey interactions are important considerations in fully understanding the potential impacts of these projects within the Yakima River Basin.

5. Biological Resources
* Will the EISs 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 EISs 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 EISs address measures that compensate for the loss of habitats of value to fish and wildlife?
* Will the EISs identify the endangered, threatened, and candidate species under the ESA, and other sensitive species within the Yakima River Basin? In addition, will the EISs describe the critical habitat for these species and identify any impacts the construction of the proposed projects would have on these species and their critical habitat?

* Will the EISs 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 EISs 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, salmon, and bull trout in the Yakima River Basin, be protected and enhanced?
* Will the EISs 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 EISs 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 the proposed projects, including construction and operation have on the Pacific Lamprey? Will the EISs discuss how the proposed projects contribute to the recovery of the Pacific Lamprey?

6. Avian Impacts

* How will the EISs describe the impacts to the Yakima River Basin, particularly on migratory birds? How will the EISS 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 EISS. 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?

7. Noise and vibrations

* How will the EISs address the potential for underwater noise and vibrations associated with construction and operation of the facilities?
* The EISs 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 EISs should also include the potential of noise impacts to human activity at any of the proposed dam construction sites.
* How will the EISs 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 EISs evaluate noise generating activities associated with construction and on-going operations, including traffic to and from any project site?

8. Environmental Health
***** How will the EISs address impacts of hazardous materials and identification of mitigation measures?

9. Land and Shoreline Use
* How will the EISs address compliance with land-use laws, plans and policies?
***** How will the EISs address compliance with the State Shoreline Management Act?

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

11. Recreation
* How will the EISs address the proposed projects' impacts on recreational use of the Yakima River, its tributaries, and the Keechelus, Kachess, and Cle Elum reservoirs?

12. Transportation
* How will the EISs address the proposed projects' potential transportation impacts and identification of mitigation measures?
* Will the EISs identify existing traffic levels and transportation infrastructure, impacts of the proposed projects on 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 the proposed projects?
* Will the EISs evaluate the level of service and overall traffic generation from various activities at the proposed project sites 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 the proposed projects?
* What is the scope of mitigation of traffic impacts that will be considered in the EISs?
* What is the capacity of local roads to accommodate additional traffic associated with the construction of the proposed projects? Will there be congestion at the interchanges serving the proposed projects?

13. Public Services and Utilities
* What will be the need for additional public services, including public safety and emergency services during the proposed construction of the projects?
* 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?

14. Cultural Resources

* How will the EISs 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 projects or associated offsite development, including traditional cultural properties, other Native cultural resources, and non-Native historic properties? Will the EISs evaluate the impacts to any identified historic properties and cultural resources, i.e., what are the impacts of the projects 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 projects affect the cultural heritage of the area?
* Will the EISs consider Tribal fishery impacts?
* How will the EISs fulfill the requirements of Section 106 of National Historic Preservation Act including coordination with the State Historic Preservation Officer?

15. Environmental Justice

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

16. Socio-Economics

* Will a comprehensive economic analysis be undertaken to identify potential effects of the proposed projects 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 EISs 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 EISs 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 EISs address safety considerations during construction of the projects?

17. 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 local 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 EISs address the potential for increased litter?
* Will the EISs address the disposal of solid waste?
* Wilderness or other appropriate designation should also be sought for USFS 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.
* Will USFS roadless acreage in the Keechelus, Kachess, and Cle Elum watersheds be identified?
* Without significant improvements to in-stream flows in the lower Yakima River, how will in-stream flow improvements for fishery benefits in the upper Yakima River Basin be ensured?
* The EISs should evaluate impacts of climate change on these projects under a range of conditions: continuation of current climate conditions; more rain – less snow; and less rain – less snow.

ALTERNATIVES

The EISs for the proposed projects should address the following alternatives:

Alternatives - Enhanced Water Conservation

The proposed agricultural water conservation program under the Yakima Plan proposes to conserve up to 170,000 acre-feet of water in good water years. However, the Yakima 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 eager and willing to identify the Cle Elum, K-K, and Kachess Inactive Storage projects they intend to build to benefit Yakima irrigators, while disdaining to even hint at what or where water conservation projects would take place. In addition it is apparent that unlike the above projects, which BuRec and Ecology would like to have authorized and constructed, water conservation projects would remain voluntary.

The Yakima Plan identifies only a single goal of conserving up to 170,000 acre-feet in good water years. The Yakima 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 EISs should set out an alternative of maximum water conservation efforts, in addition to the 170,000 acre-feet proposed under the Yakima 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 EISs 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 Yakima Plan propose less than half of the water conservation potential proposed just four years ago?

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

<u>Alternatives- Municipal and Domestic Conservation program</u>

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

<u>Alternatives - Market Reallocation</u>

* Will the EISs provide a list of all legal and institutional barriers to market reallocation?
* Will the EISs provide an estimate of the current water savings that could occur under existing Washington Water Law?
* Will the EISs 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 Yakima Plan? Will the EISs evaluate this alternative?
* What is the status of water banking in the Yakima Basin?
* What is potential for water banking, both intra-and inter irrigation district?

Alternatives - Crop selection
* What are the Yakima irrigation districts growing?
* How much acreage is devoted to surplus crops? Is the Kittitas Reclamation District still growing hay for the Japanese race horse industry?
* How many acres of vineyards in the Yakima River Basin are sustainable and do not rely on irrigation or groundwater?
* What Yakima Basin crops are most drought-resistant? What crops are least drought-resistant?

Alternatives - Water pricing
* What are the current costs to the irrigators of water (per acre-feet) and electricity (are irrigation rates 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 delivery?

Alternatives – Crop Insurance
* What is the status of crop insurance availability to address crop losses during a drought?

Alternatives – Aquifer Storage
* What is the status of aquifer storage in the Yakima Basin?

Alternatives - Forest Practices
* What is the current contribution to early spring runoff from clearcuts on the Okanogan-Wenatchee National Forest, DNR land and private forestry land in the Yakima River Basin?
* Will the proposed EISs 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, particularly above the Keechelus, Kachess, and Cle Elum Reservoirs.

We request that each of the above alternatives be addressed in the EISs.

MORE SPECIFIC PROJECT COMMENTS

As set out in 40 C.F.R. Section 1501.7(2) and WAC 197-11-408(1), we have identified significant issues to be analyzed in depth in the EISs. The following are specific comments on Cle Elum Dam (Pool Raise), the Kachess Reservoir Inactive Storage Project, and Keechelus to Kachess Conveyance elements as proposed in the Yakima River Basin Study Integrated Water Resource Management Plan Final Programmatic EIS (dated March 2012):

Cle Elum Dam (Pool Raise)

Phase 2 of the YRBWEP, Public Law 103-434, was passed on October 31, 1994. Section 1206 of Title Xll of this act authorized the appropriation of $2,934,000, cost indexed to September 1990 prices to (1) modify the radial gates at Cle Elum Dam to provide an additional14,600 acre-feet of storage capacity in Lake Cle Elum, (2) provide for shoreline protection of Lake Cle Elum, and (3) construct juvenile fish passage facilities at Cle Elum Dam, plus such additional amounts as may be necessary which may be required for environmental mitigation.

* If this project is a priority, why have none of these projects been carried out over the past nearly 20 years?
* Why was this proposed project not evaluated as part of Ecology's 2009 Yakima River Basin Integrated Water Resource Management Alternative Final EIS?

In the Yakima River Basin Integrated Water Resources Management Plan FEIS (March 2012), the BuRec claims that the proposed 3-foot rise would be used to improve streamflows for fish and increase water supply for out-of-stream needs.

* How can this increased water storage do both?
* Why are irrigators seeking to claim the pool raise water for themselves?
* Would this require a change in legislation?
* How can additional stored water be used to improve streamflows if the stored water must be dedicated to irrigators during drought years as part of the Total Available Water Supply under the 1945 Consent Decree?
* Can Congress override the 1945 Consent Decree by allocating a portion of the Yakima Basin, Total Available Water Supply (TAWS) from irrigation to instream flows?
* What amount does the BuRec intend to divert to out-of-stream needs?
* How would instream flow released from the pool raise enhance fishery resources in the Yakima Basin?
* The EIS should disclose any adverse impacts from release of pool raise water for irrigation drought relief on downstream fishery species.
* Where would irrigators divert the pool raise water for irrigation use?
* Has the BurRec determined what portion of the operation and maintenance costs of Cle Elum pool raise would be the responsibility of local irrigation districts?
* Would this alternative supply all pro-ratable irrigators with water during drought year?
* If so, list the acre-feet that each pro-ratable irrigation district would receive from this project.
* How many seasons since 1979 has the Cle Elum reservoir completely refilled?
* Which years, if any, has the Cle Elum reservoir not refilled?

Raising the reservoir pool elevation by three feet would worsen existing shoreline erosion problems around Cle Elum Lake. A 2000 Reclamation report proposed the following shoreline protection to extend to 2250' at areas of erosion concern:

- 50,000 CY riprap placement
- 38,000 CY bedding placement
-143,000 CY shoreline excavation

An Anchor QEA Cle Elum Pool Raise Technical Memorandum (March 2011) provided the following estimates:
- 24,500 CY riprap
- 13,900 CY bedding placement
- 80,500 CY shoreline excavation

and an additional estimate of 24,700 CY of slope toe backfill and 104,000 CY of in-reservoir disposal.
* Have these estimates changed since 2011?
* Where would the in-reservoir disposal take place?
* How would in-reservoir disposal take place? By barge?
* What benthic and water quality impacts would be caused by in-reservoir disposal?
* The Kittitas County Shoreline Management Program (SMP) (1975) has not been updated for nearly 40 years. It designates the Cle Elum shoreline as a Conservancy Environment. Section 28 of the SMP provides that landfills in the Conservancy environment shall be a conditional use and allowed only for water-dependent uses, for public uses, and for the purpose of elevating a structure to meet flood proofing requirements as required by the flood control zone permit.

Sec. 35 of the SMP provides that shoreline works and structures shall be permitted in the Conservancy environment only where they do not substantially change the character of that environment, where they are a necessary part of a project clearly dependent on a nearby location and where necessary to protect or facilitate irrigation structures. Any project will be denied if the possibility that downstream properties and natural river systems will be adversely affected by any such development.
* Would the drilling and blasting, as well as pit excavation, create solid waste as defined by Sec. 36 of the SMP. Would solid waste disposal be allowed in the Cle Elum reservoir?

It appears that the proposed landfilling and riprapping may not comply with the 1975 SMP. The Kittitas County SMP is undergoing review with proposed changes scheduled to be sent to the Department of Ecology in summer of 2014.
* Would these projects be vested to the 1975 SMP?
* How would any changes to the SMP adopted by Ecology in the future impact this project?

New environmental protection standards for updated shoreline master programs include "no-net-loss of shoreline ecological functions."
* How would the extensive shoreline landfilling and riprapping comply with this standard?
* Will the Cle Elum EIS 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 areas during a normal water year? A drought water year?
* How many acres of forest would be inundated by a three-foot rise?

* Identify the acreage of National Forest roadless area that would be inundated by an expanded reservoir around the Cle Elum Reservoir.
* Identify any previous BuRec reservoir project that has inundated National Forest areas and what mitigation was proposed or carried out.
* What decrease in shading and insect production would occur as a result of this project?

The Anchor QEA Cle Elum Pool Raise Technical Memorandum states that the Cle Elum fish passage project is now considered a separate project from the Pool Raise.
* The EIS should describe the relationship between the proposed fish passage project with and without the pool raise.

The proposed Yakima River Basin Study Integrated Water Resource Management Plan (PIWRMP) (Vol. 1), dated February 2011, Figure 4-1, Improvements in Instream Flows under Yakima Plan (page 47) shows that with the Yakima 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 would Cle Elum pool raise enhance fishery resources in the Yakima River?
* The PIWRMP (page 24) states, "Providing unimpeded fish migration past the existing storage dams in the Yakima Basin would increase species distribution. . ." The Cle Elum EIS should clarify how this goal of providing unimpeded fish migration is consistent with raising the pool of an existing storage dam.
* The EIS should describe and evaluate all impacts to state or Federal listed endangered or threatened species.
***** What are the estimated evaporation rates for the existing Cle Elum reservoir and proposed rise?
* What are the estimated refill times for both the existing Cle Elum reservoir and proposed rise?

Kachess Reservoir Inactive Storage Project

According to the HDR Engineering, Inc., Yakima River Basin Integrated Water Resource Management Plan Technical Memorandum: Kachess Reservoir Inactive Storage Project Alternatives Comparison and Recommendation for Advancement, October 2013 (Kachess Tech Memo), this project would allow an additional 200,000 acre-feet of water stored in Kachess Reservoir to be released for water supply purposes during drought years, anticipated to be approximately three years out of every 10 years. The Kachess Tech Memo recommends a single alternative (Alternative 2- Pump Station) as the preferred alternative.

* Just as in the Programmatic Yakima Plan FEIS, other than the required no-action alternative, the BuRec and Ecology is presenting only a preferred alternative. NEPA regulations require that agencies rigorously explore and objectively evaluate all reasonable alternatives. *40 CFR 1502.14(a).*

The Kachess Tech Memo states that Alternative 2 – Pump Station would provide supply water directly to the Kittitas Reclamation District (KRD) division. The EIS should clarify how the Kachess Reservoir Inactive Storage Project would operate.

* During a drought year, would all 200,000 acre-feet be supplied directly to the KRD?

The Kachess Tech Memo also states that Alternative 2 – Pump Station would provide water to the Kachess River to maintain minimum flows for fish and wildlife, which are not currently available.
* Why aren't optimum instream flows being considered?
* Would any of the inactive storage be used for instream flows during non-drought years?
* During a drought year, how many acre-feet (or c.f.s.) would be provided to the Kachess River to maintain minimum flows?
* How many seasons since 1979 has the Kachess reservoir completely refilled?
* Which years, if any, has the Kachess reservoir not refilled?
* What are the estimated refill times for the existing Keechelus and Kachess reservoirs, and with the proposed K-K and Inactive storage projects assuming complete draw down during a drought year?
* What is the trans-evaporation rate for Keechelus and Kachess reservoirs?

The BuRec has apparently dropped consideration of a gravity tunnel alternative.
* Would the gravity tunnel alternative provide better opportunities to increase instream flows for fish and wildlife?

According to the Kachess Tech Memo, for the pump station alternative, the base-flow pumping system would operate continuously whenever all of the six (6) large pumps were not operating and the water surface elevation in the reservoir had dropped below the level of the existing outlet works to meet demand for fish flows.
* What specific instream flow benefits in the Kachess River and Yakima River would result from the proposed Kachess Alternative 2 – Pump Station?
* Where would the disposal site be for any intake tunnel and shaft muck?
* What impacts would occur due to locating a new discharge structure on the left bank of the Kachess River?
* Capital costs for this alternative are projected at $205,000,000 and O/M costs at $970,000/yr. If the KRD is the principle beneficiary of this project, would the KRD be required to pay the full cost? Would they be required to pay the O/M?

The Pump Station Alternative would require about 8,000 kilowatts of power for the six large pumping units. Redundancy for the small, base-flow pumps would be provided by an on-site, back-up power source so Reclamation can deliver base flow to the river if the primary power supply system fails.
* Who would supply this power?
* Power costs are projected at $600,000 per year. Who would pay for this power?

The Kachess Tech Memo states that the proposed project would provide the ability to supply water directly to the KRD diversion and other water right holders without needing to use the Keechelus Reservoir and upper reach of the Yakima River (from Keechelus Reservoir to the KRD diversion).
* Would this alternative supply all pro-ratable irrigation districts with water during drought year?
* Would this alternative supply any non-pro-ratable irrigation districts?

* List the acre-feet that each Yakima irrigation district would receive from this project in a drought year.
* Can Yakima irrigation districts expand their irrigation acreage or convert to more water intensive crops to claim access to the Kachess inactive storage during non-drought years?

The YRBWEP Workgroup Integrated Water Resource Management Plan Summary Support Document (YRBSSD) (March 23, 2011) 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 Yakima River Basin Study Integrated Water Resource Management Plan (PIWRMP) (Vol. 1, page 58), dated February 2011 states that for Box Canyon Creek the Yakima Plan would result in adverse impacts.
* What are these adverse impacts and what mitigation is proposed?
* How does accessing this inactive storage conflict with fish passage/habitat enhancement proposed for Lake Kachess?
* The EIS should describe and evaluate all impacts to state or Federal listed endangered or threatened species.
* What is the State Shoreline Management Act environmental designation for the Kachess reservoir shoreline?
* What are the polices and goals for this environmental designation?
* What substantial development permits would be required?

Keechelus to Kachess (K to K) Conveyance

According to HRD Engineering, Technical Memorandum: Screening of Alternatives for the Keechelus-to-Kachess Conveyance Project (September 2013) (page 2) (K-K Tech Memo), the K-to-K Conveyance project has two purposes: 1) to improve fish habitat conditions by reducing flows in the upper 10.3 miles of the Yakima River below Keechelus Dam during periods of high reservoir releases; and 2) to enable the storage of more runoff from Keechelus Reservoir drainage to provide additional water supply for agricultural irrigation and other uses. The K-K Tech Memo goes on to state there are .artificial summer high flows in the Yakima River between Keechelus dam and the mouth of the Kachess River. Currently the flows are higher than natural conditions during summer months when water is released from the reservoir for irrigation. The project would also increase water levels in Kachess Reservoir most years. The increased reservoir levels are expected to improve bull trout passage to tributary streams which is currently impaired by low reservoir levels. The K-K Tech memo states that increased flow releases from Kachess Reservoir would improve instream flow and habitat quality for salmonids in areas downstream of the reservoir. Modeling of the Yakima River system using BuRec's RiverWare model indicates a median quantity of 97,000 acre-feet of water can be transferred from Keechelus Reservoir to Kachess Reservoir annually. The quantities would vary considerably from year to year and range from approximately 10,000 acre-feet in years with low runoff to as high as 130,000 acre-feet in years with high runoff. An average capacity of 400 cubic feet per second (cfs) and a maximum of 500 cfs flow rate is intended to enable BuRec to reduce flows in the upper Yakima River to 500 cfs beginning in July each year between Keechelus Dam and Lake Easton (approximately 10.3 river miles). Flow in this reach is controlled primarily by releases from Keechelus Reservoir. The flow rate in this reach of the Yakima River would then be ramped down from 500 cfs in early August to 120 cfs by early September. To

improve the fish habitat conditions for fish in this reach of the Yakima River, the year-round base flow in that reach of the river would be increased to 120 cfs.

It appears that the BuRec and Ecology have already eliminated all pipeline alternatives (P1, P2 and P3), as well as tunnel alternative T2. Just as in the Programmatic Yakima Plan FEIS, other than the required no-action alternative, the BuRec and Ecology is presenting only a preferred tunnel alternative with two options T1 (from Keechelus to Kachess), and T3 (from Crystal Springs Campground below Keechelus Reservoir to Kachess). NEPA regulations require that agencies rigorously explore and objectively evaluate all reasonable alternatives. *40 CFR 1502.14(a).*

The T3 option would result in 8.8 miles of improved flows in the Yakima River compared to 10.3 with T1.

* The K-K EIS should quantify fishery benefits between these two options.
* What Yakima River instream flow benefits would results from the K-K project during drought years? During non-drought years?
* How many seasons since 1979 has the Keechelus reservoir completely refilled?
* Which years, if any, has the Keecheulus reservoir not refilled?
* The EIS should clarify how this project would be coordinated with on-going construction of I-90.

* Fish screening was one of the original programs to be carried out by the YRBWEP authorized in 1979. Are there currently fish screens on the existing Keechelus Reservoir tower outlet? If not, why not?
* Will the K-K EIS address impacts to streams, wetlands, wildlife and fisheries?
* The EIS should describe and evaluate all impacts to state or Federal listed endangered or threatened species.

T1 Option
* The T1 option would disturb residents along Lake Kachess Road and those trying to access properties adjacent to Kachess Reservoir during construction and should be addressed.
* What wetland impacts would be caused by the T1 option? What mitigation is proposed?
* What is the State Shoreline Management Act environmental designation for the Keechelus reservoir shoreline?
* What are the goals and polices for this environmental designation? What substantial development permits would be required for the T1 option?
* Field studies for wetland and stream delineations, and fish, wildlife, vegetation, and cultural resource surveys should be carried out.

T3 Option
The T3 option would involve releases flowing downstream for 1.5 miles from the Keechelus Dam outlet to the campground site, where it would be diverted from the river into the tunnel.
* What environmental impacts would occur from installing a new Yakima River diversion and leaving the K-to-K diversion flow in the first 8,000 feet of the Yakima River, particularly to fish species?
* The T3 option would disturb residents along Lake Kachess Road and those trying to access properties adjacent to Kachess Reservoir during construction and should be addressed.

* Would the T3 option require diversion of the Yakima River? What stream alterations would be required? What wetland impacts would occur? What mitigation is proposed?
* Would this alternative reduce the length of the Yakima River reach that would achieve improved flows for fish habitat as a result of the K-to-K Conveyance project? What benefits would accrue to the remaining 8.8 miles of Yakima River between the Crystal Springs Campground and Lake Easton? Is this river diversion is hydraulically feasible or would it lead to potentially unacceptable operational restrictions to protect fish habitat in this reach of the Yakima River?
* Would the T3 alternative decrease the length of the Yakima River that would benefit from reducing the artificially high summer flows?
* Field studies for wetland and stream delineations, and fish, wildlife, vegetation, and cultural resource surveys should be carried out.

Rolling Review and Future Plan Adjustments

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

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 EISs disclose the relationship of the CAG to the establishment of the Yakima Work Group?
* Will the EISs 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 EISs disclose whether the Yakima Work Group was established under FACA? Will the EISs disclose all meetings of the Yakima Work Group Executive Committee, the minutes from those meetings and how public notice was given? Will the EISs disclose all meetings of the Yakima Work Group Implementation Subcommittee, the minutes of those meetings and how public notice was given?
* Will the EISs 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 EIS 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 EISs when they become available.

Sincerely,

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