

Sandison, Derek (ECY)

From: Harvey [harvey@roenassociates.com]
Date: Monday, October 30, 2006 4:41 PM
To: Sandison, Derek
Subject: RE: Columbia River Management Program

60-1 With all due respect, I think your answer is bull. Check the map. Spokane is closer to Hawk Creek than Colville. Maybe you should have scheduled your meeting in Davenport, Wilbur or Seven Bays. I am truly interested in these water storage projects and believe that we all deserve better opportunities to make our voices heard. Since I and many others believe that this is a bad idea, you should come here and convince me and other non believers that we are wrong.

Harvey Morrison

-----Original Message-----

From: Sandison, Derek [mailto:DSAN461@ecy.wa.gov]
Sent: Monday, October 30, 2006 3:59 PM
To: Harvey
Subject: RE: Columbia River Management Program

Mr. Morrison:

In selecting the meeting sites, I attempted identify locations near to where the major impacts associated with the program and related projects were likely to occur.

Derek Sandison
(509) 457-7120

From: Harvey [mailto:harvey@roenassociates.com]
Sent: Tuesday, October 24, 2006 1:43 PM
To: Sandison, Derek
Subject: Columbia River Management Program

Why are you not having an information workshop in Spokane?
Harvey Morrison
3805 S Lamonte
Spokane WA 99203

Comment Letter No. 60 – Morrison, Harvey

60-1. See the response to Comment 36-2 regarding meeting locations.

Mark Peterson
Peterson Law Office
103 Palouse Street Suite 5
Wenatchee WA 98801 (509) 667-8097
markp@nwi.net

Dear DOE

I am an attorney who regularly provides general council to numerous municipal providers of potable and irrigation water in Chelan and Douglas Counties. I also have a practice dominated by water right transfer work and have served on the Chelan County Water Conservancy Board. In those roles I have become intimately familiar with the needs of nearly every municipal entity purveying significant quantities of potable water in those two Counties. As these entities grow the only present practical method for them to acquire new water resource authority is to obtain irrigation rights and transfer them to municipal use.

61-1

I strongly urge the adoption of the policy that would allow waiver of instream flow restrictions on transfers or permits that shift consumptive use away from the critical period in July and August.

Conditioning such transfers and permits on instream flows in spite of the environmental benefits of such a shift is ridiculous and threatens the ability of municipal providers to continue provide for the health safety and welfare of their constituents.

11/9/2006 2:46:00 PM

Comment Letter No. 61 – Peterson, Mark

61-1. Comment noted.

Mark Peterson
see below
103 Palouse Street Ste.5
Wenatchee WA 98801 (509) 667-8097
markp@nwi.net

11/15/06 the City of Wenatchee East Wenatchee Water District Chelan County PUD Chelan County Douglas County City of Rock Island and Malaga Water District met pursuant to an interlocal agreement to create a forum for discussing and developing water resource policy. These entities discussed portions of the Draft EIS as it relates to their interests. While it is early in their process of determining the impacts and implications of the proposed policies of the EIS they wish to support the DOE in its efforts to facilitate a more refined management of water resources. These entities discussed and unanimously authorized me to make the following comments on behalf of the entities that they represent:

Section 2.2.1 Selecting Storage Projects. Ecology should aggressively pursue storage options that take advantage of peaks in the hydrograph.

Section 2.2.3 Funding Criteria. With the example of local success of the watershed planning efforts in the Entiat and Wenatchee River basins funding should focus on mitigation for permits authorizing out-of-stream beneficial use with some priority given to municipal uses.

Section 2.2.5 Conditioning Water Rights on Instream Flows. Ecology should waive the instream flow rule for new permits or change applications that shift consumptive demand away from the critical summer months. In other words a change application seeking to change irrigation to year-round municipal use should be permitted without a condition that makes the municipal water right interruptible during the winter months.

Section 2.2.7 Processing Voluntary Regional Agreements. As it relates to the Columbia River Ecology should amend the Hillis Rule to permit the processing and conversion of interruptible rights to non-interruptible rights "out of the order". This should be the primary focus before any consideration is given to processing new water rights that would presumably be non-interruptible out of order even if the new water right is sought in furtherance of a VRA (unless the new water right otherwise qualifies to be taken out of order under existing rules and regulations).

Section 2.2.8 Defining "No Negative Impact" to Instream Flows. Since a definition of "major reach" is not provided it is difficult to compare the "same pool and downstream" option with the "same major reach" option. The depictions in Figure 6-2 are misleading and give the impression that "same pool and downstream" provides the most flexibility. Ecology is encouraged to consider combining these two options so that net water savings can be recognized anywhere upstream in the same major reach however that is ultimately defined and anywhere downstream of the net water savings.

Section 2.2.9 Defining the One Mile Zone. Ecology should strongly consider including the backwater areas as described in the draft EIS. Water rights need to be treated as consistently as possible. The possibility that some water right

owners that are subject to instream flows (WAC 173-563) would be excluded from the application of the Act would be inconsistent.
Section 2.2.10 Coordinating VRA Mitigation and Processing New Water Rights. Ecology should seek legislative authority to skip pending VRA applications so the applicant is not penalized if mitigation is not available.

Section 2.2.12 Funding Projects Associated with a VRA. It is our impression that VRA's are going to be pursued by entities that can afford to implement the Agreement like the Columbia-Snake River Irrigator's Association. While the general concept behind the VRA's is supported conservation project money should not be designated only for those applicants in a VRA. Some water right owners simply are not going to participate in or understand the VRAs (suspicion of DOE runs very high). Thus Ecology is encouraged to retain the flexibility to spend conservation project money on all projects that provide mitigation.

Section 2.2.13 Inclusion of Exempt Wells in Water Use Inventory. Whether or not exempt wells are included in the analysis is simply not as critical as the other matters identified above. However in order to support investment backed expectations including lenders realtors and builders exempt wells within one mile of the mainstem that have been installed since WAC 173-563 should not be subject to interruption. If the trade-off is to consider prohibiting future exempt wells unless they participate in mitigation then that seems like a logical trade-off (but perhaps beyond the scope of this EIS).

11/16/2006 4:13:00 PM

Comment Letter No. 62 – Peterson, Mark

62-1. Your comments regarding your preferences for the Policy Alternatives are noted. See the revised Chapters 2 and 6 in the Final EIS and the responses to Comments 12-1 and Comments 9-9 through 9-19 for information Ecology's revised Policy Alternatives.

Wellner, Joanne (ECY)

From: Joan Prchal [jsprchal@yahoo.com]
Sent: Monday, November 20, 2006 4:27 PM
To: Sandison, Derek
Subject: Environmental Impact Statement

Nov. 20, 2006

Dear Sirs,

63-1 Sham on you! Not making a effort to contact the people whom this will effect. The only way I found out about this project was an article in the Capital Press.

How dare you think about take good productive farm land out of production so you can build a dam and flood it for the FISH.

The Grant Co. PUD doesn't know about this when I call about it. I believe the placing of these storage sites could jeopardize your main dams on the Columbia River.

63-2 I am tied of the Department of Ecology running around crying the sky is falling. There is allot of water coming out of Canada. You have the public and the Legislatures believing all of our water comes from the Cascades. Because Dept. of Ecology wants salmon in the basin so it can control the water. If they control the water they control the people.

Displacing thousands of family's and there way of life and income. And it becomes a rolling effect to the system. Eliminating property you eliminate taxes, money and income to schools, county and state.

63-3 Grant County PUD has a plan in effect to better get fish through the dams called Hydro Fish Bypass System which will be completed in March 2007 at Wapum Dam. Apparently the Dept. of Ecology has not talk to Grant County PUD about fish and water saving plans.

I would like you to meet with the people, Grant Co, Commissioners, and Grant Co. PUD that are involved.

A Concerned Landowner,

Joan Prchal

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11/27/2006

Comment Letter No. 63 – Prchal, Joan

- 63-1. Comment noted. See the response to Comment 36-2 regarding public notification and meeting locations.
- 63-2. Comment noted. See the Master Response regarding Future Studies for Off Channel Reservoir Proposals.
- 63-3. Ecology is coordinating with a variety of interest in the Columbia Basin, including Grant County PUD. The PUD's Hydro Fish Bypass System is one component to improve fish passage. The Management Program includes other components that would benefit the entire Columbia River Basin in Washington.

Sandison, Derek (ECY)

From: walsoe@allmail.net
Sent: Thursday, November 09, 2006 8:36 AM
To: CWP; Sandison, Derek
Subject: Draft Programmatic Environmental Impact Statement For The Columbia River Water Management Program

Friends--

I wish to record in your good offices my complete opposition to any provisions in the Columbia River WMP for the creation of new dams and the resultant flooding of natural habitat. The health of the land and its human inhabitants, its flora, and its fauna depend upon our limiting agricultural and economic development to that which honors and preserves the natural world. More dams along the Columbia River do not do that.

64-1 The problems already created along the Columbia River due to dams is clear in both historic and scientific data. It is incomprehensible that we would continue on a course that further compromises natural processes and environments.

If economic development is important, then environmentally sensitive and sound ways must be found to promote it, not ways that do violence to the natural world around us. As for agricultural development, we already produce more food than we or the world requires. Until we are capable of developing ways to distribute the food we already produce, suggesting that we need agricultural growth is foolish.

Thank you.

Sincerely,
W. Thomas Soeldner
801 W. Riverside Avenue, Suite 220
Spokane, WA 99201

Comment Letter No. 64 – Soeldner, W. Thomas

64-1. Comment noted. See the Master Response regarding Opposition to Dams and Reservoirs.

Sandison, Derek (ECY)

From: Don Stewart [Dstewart@gcpud.org]
ent: Tuesday, November 14, 2006 12:55 PM
to: Sandison, Derek
Subject: Crab Creek Water Storage

Dir Sir

My name is Don Stewart, I was born and raised on Lower Crab Creek and still live there today. I work for Grant County Pud and am in my 25th year of employment. I have a small ranch and I am aware of the water issue that faces the Odessa Aquifer. I agree that we have to act now to battle against the onset problem of dropping water levels. I also am aware of the fish issues that are associated with the Columbia and Snake rivers. I have a few questions and concerns that you may or may not be able to answer. I hope that you and your staff already are aware of these issues.

I have read (what a lay person can understand) the report that Michael W West and Associates, Inc. produced from 1988 - 1997 containing earthquakes. It is titled

A Continuation of a "Pilot" study of quaternary surface deformation, Saddle mountains Anticline, Northern Pasco Basin, Washington

65-1 If the Crab Creek storage is considered, has anyone reviewed this report or anything like it? This report states that Saddle Mountain has had earthquakes ranging in magnitudes from 6.9 - 7.3. It states (quote from report)

Interpretation of late Quaternary deformation in the Saddle Mountains is significant because of the proximity to nuclear facilities on the Hanford Reservation and major dams on the Columbia River. Moreover, the fact that late Ahtanum Ridge-Rattlesnake Hills and the Saddle Mountains, raises significant questions about seismotectonic evolution of the fold belt in general and potential hazard related to other folds and faults in the region.

65-2 Question #1 If the Crab Creek storage is done, The weight of the reservoir on the plate north of the Saddle Mt fault line. (impossible to answer)? I have taken an interest in the faults associated with Saddle Mountain and have seen new creeks at different locations show up over the years. The Mountain is moving.

65-3 Question #2 The Ice Cave on lower Crab Creek expels a flow of cold air at approx four locations. With air flow coming out, with enough pressure, the flow possibly will move in the opposite direction.

(Rumor has it) The latest gas well drilled on Walluke slope penetrated a large layer of ice at a deep level between layers of basalt. With the possible flow of water to the layer of ice, Could the Hanford Storage be in jeopardy? The Hanford site is 6 to 7 miles south from the reservoir east end.

65-4 Question #3 The added flood easement being expanded to the Crab Creek drainage. Has a Hydrostratigraphy study of lower Crab Creek been done? Going from I believe 2000 to 10,000 cfs could develop added water elevations not only downstream areas but to other subbasins. Also would dredging the creek be done?

Thank you for you time. I am also signed up with email at scstewart@qosi.net

Don D. Stewart
 15908 Rd. E SW
 Royal City Wa
 99357

Comment Letter No. 65 – Stewart, Don D.

- 65-1. The Crab Creek off-channel reservoir site is being studied under a separate process by Ecology and Reclamation. See the Master Response regarding Future Studies for Off Channel Reservoir Proposals. Seismic studies are included as part of the appraisal studies for the Crab Creek site.
- 65-2. See the response to Comment 65-1.
- 65-3. Potential impacts to the Hanford site will be considered in the appraisal study for the Crab Creek site.
- 65-4. Hydrologic studies will be part of the future studies done on the Crab Creek site. It is not known at this time whether Crab Creek would be dredged if it were selected as a storage site.

Sandison, Derek (ECY)

From: kelly tansy [kellyt99201@yahoo.com]
ant: Saturday, November 18, 2006 10:32 AM
ro: Sandison, Derek
Subject: Columbia River Draft EIS comment

66-1

Please don't build or re-build the dam, otherwise critical wildlife habitat will be threatened or destroyed. Our state needs this area wild. I want the area to be safe from human destruction. I am confident that human needs will be respected while this area can remain healthy and safe for the plants and animals that live there.

Sincerely,
Mr. Kelly Tansy
Spokane, WA.

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Comment Letter No. 66 – Tansy, Kelly

66-1. Comment noted. See the Master Response regarding Opposition to Dams and Reservoirs.

Jan Treecraft
self
1203 West 16th Avenue
Spokane WA 99203 (509) 624-3730
jaberspo@icehouse.net

When I hear of the possibility of a new dam being built I feel dismayed and discouraged. I also feel alarmed. My need here is for protection of existing wild areas including the health of the rivers themselves. My husband and I love to hike and camp. Eastern Washington offers many possibilities for these activities and also for the hunting and fishing that many of our friends engage in. We have friends who literally feed themselves through much of the year with the game they hunt themselves.

I feel a sense of urgency with regard to preserving our natural resources for generations to come. I want this preservation to be prioritized ABOVE any desire to stay at current levels of resource use. We use far more than is necessary at this time.

It is my belief that with conservation alone we can get by without any more dams and perhaps without some that we already have. Please refer to Leroy Brown's informative and hopeful work including his very up-to-date work "Plan B 2.0."

Thank you for this opportunity to respond. Please with the power that you have respond to the long-term needs of the populations of this area. Please act as fierce stewards of the natural world.

Sincerely,

Jan Treecraft

11/18/2006 3:46:00 AM

67-1

Comment Letter No. 67 – Treecraft, Jan

67-1. Comment noted. See the Master Response regarding Opposition to Dams and Reservoirs.

Ann Root

From: Wellner, Joanne (ECY) [JWEL461@ECY.WA.GOV]
Sent: Tuesday, December 05, 2006 12:33 PM
To: Ann Root
Subject: Cathy Verret: New Columbia River dams aren't the answer!

Joanne R. Wellner, Dept. of Ecology-CRO
15 W. Yakima Avenue, Suite 200
509/575-2680 509/575-2809 fax
jwel461@ecy.wa.gov

From: Cathy Verret [mailto:cverret@prodaware.com]
Sent: Thursday, November 16, 2006 12:42 PM
To: Sandison, Derek
Subject: New Columbia River dams aren't the answer!

I am adamantly opposed to the proposition that new dams be built on the Columbia River at several sites: Hawk Creek in Lincoln County, Foster Creek in Douglas County and Sand Hollow and Lower Crab Creek in Grant County.

68-1 Construction of these dams would inundate thousands of acres of prime wetlands and shrub-steppe habitat. These habitats are critical for several endangered species including the pigmy rabbit, sage grouse and spotted leopard frog. Prior to development and agriculture in Washington State, there was 10.4 Million acres of shrub-steppe habitat. In 1996, a study found that only 4.6 million acres of shrub-steppe habitat remained. Today, the amount of shrub-steppe habitat is unknown, but there has been significant loss to agricultural conversion. These dam projects would only add to the amount of lost habitat.

68-2 Ecology and the USBR say that water stored behind these dams would be available for salmon augmentation flows and would ultimately help in salmon recovery efforts. However, water stored in these reservoirs could actually cause more problems. The reservoirs are shallow and would result in high water temperatures that are actually a problem for salmon. Constant filling and emptying of these reservoirs would cause major sedimentation issues that could cause additional problems for salmon recovery efforts.

It's a bad idea.

Cathy Verret
2450 Foster St
Eugene, OR 97405

12/5/2006

Comment Letter No. 68 – Verret, Cathy

- 68-1. Comment noted. See the Master Response regarding Future Studies for Off Channel Reservoir Proposals.
- 68-2. Water quality impacts of the proposed storage facilities will be evaluated in future environmental review if a reservoir site is selected.

November 17, 2006



Derek I. Sandison, Regional Director
Central Regional Office
Washington State Department of Ecology
15 West Yakima Avenue, Suite 200
Yakima, WA 98902

Dear Mr. Sandison:

Attached for your consideration are comments on the Draft Programmatic Environmental Impact Statement for the Columbia River Water Management Program. These comments focus on Chapter 6.0, "Policy Discussions" and specifically on the storage and water conservation items.

My interest stems from having been involved in the Bureau of Reclamation-Washington State Department of Ecology Yakima River Basin Water Enhancement Project activities of the 1980's and 1990's culminating with Title XII of the Act of October 31, 1994. This interest has continued since my retirement with some involvement in Yakima River basin water resource activities.

Thank you for the opportunity to provide input on some of the policy issues of the Columbia River Water Management Program.

Sincerely,

Larry
Larry Vansonhaler
2567 Lynx Way
Boise, Idaho 83705

Chapter 6.0 Policy Discussion

6.2 Selecting Storage Projects

The question being addressed is "how aggressively Ecology will pursue storage projects?" The most proactive role put forth in the Draft Programmatic Environmental Impact Statement (DPEIS) for the Washington Department of Ecology (Ecology), in addition to reviewing and screening storage projects proposed by applicants, is to propose storage options independent of those proposed by applicants. The illustration presented in the DPEIS is to use watershed plans to identify and pursue smaller storage projects (emphasis added), purchase stored water in Idaho and/or Canada, consider buying or negotiating changes in operations of federal facilities, consider studies for ASR or passive ground water recharge, and promote small scale projects that benefit small landowners.

If the foregoing illustrations define the most proactive role, then Ecology is truly not aggressively addressing the State's present and future water needs. It raises the question of the extent of Ecology's current role in the Columbia River off-stream storage assessment. It is suggested Ecology's role should be broadened to aggressively identify water resource needs, water supply deficiencies, and to pursue water storage projects in conjunction with federal and other interests through the investigation and development of storage projects.

Sections 6.2.1, 6.2.2, 6.2.3, and 6.2.7

Sections 6.2.1, 6.2.2, 6.2.3, and 6.2.7 are so interrelated they must be considered conjunctively. These sections and their interrelationships follow:

- A question addressed in Section 6.2.1 is "what are net water savings?" Are they only the consumptive use portion of conserved water or are they something broader in scope?
- Section 6.2.2 raises the following questions: (1) to what purposes will net water savings achieved from conservation projects funded from the Columbia River Water Supply Development Account (Account) be assigned, will it be to out-of-stream purposes only, to instream purposes only, or a combination of these purposes; and (2) how will proposed conservation projects be screened and ranked for funding from the Account?
- Section 6.2.3 addresses the definition of water acquisitions and water transfers. This is because the Columbia River Management Act (Act) restricts the area of use of acquired and transferred water obtained with funds from the Account to the Water Resource Inventory Area (WRIA) of origin.
- Section 6.2.7 deals with the aerial extent of the "no negative impact" on Columbia River July-August stream flows and Snake River April-August flows associated

69-2 with water withdrawals under Voluntary Regional Agreements (VRA). The question is how and where to measure whether a withdrawal results in a net reduction in stream flow in the Columbia and Snake Rivers during the foregoing respective months.

6.2.1 Calculating Net Water Savings from Conservation

Net water savings has been defined in the Trust Water Rights Program; the methodology for calculating it has not. This calculation is extremely critical to the extent conservation measures will assist in meeting out-of stream and instream water needs.

The Columbia River Water Supply Inventory and Long-Term Water Supply and Demand Forecast Report identifies a potential water savings of 955,000 acre-feet from plans of conservation districts (on-farm measures of about 530,000 acre-feet) and from irrigation districts (main conveyance and distribution system measures of about 425,000 acre-feet). If one were to assume that conservation projects resulting in conserved irrigation water of 955,000 acre-feet is the primary source of meeting present and future irrigation demands, it is an erroneous assumption.¹

69-3 The irrigation district water saving estimate is essentially system losses from the point(s) of diversion to the farm deliveries, the major portion of which return to the river system as surface and sub-surface return flows. As such, the effect of reducing main conveyance and distribution system losses diversions is (1) in an unregulated river system to increase stream flow from the point(s) of diversion to the point(s) where return flow from the conserving entity reenters the river system, and (2) in a regulated river system to also permit the possible retention of the stored water portion of the diversion which would have otherwise been released. An example of the latter is the Yakima and Naches River systems regulated by 5 reservoirs with about 1 million acre-feet of storage capacity. There is merit in considering conservation projects in conjunction with storage space to regulate conserved water.

It appears entity conservation projects dealing with main conveyance and distribution system measures may not result in net water savings beyond specific stream reaches of the tributary if any diminishment of the existing flow regime downstream of the point(s) of return flow from the "action" is a constraint. This is because the conserved water results from a nonconsumptive use rather than from a consumptive use. If this were the case, then even a portion of the saved water on regulated tributaries which could be retained in storage facilities may have to be released to maintain existing stream flow. The potential constraint of no diminishment of the downstream flow regime must be addressed.

It appears net water savings are appropriately defined by the Trust Water Program. However, the method of determining net water savings must include more than

¹ The reasons that the 955,000 acre-feet does not all equate to net water savings is aptly explained in the Executive Summary of Ecology's Report on pages ES-10 and 11.

69-3 quantifying the conserved water. Other factors such as the characteristics of the water supply (unregulated and regulated), water rights downstream of the point(s) of diversion and return flows, the policy regarding diminishment of existing stream flow, and the location of the conserving participant (unregulated or regulated tributary or the Columbia River) also needs to be assessed. Neither alternative appears to express the factors which may be needed to determine net water savings. However, it is noted, the Executive Summary on page ES-11 recognizes the need for flexibility in matching individual conservation projects and water right applications.

6.2.2 Funding Criteria for Conservation Projects

This section deals with two issues (1) assignment of net water savings funded from the Account, and (2) criteria for screening and ranking conservation projects. These two issues are discussed below.

Assignment of Net Water Savings

It is assumed conservation projects could be implemented on Columbia River tributaries or on the main-stem river. With respect to tributaries, it appears consideration needs to be given to whether it is an unregulated or regulated tributary and the policy regarding the diminishment of stream flow downstream of the point(s) of return flows of the conservation project participant.

69-4 In figure 6-2 of the DPEIS, alternative 4C-1 indicates the hypothetical point where net water savings would occur and the point where net water savings would be measured for a tributary project. It is possible, the only net water savings resulting from tributary projects which would extend downstream of the mouth of the tributary may, depending on how net water savings are computed, be just the consumptive use portion associated with on-farm conservation projects. If so, the magnitude of net water savings from conservation projects would be significantly diminished. It may then be desirable to assign all of the net water savings to mitigation of Columbia River permits authorizing out-of-stream beneficial use. There would of course be instream flow benefits in the tributary.

It seems there may be the need for further assessment of net water savings prior to making a determination of how these savings are to be assigned. As referenced in the foregoing comments on Chapter 6.2.1, the DPEIS indicates the need for flexibility in matching individual conservation projects with water right applications. Such flexibility may also be desirable in assigning net water savings within some specified parameters.

Criteria for Screening and Ranking Conservation Projects

69-5 In regards to the criteria for screening and ranking conservation projects it is suggested Ecology's Columbia River Policy Advisory Group may want to review appropriate sections of the document prepared by the Yakima River Basin Conservation Advisory

69-5 Group entitled *The Basin Conservation Plan for the Yakima River Basin Water Conservation Program* and the *Appendix to the Basin Conservation Plan*.

6.2.3 Defining Acquisition and Transfer

The concern expressed is that the Act prohibits Ecology from expending money from the Account on conservation projects that will result in water acquisitions or transfers from one WIRA to another. The term "water acquisition and transfer" is not defined by the Act. However, it is defined to include net water savings realized from conservation projects then use of such net water savings is restricted solely to the WIRA of origin.

69-6 In the Yakima River basin water acquisitions and water transfers are considered separate transactions from water realized from conservation projects. In this instance there is federal legislation authorizing the Yakima River Basin Conservation Program and funding and implementation of conservation projects is contingent on "diversion reduction agreements" with the participating entity specifying the use of the conserved water, in this case two-thirds to instream flow and one-third retained by the irrigation entity. Further, conserved water is being used within the Yakima River basin.

It seems desirable to define water acquisitions and transfers as those related to direct purchase and/or gift separately from conservation projects in which case under the Act the water could only be used in the WIRA of origin. By so doing, this would result in the option of net water savings from conservation projects being used in other WIRA's. However, it is suggested this entire matter be referred to the State legislature with the suggestion that the restriction on the area of use of water acquisitions and transfers in solely the WIRA of origin be amended.

6.2.7 Defining "No Negative Impact" to Instream Flows of the Columbia and Snake Rivers

This issue concerns the question of the measurement point to determine if a proposed water withdrawal has an impact on the policy of "no negative impact to stream flow" in the Columbia River in July and August and the Snake River in April through August as the result of a Voluntary Regional Agreement (VRA). How and where to measure the "no negative impact" has not been defined. It is indicated however, that net water savings from a tributary conservation project would be measured at the mouth of the tributary.

69-7 Figures 6-2A and 6-2B of the DPEIS illustrates the four alternatives presented in section 6.2.7. It seems appropriate to align the area of consideration for determining impact with the management units for instream flow in WAC 173-563-040 (1) as illustrated in Alternative 4C-2 of Figure 6-2A.

The 6.2.7 discussion is confined to the legislative policy of "no negative impact" to instream flows in specified months as a result of a VRA. But Ecology raises further

questions of legislative authority as to the non-specified months on page 4-49 of the DPEIS as follows:

The administrative rule for the Columbia River establishes instream flows for all months of the year, not just July and August. By providing that if a new water right does not have a negative impact on the Columbia River flows during the months of July and August, impacts to instream flows have been mitigated, the legislature decided that water is available during the other ten months of the year. Further, by directing Ecology to only consider impairment of instream flows during the referenced summer months, the legislature has effectively made an overriding consideration of the public interest determination that the adopted instream flows outside of July and August will not be protected.

69-7 This appears to be inconsistent with RCW 90.90.030(8), which prohibits any interpretation or administration of the section regarding VRAs "that impairs or diminishes a valid water right or a habitat conservation plan for purposes of compliance with the federal endangered species act."

The Ecology views quoted above are an interpretation of legislative intent on a fundamental and critical foundation policy of the Act. It appears the "no negative impact" policy should be clarified by the Legislature for all months of the year in relation to new water right applications as may be filed with Ecology within or outside of a VRA process.

While the question of how to measure the "no negative impact" policy is not addressed, it seems clear there is to be no net reduction in flow in the specified months. However, what is the baseline against which this is to be measured? Is this to be based on some historical flow period of monthly averages such as used in the Federal Columbia River Power System Biological Opinion, or some other base?

Comment Letter No. 69 – Vinsonhaler, Larry

69-1. See the response to Comment 12-1.

69-2. See the responses to Comments 9-8, 9-9, 9-10, and 9-14.

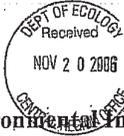
69-3. See the response to Comment 9-8.

69-4. See the response to Comment 9-8.

69-5. See the response to Comments 9-9 and 21-15.

69-6. See the response to Comments 9-10 and 21-17.

69-7. See the response to Comment 9-14.



Comment Form

Draft Programmatic Environmental Impact Statement (EIS)

Open House

Please provide us with your comments on the Draft Programmatic EIS for The Columbia River Water Management Program. You can complete this form and leave it in the box provided or mail to the address on the back. In addition, you can email your comments to dsan461@ecy.wa.gov.

Comments on the Draft EIS must be received by 5 p.m. November 20, 2006.

70-1 When in college I studied Geology and did research on the Columbia River Basin in Washington. Why start another LAND GRAB when you have not completed the previous Columbia Project.

70-2 The eventual cost of building a dam in the Hawk Creek area could be prohibitive as the eventual sloughing-off of the hillsides fill the water basin unless extensive construction of walls to hold back rocks and soil are completed and kept in excellent condition.

Don't forget the Eagles that nest in the lower Hawk Creek area. They may not survive the disturbance of their habitat.

70-3 In 1985 I finally earned and saved enough money to begin building my leg home on the inside corner of Hawk Creek & Whitney Roads. It is for myself and family. It cannot be moved (without tearing it down) just because a few people have decided to take our property for the benefit of other people.

Our Family has lived on Stock Creek or Hawk Creek since 1948

Department of Ecology
Attn: Derek Sandison
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

Department of Ecology
Attn: Derek Sandison
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

Follow progress on the EIS at our website <http://www.ecy.wa.gov/programs/wr/cwp/crwmp.html>.
Provide your contact information- you will be added to the CRWMP e-mail list and receive automatic updates on the Program.

Name: Helen Whitney Virgin, Ph.D.
Address: 22583 Whitney Rd E.
City, State, Zip: Davenport, WA 99122
E-mail: None

Comments must be received by 5 p.m. November 20, 2006.
Please return this comment form tonight or mail to the address above.

Comment Letter No. 70 – Virgin, Helen, PhD

70-1. Comment noted.

70-2. The Hawk Creek site has not been selected for a reservoir site and is undergoing additional studies for feasibility. See the Master Response regarding Future Studies for Off Channel Reservoir Proposals.

70-3. Comment noted.

COMMENT LETTER NO. 71

Lynn Fackenthal Wells
self
5924 Homestead Way
Nine Mile Falls WA 99026 (509) 467-2571
lynnfwells@juno.com

71-1

Please do not consider creating more Dams. In Lake Spokane (created by Long Lake Dam in 1917) we have many issues with noxious weeds and sediment buildup. Creating a new Dam will further degrade the immediate area and the BENEFIT has not been shown to the majority of people adversely impacted.

11/20/2006 11:23:00 AM

Comment Letter No. 71 – Wells, Lynn Fackenthall

71-1. Comment noted. See the Master Response regarding opposition to dams.

Sandison, Derek (ECY)

From: Barbara Winkle [Barb@rockwoodretirement.org]
Date: Sunday, November 19, 2006 10:09 PM
To: Sandison, Derek
Subject: Regarding the construction of new dams in our state.

Derek Sandison
Department of Ecology CRO
15 W. Yakima Ave., Suite 200
Yakima, WA 98902-3452

Dear Mr. Sandison,

As a Sierra Club member, and also one involved with environmental issues through my church, I would like to add my voice to those who are very concerned about possible new dam construction in our state - in particular, right now, on the Columbia River. We human beings tend to take so much, and take much of what we have for granted, then full speed ahead, grabbing even more - regardless of who or what we have to destroy to get it. Ironically we are the species who know, or at least should know just how interconnected all life is to each other, and how important that connection is. And yet we seem not to have realized that so many of our actions have resulted in our not only "messing our own human nest", but the nest of all life on this planet.

Dams have given us some wonderful benefits, I wouldn't deny that, but we need to focus more on other means of obtaining energy, ways to obtain water, ways of conserving in many areas of our life - and use our intelligence & common sense to re-define how we will live. We can actually have a better life working towards preserving and protecting our environment.

We may be at the top of the food chain, but when those supposedly below us start to collapse, we won't be far behind - and we'll take with us the shame that we had choices that other life forms did not. We just didn't have the strength of character to care enough to make the right choices.

Some destroy lands that support a diversity of species, including endangered wildlife. These habitats on the Columbia Plateau be protected from development. How much land do we have to grab? How much will be enough? We do not have the right to ...doze, pollute or poison other life forms from this planet. They are important in their own right. As with so many other areas on this earth, these last pockets of the Columbia Plateau habitat are valuable and should be protected from development.

I am sure that those involved in this decision have heard all of the pros and cons - many arguments stated well by those who really know details of both the benefits and dangers. I know that other comments and arguments have been presented, so I won't list all that I have researched in favor of my argument. But just to say that we all know that dams do not help fish. And more dams - well... And the release of this so-called "new water"? Won't help - there is not enough available water as it is and if our global environmental status in general continues "status quo" or worsens, we might one day, have to rename the Columbia River, the Great Dry Run.

Our state needs to do more to promote sustainable earth friendly agricultural methods that will allow the production of (& most likely, healthier) crops and/or livestock while preserving and improving the ecosystem, including maintaining soil fertility, as well as water quality and quantity, preserving biodiversity, and otherwise protecting natural resources. With thought, determination, and heart, it can be done.

Please, reconsider the many negative impacts of new dam building - and please take into consideration, the intrinsic value of all life, and the right of all species to that life. It will make us better human beings, not only from a practical standpoint, but more importantly, from the standpoint of the character of our souls - for this time and for the future. Thank you for considering this letter.

Respectfully yours,

Barbara Winkle
3231 W. Boone Avenue #911 Spokane, WA 99201-3111
Home: 328-6624

This is my work e-mail address. If any response, feel free to e-mail or use my home address.

11/25/2006

Comment Letter No. 72 – Winkle, Barbara

72-1. Comment noted. See the Master Response regarding opposition to dams.

NOVEMBER-16-2006



DEREK.

73-1

After reviewing some of the maps and listening to some of the citizens whom attended your meetings in the towns, which by the way were not held next to where the people will be impacted.

73-2

I realize this is yet another bureaucratic democratic waste, not only of my tax dollars but of the time and recourses of many people and nature. For one you people have yet to show me, a land owner two pieces of paper that are consistent with one another. Are these dams for power generation, are they for irrigation, or are they for salmon recovery? They can not be for all three at the same time. Simple plans exist for answers to all three of the problems poised above but you narrow minded democratic politions cant seem to understand common sence. And i for one will not support you nor will many others support you in your efforts to fast track an idia brewed up by a bunch of people whom havent a clue to solving what the real issues are and refuse to look not only at ideas and programs that are working but to realize that change although inevitable is not the best for all people involved. Many questions remain to be asked on this project but alas i myself am very passionate to the point of anger and would only cause a big disturbance if i was to attend your meetings, which i would like to do with my father but him being 87 years old and unable to travel the distance to attend them to voice his opinion backed by years of wisdom is something that is not possible at this time. [Did i mention both him and I are land owners?] I understand the Dept. of Ecology is given the task to protect the natural recourses of the United States, which i personally feel is an agency totally out of control and needs to be reigned in drastically, why are you doing this investigation? Have you ever stopped to look at what will be lost forever if you put these dams in? Natural habitate for thousands of animals and birds some endangered and some you will never know about because you have never spent time walking where i have walked next to the land that will be flooded and listened to the sounds of nature and to spirit of the land and the souls that dwell their. [Read burial grounds in the last sentence]. A suggestion to you Derek ,why

73-3

dont you make a stand if you are for these dams, then stand up and say i am for them and this is why and these are the reasons for such, try to convince me of the wisdom of your plan. However, if you are against these dams then why dont you make a stand and remove yourself from the podium go to your supervisor and proclaim that due to the conflict of my personal ethics i can no longer work on this project, and if it means securing another job, so be it. How much forituide do you posess Derek? Probably not as much as is needed to do what i suggested you to do. I on the other hand posses a lot and am willing to make a stand and fight to the end a bunch of democratic bureaucratic idiots who can call this idea theirs. This is a loose loose program stop the program quite wasteing the money now and put it into the programs that are working and into research to find some new answers to the above problems, finish the columbia basin project as devised years ago, sorry dude it never got done. DON'T however try to cover my land with water it wont be an easy thing to do.

Comment Letter No. 73 – Indecipherable Signature

73-1. See the response to Comment 36-2 regarding public notification and meeting locations.

73-2. Ecology is implementing the Management Program that was enacted by the state legislature. Impacts to the resources you mention will be evaluated in future project level review (See Section S.4 of the Final EIS).

73-3. Comment noted.



Comment Form

Draft Programmatic Environmental Impact Statement (EIS)

Wenatchee Open House

Please provide us with your comments on the Draft Programmatic EIS for The Columbia River Water Management Program. You can complete this form and leave it in the box provided or mail to the address on the back. In addition, you can email your comments to dsan461@ecy.wa.gov.

Comments on the Draft EIS must be received by 5 p.m. November 20, 2006.

Conditioning Water Rights on in-stream

flows -

Policy Alt # 2 is the most

practical and beneficial for

municipal users while still giving

reasonable protection to in-stream flows

Comment Letter No. 74 – Anonymous

74-1. See the response to Comment 9-11.



Comment Form

Draft Programmatic Environmental Impact Statement (EIS) OF ECOLOGY RECEIVED

Open House



Please provide us with your comments on the Draft Programmatic EIS for The Columbia River Water Management Program. You can complete this form and leave it in the box provided or mail to the address on the back. In addition, you can email your comments to dsan461@ecy.wa.gov.

Comments on the Draft EIS must be received by 5 p.m. November 20, 2006.

To whom it may concern:

I live in Hawk Creek Canyon and built in 2000 - Since then I have built a horse ranch with over 500 RR trees for fences and buildings for my horses when I read about the proposal I was just sick because I was born and raised in this area and it has been my home for 55 years.

Hawk Creek is a beautiful area and creek. It would be such a loss to my family and grand children who also live in Hawk Creek.

PLEASE RECONSIDER!

Why was the meeting held in Colville ??? I didn't hear about it!
Frank Yarn
John E. Johnson
36550 Hawk Creek Rd

75-1

75-2

Comment Letter No. 75 – (Indecipherable First Name) Johnson

75-1. Hawk Creek has not been selected as a reservoir location and is undergoing additional feasibility studies. See the Master Response regarding Future Studies for Off Channel Reservoir Proposals.

75-2. See the response to Comment 36-2 regarding meeting locations and public notification.

DOE 10-24-06

1 MR. LOUIS NEVSIMAL, Washington State Bass
2 Federation, Consu. Project Manager: My first comment is
3 most of the water being diverted in this project will pass
4 through Banks Lake Reservoir as its first step from the
5 Columbia. This will increase flows through Banks Lake
6 approximately 20 percent.

7 There are comments in the draft that indicate that
8 Banks Lake may be operated two feet higher than current pull
9 restrictions allow. There are also comments they may
10 operate lower than their current restricted low levels
11 without need for an EIS and as required, quote, unquote, out
12 of the document.

13 Both of these operations on Banks Lake would have
14 adverse effects on fisheries as well as economic impacts on
15 resorts and tourism. Some of them would require significant
16 mitigation to flooding of low lying resort areas.

17 The current draft EIS is woefully inadequate on the
18 studies of the effects of warm water species within Banks
19 Lake, Potholes Reservoir, as effected by this document.

20 More information is displayed in the draft on carp
21 issues than any other warm water species. We find this to
22 be unacceptable.

23 Current studies on Banks Lake indicate that photo-
24 plankton, zooplankton, and chronic mid levels are low and
25 fluctuate dramatically with irrigation demands.

DOE 10-24-06

1 We are concerned that increase in water through Banks
2 Lake would further deplete these current base items of the
3 food chain.

4 We are concerned with increased entrainment and would
5 hope this would lead to better fish exclusion devices on
6 Banks Lake. And we are very concerned with the designated
7 effects on wetlands and other critical or essential
8 habitats.

9 It would benefit the final draft document of this EIS
10 to indicate to some degree projected watt of levels under
11 this plan for Crab Creek, Potholes Reservoir, Scootney
12 Reservoir, Billy Clap Reservoir and Banks Lake.

13 That's about all I have right now.

14 MS. TERESE SCHROM: Our first question is what
15 considerations have been done as far as the families that
16 would be displaced? We have very old farms down there.
17 They are probably some of the oldest in the county.

18 And the second question is what does your evaluation
19 process do to our property values?

20 MS. ANITA SATHER: So what I wanted to add to
21 that was that we get the appraisal study in March and it
22 looks like it's going to be a definite, then nobody wants to
23 buy our property.

24 What kind of consideration is it -- whoever is doing
25 it, ecology or whoever, what kind of consideration are they

DOE 10-24-06

76-7 [1 working on to make that easier?

76-8 [2 MS. TERESE SCHROM: To add on to that, we operate
3 a farm, we need to make improvements. Will we be able to go
4 to a bank and make improvements to keep our livelihood up as
5 this whole process goes? Or is it going to be -- they are
6 going to say no, we are not going to loan you money for
7 improvements because everything is up in the air?

8 MS. SHIRLEY STEWART: I'm concerned with the
9 future of our ranch; that I have a son and grandsons that
10 are wanting to run it after this, how much time they've got
76-9 11 or if it really is going to happen?

12 We're in the cattle business and you have to look to
13 the future of developing the place for more, if it's
14 feasible. I guess that's my comment.

15 MR. M. L. SEROSKY: I want to say that anything
16 and everything here is all tainted towards the government's
17 view of things. And dealing with the Milwaukee Railroad
76-10 18 right-of-way, I am rather bitter at the way things are
19 tainted towards the government. And I am also a resident of
20 Smyrna and a water user. And I am in opposition to this
21 project.

22 An ungrateful rebellious dissident, truly yours, me.

23 (Proceeding concluded at 6:30 p.m.)
24
25

DOE 10-24-06

1 REPORTER'S CERTIFICATE

2
3 I, CATHY S. OLSEN, Certified Court
4 Reporter, do hereby certify:

5 That the foregoing proceedings were taken
6 before me at the times and place therein set forth;

7 That the testimony and all objections made
8 were recorded stenographically by me and were thereafter
9 transcribed by me or under my direction;

10 That the foregoing is a true and correct
11 record of all testimony given, to the best of my ability;

12 That I am not a relative or employee of
13 any attorney or of any of the parties, nor am I financially
14 interested in the action;

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand and affixed my official seal this 6th day of November,
17 2006.

18 Cathy S. Olsen
19 CATHY S. OLSEN, CCR
20 CCR # 1929
21 Notary Public in and for the
22 State of Washington, residing
23 at Wenatchee.

24 My commission expires on November 1, 2009.
25

Comment Letter No. 76 – Transcript Moses Lake Public Open House

- 76-1. **Louis Nevsimal** See the response to Comment 29-1.
- 76-2. See the response to Comment 29-4.
- 76-3. Comment noted. Additional information on Banks Lake has been included in the Final EIS.
- 76-4. The projected water levels for Crab Creek have not yet been determined and are the subject of a study and environmental review being performed by Reclamation as part of the Supplemental Feed Route Study. The proposal to withdraw 30,000 acre-feet for Odessa Subarea groundwater users could slightly change operating levels in Banks Lake; however, the future operating levels have not been determined and are subject to an environmental review that Ecology will prepare for the drawdown proposal. Billy Clapp Lake is small and does not have significant storage and the water levels would not likely change for this drawdown proposal. The water levels for Potholes Reservoir should not change as no additional water is being delivered to Potholes with this proposal. The water level for Scootenev Reservoir also will not change as the operations of the East Low Canal would not change near its terminus.
- 76-5. **Terese Schrom** If a reservoir location is selected at Crab Creek, compensation for property acquisition and displacement would be negotiated according to federal and state regulations. Impacts to existing residents, including displacement impacts, would be incorporated into site-specific studies of reservoir alternatives.
- 76-6. The impact of the studies on property values is difficult to predict. Because of the high degree of uncertainty about locating a reservoir at any of the locations, it is unlikely that property values will be affected in the short-term. See the Master Response regarding Future Studies for Off Channel Reservoir Proposals for the expected timeline of studies, including future economic studies. Site specific impacts, including potential impacts to property values, will be incorporated into the feasibility analyses and environmental evaluations for specific reservoir proposals.
- 76-7. **Anita Sather** See the response to Comment 76-6.
- 76-8. **Teresa Schrom** All proposed projects will be evaluated in terms of economic cost-effectiveness. Impacts to property owners, including potential for displacement of homeowners, will be incorporated into this analysis. Impacts to property owners resulting from proposed projects associated with the Management Program will be mitigated in accordance with applicable federal and state guidelines. Implementation schedules for proposed projects will be publicly available, and project proponents will coordinate with all potentially affected property owners, to reduce uncertainty and provide notification well in advance of proposed actions. Ecology acknowledges the potentially disruptive effects on property owners and will work with them to reduce impacts to their livelihood as proposals are being evaluated.

- 76-9. **Shirley Stewart** See the Master Response regarding Future Studies for Off Channel Reservoir Proposals for the anticipated timeline.
- 76-10. **M.L. Serosky** Comment noted.

COMMENT LETTER NO. 77

From: Paneen Allen [mailto:paneenallen@msn.com]
Sent: Monday, November 20, 2006 9:32 AM
To: Sandison, Derek
Subject: Columbia River Water Resource Management Program

TO: Washington State Department of Ecology
FM: Paneen Allen
RE: Proposed Dam of Hawk Creek Canyon

I am a resident of Hawk Creek Ranch. The proposed dam is an example of short sightedness. The US Government has not taken on such a project in decades. In fact, we can't even build a wall along our southern border. We need to think of other ways to solve the water needs of the agricultural industry that is located outside of Lincoln County.

Your stated objective "Sustains growing communities and a healthy economy and meets the needs of fish and healthy watersheds." Growing beyond the sustainability of the natural resources is surely illogical. And, it seems that the Dept of Ecology is playing God, trying to make a garden in the desert and full it with people beyond natural capacity. It is absurd. Perhaps Washington should also try to grow bananas, pineapples, coconuts and coffee.

Solutions. Stop pushing growth. Just say no to more water use. The bigger the farms, the more illegal aliens will flood here to pick the fruit, the more water they will need to use. Improve existing irrigation systems. Use non-violent prison labor to pick fruit and work on upgrading the existing irrigation. Why not dig a reservoir near the places that need water? A driving trip into the heart of the Washington desert reveals less inhabited and closer sites for a reservoir than Hawk Creek.

First you propose to build a huge dam. (billions of dollars). Then pump water from the Columbia River into the reservoir. Then pump the water many miles to the areas in need. (billions of dollars) We may as well construct a canal from the Columbia and divert a portion to the desert like what was done to the Colorado River. Digging a reservoir closer to the needed areas (billions of dollars) and pumping water from the Columbia (billions of dollars) could be cost effective. And, there are the long-term maintenance of the dam and pumping stations that will cost forever.

Who will pay for this project? -Tax payers from Florida? The farmers? The Yakima Valley residents? I know that the residents of Hawk Creek will be paying hefty legal fees to stop this absurd dam project. It is rather deceitful that none of the residents of the effected areas have had any notification nor been invited to attend any of the meetings that you have conducted.

We understand that your department is just trying to solve a problem that exists all over the world, even in the animal world - "who gets the water?" Surly the highly educated minds of your department can be creative and design a water use plan that has less environmental impact. Obviously the old model of "dam and pump" has not worked.

Paneen C. Allen

77-1

Comment Letter No. 77 – Paneen C. Allen

- 77-1 See the Master Response regarding Future Studies for Off Channel Reservoir Proposals.
See the response to Comment 36-2 regarding meeting locations and notification.

COMMENT LETTER NO. 78

From: Paneen Allen [mailto:paneenallen@msn.com]
Sent: Monday, November 20, 2006 9:33 AM
To: Sandison, Derek
Subject: Columbia River Water Resource Management Program

TO: Washington State Department of Ecology

FM: Baron Allen

RE: Proposed Dam of Hawk Creek Canyon

Our family was driven out of Southern Arizona because the Federal Government would not enforce immigration law. Violence and crime became so pervasive that we couldn't even go for a walk in the desert. I had to guard our son at the bus stop because there might be young men walking down the highway from Mexico, some sporting gang tattoos. Even our Representative, Jim Kolby's home was invaded. So, I retired from a 30-year teaching career and moved our family business to Hawk Creek last year only to learn that we may be submerged by more government insanity.

Hawk Creek is located far from the place where the irrigation water is needed as wheat is not irrigated. This valley is full of families, animals and is sacred Indian land. Expect a large class action lawsuit from the property owners immediately upon the announcement of a dam as no one can sell and no one will invest in the area.

78-1

Because the Hawk Creek site is the most illogical, I'm sure the government will choose it for the dam, casting a pall on all of our property values. Remember, the government subsidized many of the agricultural wells that have depleted the aquifers.

In my 56 years on Earth, I have seen growth destroy the quality of life throughout the nation. It is ironic that this growth has come from outside the country. The US, Canada and Japan have stagnant population growth, yet the US has absorbed 90 million legal and illegal immigrants in the last 32 years

There are enough dams on Washington's rivers. We need to change the way we use water. We cannot grow forever. Conservation techniques should be the thrust, not the demands of California on the BPA. How many pumping stations using electricity would be required to move this water? Is Rube Goldberg the Chief Engineer?

Comment Letter No. 78 – Baron Allen

78-1 See the Master Response regarding Future Studies for Off Channel Reservoir Proposals.