



**Final Programmatic
Environmental Impact Statement
For The Columbia River Water
Management Program
Under Chapter 90.90 RCW**

**Volume II
(Comments and Responses)**

February 15, 2007
Washington State Department of Ecology
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COMMENTS AND RESPONSES

The public comment period on the Draft EIS was held from October 5 to November 20, 2006. The comment period was extended to November 22, 2006. All of the written comments are reproduced and included in this volume of the Final EIS. To save space, the comments have been reduced to allow two pages to be reproduced on one page. Responses to each comment letter follow the reproduced letter.

Ecology received several comments on some issues. Master Responses to those comments begin on page 5 of this volume and are referred to in the comment responses. Master Responses are provided for the following issues:

- Programmatic Environmental Impact Statements
- Future environmental review for off-channel storage proposals
- July/August mitigation period for Voluntary Regional Agreements
- General opposition to dams and reservoirs

List of Commenters

- Comment Letter No. 1—Confederated Tribes of the Umatilla Indian Reservation
- Comment Letter No. 2 – Yakama Nation – DNR
- Comment Letter No. 3 – Confederated Tribes of the Colville Indian Reservation
- Comment Letter No. 4 – Spokane Tribe
- Comment Letter No. 5 – Columbia River Inter-Tribal Fish Commission
- Comment Letter No. 6 – U.S. Dept. of the Interior – Bureau of Reclamation
- Comment Letter No. 7 – U.S. Dept. of the Interior – National Park Service
- Comment Letter No. 8 – Department of Energy – Bonneville Power Administration
- Comment Letter No. 9 – Washington Department of Fish and Wildlife
- Comment Letter No. 10 – Dept. of Archaeology & Historic Preservation
- Comment Letter No. 11 – DNR – Washington Natural Heritage Program
- Comment Letter No. 12 – Benton County Board of County Commissioners
- Comment Letter No. 13 – Klickitat County
- Comment Letter No. 14 – Stevens County Commissioners
- Comment Letter No. 15 – Walla Walla County
- Comment Letter No. 16 – City of Wenatchee
- Comment Letter No. 17 – PUD No. 1 of Chelan County
- Comment Letter No. 18 – Grant County PUD
- Comment Letter No. 19 – East Columbia Basin Irrigation District
- Comment Letter No. 20 – Kennewick Irrigation District
- Comment Letter No. 21 – American Rivers
- Comment Letter No. 22 – Center for Environmental Law and Policy
- Comment Letter No. 23 – Columbia Institute for Water Policy
- Comment Letter No. 24 – Columbia Riverkeeper
- Comment Letter No. 25 – The Lands Council
- Comment Letter No. 26 – Sierra Club’s Upper Columbia River Group
- Comment Letter No. 27 – Center for Water Advocacy
- Comment Letter No. 28 – Citizens for a Clean Columbia (Wenatchee)

Comment Letter No. 29 – Washington State Bass Federation
Comment Letter No. 30 – Columbia-Snake River Irrigators Association
Comment Letter No. 31 – Northwest Pulp & Paper Association
Comment Letter No. 32 – Stevens County Farm Bureau
Comment Letter No. 33 – Ackerman, Laura/Larry Hampson
Comment Letter No. 34 – Albright, Nancy
Comment Letter No. 35 – Aldrich, Lois
Comment Letter No. 36 – Bowdish, Barney
Comment Letter No. 37 – Bryant, Paul
Comment Letter No. 38 – Buday, Bernie
Comment Letter No. 39 – Burgoon, Peter
Comment Letter No. 40 – Daehlin, Wanda
Comment Letter No. 41 – Dalsaso, Julie
Comment Letter No. 42 – Droz, Susan
Comment Letter No. 43 – Duba, Jason
Comment Letter No. 44 – Eykel, Frans
Comment Letter No. 45 – Eyler, Yvonne
Comment Letter No. 46 – Fraley, Peter A.
Comment Letter No. 47 – Gilman, Jena
Comment Letter No. 48 – Haggin, Bart
Comment Letter No. 49 – Halvorson, Jacqueline
Comment Letter No. 50 – Hansen, Dwight
Comment Letter No. 51 – Hokonsoon, Suzi
Comment Letter No. 52 – Hollingsworth, James
Comment Letter No. 53 – Jokela, Mary
Comment Letter No. 54 – Kriesel, Carol
Comment Letter No. 55 – Lackaff, Beatrice
Comment Letter No. 56 – Langford, James
Comment Letter No. 57 – Marker, Paul
Comment Letter No. 58 – Michel, Devon (Saddle Mountain Ranches, Inc.)

Comment Letter No. 59 – Michel, Devon (Rocky Butte Land and Cattle, LLC)

Comment Letter No. 60 – Morrison, Harvey

Comment Letter No. 61 – Peterson, Mark

Comment Letter No. 62 – Peterson, Mark

Comment Letter No. 63 – Prchal, Joan

Comment Letter No. 64 – Soeldner, W. Thomas

Comment Letter No. 65 – Stewart, Don D.

Comment Letter No. 66 – Tansy, Kelly

Comment Letter No. 67 – Treecraft, Jan

Comment Letter No. 68 – Verret, Cathy

Comment Letter No. 69 – Vinsonhaler, Larry

Comment Letter No. 70 – Virgin, Helen, PhD

Comment Letter No. 71 – Wells, Lynn Fackenthall

Comment Letter No. 72 – Winkle, Barbara

Comment Letter No. 73 – Indecipherable Signature

Comment Letter No. 74 – Anonymous

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

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

Comment Letter No. 77 – Paneen Allen

Comment Letter No. 78 – Baron Allen

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Master Responses

A large number of comments were submitted in response to the Draft EIS. There were several themes that were repeated in numerous comments. These themes or issues are summarized below, with an accompanying response.

PROGRAMMATIC EIS PREPARATION

ISSUE: Numerous comments stated that the Management Program EIS was premature and that the analysis did not contain enough details to evaluate potential impacts. Other comments stated that by preparing a programmatic EIS, Ecology was piece-mealing the analysis of Management Program impacts.

RESPONSE: In accordance with the State Environmental Policy Act Rules (Chapter 197-11 WAC), Ecology has assessed the environmental impacts associated with implementation of the Columbia River Management Program (Management Program) using a “broad to narrow” approach. This approach is referred to as phased review, and is appropriately used to assist “agencies and the public to focus on issues that are ready for decision and exclude from consideration issues already decided or not yet ready.” The Programmatic Environmental Impact Statement (EIS) evaluates the principal components of the Management Program authorized under the Columbia River Water Management Act. These components include storage, conservation, Voluntary Regional Agreements, instream flow and several administrative support functions. This EIS evaluates impacts associated with alternative methods or approaches to implementing these components, and acknowledges that additional, more detailed analysis will be conducted as specific projects are identified.

WAC 197-11-055 (2) notes that “The lead agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.” Consistent with this guidance, Ecology has prepared its EIS at a time when the principal components have been identified and the effects of implementation can be reasonably identified. However, many specific projects associated with the Management Program are not yet identified, and only limited information is available for some of the projects that have been identified.

EISs may be “phased” in appropriate situations (WAC 197-11-060 (5)). WAC 197-11-060(5)(a) states that “Lead agencies shall determine the appropriate scope and level of detail of environmental review to coincide with meaningful points in their planning and decision making processes.” WAC 197-11-060(5)(g) states “Any phased review shall be logical in relation to the design of the overall system or network...”

Ecology has conducted the phased review of the Management Program consistent with WAC 197-11-060(5). At this time, broad policy concepts have been developed; these concepts will be further refined as Ecology enters into implementation of the specific elements of the program. The purpose of this Programmatic EIS is to frame or “bracket” the potential range of impacts, so that the broad implications and tradeoffs associated with implementing the program can be

understood. Accordingly, the impact evaluation is based on currently available information and published reports, and does not include extensive site-specific investigations, which are more appropriately conducted during project or construction level evaluations. Similarly, mitigation measures are broadly framed to give an understanding of the potential range and effectiveness of mitigation. Site specific investigations will include development of specific mitigation measures that fall within the general categories of mitigation discussed in this document.

The EIS also evaluates three actions identified for early implementation, including drawdowns of Lake Roosevelt, a supplemental feed route to supply Potholes Reservoir, and the proposed Columbia-Snake River Irrigators Association (CSRIA) Voluntary Regional Agreement. These activities have been developed to a higher level of detail than the broad components of the program. These actions are called out separately in the document to indicate that they are at a different point in the planning process, and would be implemented at an earlier time than other identified components of the process. Ecology intends to proceed with these actions as soon as possible after completion of this EIS; however, both the Lake Roosevelt Drawdown project and the Supplemental Feed Route project will likely require subsequent SEPA threshold determinations and potential additional environmental review. Specific projects associated with the CSRIA VRA may require additional SEPA review. Therefore, these early action components are appropriately included in this Programmatic EIS, with an acknowledgement that additional evaluation will likely be conducted prior to implementation of project actions.

The Programmatic EIS acknowledges that additional site-specific SEPA evaluation and in some cases NEPA documentation will be conducted as part of specific project evaluations. Tables S.1 and S.2 summarize the anticipated schedule of subsequent environmental review for specific components of the Program. These evaluations would be appropriately characterized as “narrow” in accordance with WAC 197-11-060(5). Any additional or cumulative impacts associated with those facilities that have not currently been identified will be comprehensively discussed as part of those subsequent documents.

FUTURE STUDIES FOR OFF-CHANNEL RESERVOIR PROPOSALS

ISSUE: Several comments addressed potential impacts of the off-channel reservoir proposals being considered evaluated under a separate program by Ecology and Reclamation.

RESPONSE: In December 2004, the Bureau of Reclamation (Reclamation), the State of Washington, and the three Columbia Basin Irrigation Districts entered into a Memorandum of Understanding (MOU) that is intended to promote improved water management of the Columbia River. Under provision of Sections 6 of the MOU, Reclamation and the Department of Ecology (Ecology) are conducting an appraisal level study, of potential Columbia River mainstem off-channel storage sites. While the MOU predates passage of the Columbia River Water Management Act (Act) by the Washington State Legislature, the storage study is being funded through the new Columbia River Water Supply Development Account created by the Act. As such, the storage study is considered part of the storage component of the Columbia River Water Management Program described in Section 2.1.2.1 of this Programmatic Environmental Impact Statement (EIS). This EIS addresses the Columbia River Water Management Program as a whole, but is not intended to provide detailed information or analysis regarding potential new

storage sites. As discussed below, such detailed information would be provided in a future construction EIS specifically addressing the storage sites if the study proceeds beyond an appraisal level of evaluation.

The Department of Ecology is currently cooperating with the Bureau of Reclamation in the appraisal level study. Appraisal studies are brief preliminary investigations used to determine the desirability of proceeding to a more detailed feasibility study. Appraisal studies are authorized under the Federal Reclamation Law (Act of June 17, 1902, Stat. 388 and acts amendatory thereof or supplementary thereto). Appraisal studies generally rely on existing data and information to develop plans for meeting current and projected needs and problems in a planning area. In contrast, feasibility studies involve generation and collection of detailed, site specific data concerning a project and reasonable alternatives. Feasibility studies are usually integrated with National Environmental Policy Act (NEPA) compliance, potentially including development of a NEPA EIS.

As discussed in Section 2.1.2.1 of the EIS, eleven sites were originally considered in a Pre-Appraisal Report completed by Reclamation in December 2005. Reclamation and Ecology conducted screening of the 11 sites to eliminate sites that were considered to be located too far downstream in the Columbia River to be integrated into the operation of Reclamation's Columbia Basin Project, too small, or that represented a high risk of failure or excessive leakage. Six sites were eliminated based on the screening criteria. An additional two sites are located on the Colville Reservation and were dropped from further consideration at the request of the Confederation Tribes of the Colville Reservation. As a result, only four sites are being addressed in the appraisal study currently being undertaken by the Bureau of Reclamation. These four sites are Hawk Creek, Foster Creek, Sand Hollow, and Crab Creek. Information regarding the storage study and the identity of the four sites under consideration was presented in news release distributed to approximately 100 television and radio stations and daily and weekly newspapers serving central and eastern Washington.

The current appraisal study will not result in any site or sites being selected for construction of a storage facility. The development of a storage facility at any of the sites is not imminent; nor is it certain that additional studies will be performed on any of the sites beyond the current preliminary study. The results of the appraisal study will be used by Reclamation and Ecology to determine if additional studies of any of the sites are warranted and whether Congressional authorization will be sought to proceed to a feasibility study and EIS.

The appraisal study will evaluate whether any of the sites appear capable of safely providing a minimum of 1,000,000 acre-feet of active storage. The study will provide a preliminary assessment of the potential impacts of reservoir development on the built and natural environment, including impacts to cultural resources. During the Appraisal Study, the four sites will be further screened to identify one or two sites that may be suitable to move forward into a Feasibility Study and joint NEPA and State Environmental Policy Act (SEPA) EIS. The screening will involve evaluation of the sites for technical feasibility, preliminary costs, degree of potential benefits, as well as the extent of potential adverse environmental, socioeconomic and cultural resource impacts. Areas of concern for potential adverse cultural and environmental impacts include, but are not limited to:

- Native American trust assets and sacred sites;
- Archeological resources;
- National Historic Register eligible resources;
- Special-status aquatic and terrestrial species (for example, federal threatened and endangered species and state sensitive species);
- Special-status habitat (for example, shrub-steppe habitat) and conservation/preservation designated areas (for example, Wild and Scenic River Areas and federal or state wildlife refuges);
- Existing residential, agricultural, extractive industrial, and recreational land uses (displacement impacts); and
- Existing transportation, communication, and utility infrastructure.

In depth analysis of such impacts would be analyzed in an EIS, should the project proceed to a feasibility study. It is not possible to determine the exact timeline for a feasibility study, EIS, and construction because of the many unknown variables, including whether any sites warrant additional study, whether Congressional authorization and appropriation of funding can be secured. It is unlikely that any storage facility could be developed before 2020.

An estimate of the timing for the current appraisal study and the potential future feasibility study and EIS, should they be pursued, is as follows:

Future Review Action	Expected Date of Completion	Comments
Appraisal Report	March 2007	Four sites narrowed to one or two.
Feasibility Study	2008-2011	Congressional authorization required
NEPA EIS	2008-2011	Part of required Congressional authorization
SEPA EIS	2008-2011	Prepared concurrently with NEPA EIS

JULY/AUGUST MITIGATION ISSUE

ISSUE: Several comments were received stating that the mitigation periods outlined in the Management Program are not adequately protective of fish, and should not be limited to July/August for the Columbia River. Some commenters questioned what the basis was for choosing only that period. Some commenters also question the impact of this mitigation period on Biological Opinion flows.

RESPONSE: The July/August mitigation period for the mainstem Columbia River and April to August period for the mainstem Snake River were established by the legislature (RCW 90.90.030(2)(a) and (b)). The mitigation periods apply only to Voluntary Regional Agreements (VRAs) and not to other components of the Management Program. The legislature determined these time periods to be adequate for purposes of mitigating potential instream flow impacts of VRAs based on interpretation of information contained in the National Resources Council document, *Managing the Columbia River: Instream Flows, Water Withdrawals, and Salmon Survival*. Any changes to this mitigation period would require legislative action to amend the statute.

While the legislation constrains the period for mitigation associated with VRAs, there are no such constraints on the other components of the Management Program. The primary directives of the Columbia River Water Management Act, is for the Department of Ecology (Ecology) to:

“ . . . aggressively pursue the development of new water supplies to benefit both instream and out-of-stream uses (RCW 90.90.005).”

Ecology is pursuing a full range of options for augmenting instream resources including development of new storage, modification of existing storage, and conservation. Ecology intends to continue working with the Washington Department of Fish and Wildlife and the fisheries co-managers to determine the specific critical periods for when water supplies developed through the Management Program should be available for instream use. Such critical periods are not limited to July and August in the Columbia River and April through August in the Snake River.

Other protections from the potential impacts of VRAs on stream flows are provided in Sections 90.90.030(7) and 90.90.030(8) of the Water Management Act. These sections state that VRAs may not be interpreted or administered to preclude the processing of water right applications under the Water Code (Chapter 90.03 RCW) or the Groundwater Management Act (Chapter 90.44 RCW) (RCW) and that VRAs must not impair or diminish a valid water right or a habitat conservation plan approved for compliance with the Endangered Species Act (RCW 90.90.0303(8)).

OPPOSITION TO DAMS AND RESERVOIRS

ISSUE: A number of comment letters were received expressing opposition to storage projects in general, because of potential impacts to fish, water quality, upland habitat, and community/economic issues.

RESPONSE: In responding to the legislative directive contained in RCW 90.90.005(2) to “aggressively pursue development of new water supplies to benefit both in stream and out-of-stream use,” the Department of Ecology (Ecology) will consider storage to be one of the primary tools available to achieve that legislative objective. This position is consistent with a number of specific provisions of the legislation. For example, RCW 90.90.010 (2)(a) states that expenditures from the Columbia River Water Supply Development Account (Account):

“ . . . may be used to assess, plan, and develop new storage, [and] improve or alter operation of existing storage facilities”

RCW 90.90.010(2)(b) stipulates that two-thirds of the funds placed in the Account:

“ . . . shall be used to support the development of new storage facilities”

The legislation is clear that in assessing proposals for new storage facilities, Ecology must take into consideration the need for such facilities, the available alternative means of addressing those needs, and the potential negative impacts of such facilities. RCW 90.90.010(3)(a) states that funds from the Account may not be expended on construction of a new storage facility until Ecology evaluates:

- (i) Water uses to be served by the facility;
- (ii) The quantity of water necessary to meet those uses;
- (iii) The benefits and costs to the state of meeting those uses, including short-term and long-term economic, cultural, and environmental effects; and
- (iv) Alternative means of supplying water to meet those uses, including the costs of those alternatives and an analysis of the extent to which long-term water supply needs can be met using those alternatives.

Cultural, environmental and community (including socioeconomic) effects associated with a proposed storage facility are evaluated in a State Environmental Policy Act Environmental Impact Statement. Should there be significant federal involvement in a proposed storage facility, review under the National Environmental Policy Act would be required as well.