

CHAPTER 5.0 COMMENTS AND RESPONSES

The public comment period on the Draft Supplemental EIS was held from May 15 to June 30, 2006. All of the written comments are reproduced and included in this chapter 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.

LIST OF COMMENTERS

Comment Letter No. 1—Colville Confederated Tribes – Joe Peone

Comment Letter No. 2 – Spokane Tribe of Indians – Howard A. Funke

Comment Letter No. 3 – Yakama Nation – Phillip Rigdon

Comment Letter No. 4 – Confederated Tribes of the Umatilla Indian Reservation – Jay Minthorn

Comment Letter No. 5 – Bureau of Reclamation, Ephrata Field Office – William Gray

Comment Letter No. 6 – Washington Department of Fish and Wildlife – Teresa Scott

Comment Letter No. 7 – Klickitat County Natural Resources Department – Dave McClure

Comment Letter No. 8 – Okanogan County Office of Planning and Development – Nathan Wehmeyer

Comment Letter No. 9—Stevens County Farm Bureau – Wesley L. McCart

Comment Letter No. 10 – City of Bridgeport – Peter Fraley

Comment Letter No. 11 – City of Pasco, Department of Public Works – Bob Alberts

Comment Letter No. 12 – City of Richland, Public Works Department – Pete Rogalsky

Comment Letter No. 13 – City of Pasco – Gail A. Howe, Mayor

Comment Letter No. 14 – City of Kettle Falls – David M. Keeley, Project Manager

Comment Letter No. 15 – Columbia-Snake River Irrigators Association – Darryll Olsen

Comment Letter No. 16 – Columbia Basin Development League – Michael V. Schwisow

Comment Letter No. 17 – Kennewick Irrigation District – Scott Revell

Comment Letter No. 18 – American Rivers and Washington Environmental Council – Michael D. Garrity and Michael Mayer

Comment Letter No. 19 – Center for Environmental Law and Policy – Rachael P. Osborn

- Comment Letter No. 20 – Center for Water Advocacy – Harold Shepherd
- Comment Letter No. 21 – Teck Cominco – Marko Adzic
- Comment Letter No. 22 – Seven Bays Marina – Laurel and Lyle Parker
- Comment Letter No. 23 – Mary Lines
- Comment Letter No. 24 – Jan Treecraft
- Comment Letter No. 25 – Ken Weeks
- Comment Letter No. 26 – Christopher and Patty Esvelt
- Comment Letter No. 27 – Rene Grant
- Comment Letter No. 28 – Reg Davenport
- Comment Letter No. 29 – M. Hart
- Comment Letter No. 30 – Susanne Waid
- Comment Letter No. 31 – Don and June Hoecher
- Comment Letter No. 32 – Lorna Johnson
- Comment Letter No. 33 – Stephenson (indecipherable first name)
- Comment Letter No. 34 – Unsigned comment form
- Comment Letter No. 35 – Rene Holaday
- Comment Letter No. 36 – National Park Service – Debbie Bird
- Comment Letter No. 37 – East Columbia Basin Irrigation District – Craig Simpson



Colville Confederated Tribes
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May 29, 2008

Teresa Scott
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 Olympia, WA 98501-1091

1-1 The Colville Confederated Tribes would like to thank the Washington Department of Ecology and the Washington Department of Fish and Wildlife for the opportunity to provide input into the development of the Department of Ecology's Supplemental Environmental Impact Statement (SEIS) for incremental releases of storage water from Lake Roosevelt for downstream agricultural, municipal, industrial, and domestic uses pursuant to RCW 90.90.

1-1 As a principal partner in the development of the Columbia River Water Management Plan and both on and off site mitigation associated with the impacts from implementation of the plan the Colville Confederated Tribes are in a unique position to provide comment on the SEIS. Our comments should be weighted appropriately since the Tribes are carrying the burden of much of the impacts associated with the planned drawdown.

1-2 The approved draw down will divert 82,500 acre-feet of stored water from Lake Roosevelt during most years and 132,500 acre-feet during the severe drought years. This would result in an additional drop of one-foot in lake elevation during most of the water years and an additional one-and-eight-tenths-feet decrease in lake elevation during the severe drought years. According to the newly released draft National Oceanic and Atmospheric Administration's (NOAA) Biological Opinion (BIOP) the Lake elevation level would be at 1280 during the 50% of the wettest years and 1278 at 50% of the driest water years. The additional withdraw, based on the SEIS, and would decrease water elevations in Lake Roosevelt to 1279-feet and 1276.2-feet

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DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

1-2 depending on runoff conditions. Based on coordination with the State of Washington and as reflected in the FCRPS BIOP the water to be released for fisheries is to be released in the spring time for the benefit of endangered species in the lowest 20% of the water years. In the higher 80% of the water years the fish flows should be released for the benefit of summer migrants as reflected below.

1-3 There is concern however, that a larger draw down of water in the summer of the 20% of the drier years may jeopardize the refill of Lake Roosevelt to 1283-foot elevation required by September 30th for kokanee to access spawning habitat in the tributaries. This issue should be addressed in the SEIS to avoid adverse kokanee affects.

1-4 The agreement between the Colville Confederated Tribes and Washington State states "The State of Washington (State) is seeking to implement an agreement with the United States Bureau of Reclamation to make water available below Grand Coulee Dam during certain critical months (April through August) to improve stream flows for out-migrating juvenile anadromous fish and to provide water rights for new consumptive uses by drawing down Lake Roosevelt."

1-5 The tribe reviewed historical juvenile passage data using in season forecasting from Rocky Reach and Rock Island Dams to develop our recommendations for improving survival benefits to anadromous fish. The average date that 50% of the spring migration have passed Rocky Reach is May 11th and Rock Island by May 14th. Ninety percent of the Upper Columbia spring salmon migration has passed both Rocky Reach and Rock Island Dams by June 2nd. At the Rocky Reach facility 50% of the summer migrants have passed the facility by July 10th and 90% by August 2nd. The Rock Island facility showed similar data with 50% by July 11th and 90% by August 2nd.

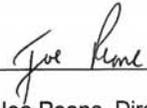
Based on the first three alternatives listed in the SEIS, water releases should be timed according to wet and dry years and the needs of spring and summer migrants as shown above. During the 20% of the driest years flows would be more beneficial to spring migrants because a lower than average freshet would not be available for juvenile migration. During the 80% of the wetter water years, the spring freshet is more than adequate for spring migrant requirements therefore the additional flows would be best afforded to summer migrants. For example, alternative one would release 44,500 acre-feet of extra flow during 20% drier water years. Our recommendation would be to

1-5 | release water during the third week of May producing up to an additional 22 cfs for spring smolt out migration benefiting not only Spring Chinook but sockeye and ESA listed steelhead as well. During the 80% of wetter water years the release of 27,500 acre-feet should be released about the second to third week of July to benefit Summer Chinook juvenile migrants.

1-6 | UCR steelhead and Spring Chinook salmon are listed as endangered under the Endangered Species Act (ESA) and have the greatest survival and recovery gaps of any listed Columbia River stock. The Tribes and the State have a common interest in promoting the recovery of listed UCR anadromous fish. The timing of release may provide more opportunity to assist with the migration of anadromous stocks (especially ESA stocks) from the upper to the middle or lower Columbia River and should be considered.

1-7 | We did have a question regarding option two and three and the release of 25,000 acre feet in the 80% of the wettest years and the 58,000 acre feet during the 20% of the driest years. How will the timing of the 25,000 acre feet or 58,000 acre feet be accomplished to make it available to assist anadromous fish?

1-8 | Under the fourth alternative, The Colville Confederated Tribes would request that they and other state agencies be consulted if an overriding consideration of the public interest determination is required under WAC 173-563-080



Joe Peone, Director Fish and Wildlife Department
Colville Confederated Tribes

cc: Derek I Sandison,
Central Regional Director
Washington Department of Ecology

Comment Letter No. 1—Colville Confederated Tribes – Joe Peone

- 1-1. Comment noted.
- 1-2. Your comment regarding the incremental flow releases and Biological Opinion is noted.
- 1-3. One of the purposes of the Lake Roosevelt Incremental Storages Releases Project is to provide enhanced flows to benefit fish in the mainstem Columbia River. During drought years under the Lake Roosevelt Incremental Storages Releases Project, additional downstream flows would be released as described in Tables 4-7 and 4-8 in the Supplemental EIS. Refill under this scenario would take longer to reach the 1,283 foot elevation goal as implied in your comment. The timeframe to achieve the elevation goal currently varies between the first week and the last week of September depending upon hydrological conditions of the water year. However, as shown in Supplemental EIS Table 4-10, the Proposal is not expected to increase the risk of non-compliance by September 30 during drought years.
- 1-4. Your comment regarding the agreement between the State of Washington and the CCT is noted.
- 1-5. Ecology has selected a Preferred Alternative that includes an adaptive management approach to releasing flows from Lake Roosevelt. An advisory panel of fisheries and water managers would determine specific flow releases each year based on runoff predictions at The Dalles Dam. The flow releases would be selected to maximize benefits to fish within the limitations of the water budget. See Section 2.3.1 in the Final Supplemental EIS.
- 1-6. Your comment regarding steelhead and spring Chinook is noted.
- 1-7. See the response to your Comment Number 1-5 regarding the Preferred Alternative. Ecology is no longer considering the specific alternatives that you mention.
- 1-8. Consistent with the provisions of WAC 173-563-020 and 080, Ecology will consult with appropriate federal, state, and local agencies and Indian tribes when considering OCPI determinations.



Spokane Tribe of Indians

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CENTURY OF SURVIVAL 1881-1981

Comments of the Spokane Tribe of Indians On the

Draft Supplemental Environmental Impact Statement for the Lake Roosevelt Incremental Storage Releases Program

Submitted in Response to the Request for Comments on the Draft Supplemental Environmental Impact Statement for the Lake Roosevelt Incremental Storage Releases Program, issued by the Washington Department of Ecology, dated May 15, 2008.

June 30, 2008

Derek I. Sandison, Regional Director
Central Regional Office
Washington State Department of Ecology
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Dear Mr. Sandison:

Thank you for the opportunity to submit these comments on behalf of the Spokane Tribe of Indians ("Tribe").

The Tribe has submitted comments on the Draft Programmatic EIS for the CRWMP,¹ the scope of the Supplemental EIS for the Lake Roosevelt Incremental Storage Releases Program,² and now these comments on the Draft Supplemental EIS for the Lake Roosevelt Incremental Storage Releases Program ("DEIS"). The Tribe's comments express concerns for environmental and human health as well as other areas of probable impact, including cultural and economic effects. During this process, the Tribe and the State of Washington ("State") negotiated a cooperative agreement³ ("Agreement") by which the Tribe will "concur in and support" the proposed

¹ Spokane Tribe of Indians' Comments on the Draft Programmatic EIS for the Columbia River Water Management Program (November 22, 2006).

² Comments of the Spokane Tribe of Indians on the Scope of Supplemental Environmental Impact Statement for the Lake Roosevelt Storage Releases Project (February 4, 2008).

³ Water Resources Management Agreement for Lake Roosevelt Between the Spokane Tribe of Indians and the State of Washington, § A.1-3 (February 4, 2008)

2-1 incremental storage releases program in exchange for the State's "full consideration and mitigation for all impacts and effects."⁴ The DEIS does not provide "full consideration for all impacts and effects," nor does the Agreement provide for full "mitigation for any potential impacts" as implied in the DEIS. The Agreement is intended to benefit the people of the State, the Columbia River Basin and the Tribe, and it was approved by the 2008 State Legislature in Engrossed Second Substitute Senate Bill 6874, and codified in RCW 90.90.⁵

2-2 In this context, the Tribe remains concerned that the incremental storage releases may cause significant cumulative long-term negative impacts to the environment, human health, cultural resources, current mitigation efforts, and recreation and economic enterprises, and that such potential impacts have not been adequately studied or analyzed. Specifically, the Tribe is concerned that the negative impacts may exceed Ecology's projections despite its conclusion that:

"No additional environmental review is required for the Lake Roosevelt Incremental Storage Releases Program. Reclamation will determine the necessary steps for NEPA compliance when it issues service contracts. As noted above, construction may be required for some infrastructure in the Odessa Subarea. Appropriate environmental review will be conducted on those projects prior to construction. Appropriate review will also be conducted on new municipal and industrial water rights and supplemental drought permit issuance as applicable."⁶

2-3 Finally, the Tribe does not share Ecology's opinion that cumulative impacts of the incremental storage releases will not be significant because they are "incidental to the normal operation of Lake Roosevelt"⁷ and within "normal reservoir operations."⁸ This is the heart of the matter: The measurable impacts, both specific and cumulative, caused by more drawdowns during high and low use periods in a changing global climate, with tons of toxins and contaminants continuing to pour into the Upper Columbia River,⁹ without consideration or analysis of the additional

⁴ ID. at Page 1, Para. A.1-2

⁵ DEIS at § 1.3.1.2, Para. 2

⁶ DEIS at § FS-3, Para. 3

⁷ DEIS § 4.2.1.6, Fish, at Page 4-33.

⁸ This and similar language is replete in the DEIS.

⁹ See: Bloomberg.com's underwhelming story about corporate profits in the wake of Teck Cominco spilling approximately 100 gallons of hydrofluoric acid containing 2,094 pounds of lead into the Upper Columbia River on May 28, 2008:

"Teck Cominco Says Output Unaffected by Lead Spill (Update2). By Rob Delaney.

May 30 (Bloomberg) -- Teck Cominco Ltd., the world's second-largest zinc producer, said lead output at a refinery in British Columbia won't be affected by a spill that temporarily halted operations at the site yesterday.

The refinery in Trail, British Columbia, resumed production about an hour after Teck detected a malfunction that caused an acidic liquid containing 950 kilograms (2,094 pounds) of lead to spill into the Columbia River, spokesman Greg Waller said today in a telephone interview.

Vancouver-based Teck is working with government agencies to manage the spill and test the quality of the water downstream, the company said yesterday in a statement.

Teck produced 76,400 metric tons of lead at Trail last year, down from 90,300 tons in 2006, according to the company's annual report.

Teck rose C\$1.76, or 3.7 percent, to C\$49.17 at 4:24 p.m. in Toronto Stock Exchange trading, after falling 4.4 percent yesterday. The shares have increased 39 percent this year.

To contact the reporter: Rob Delaney in Toronto - robdelaney@bloomberg.net.

2-3 drawdowns of Lake Roosevelt likely from the proposed Montana modifications to the Libby and Hungry Horse project operations,¹⁰ while defaulting to future coordination to address impacts, forthcoming studies to assess impacts and other forums and environmental review processes is not sufficient to assess and/or determine the impacts of the Lake Roosevelt incremental drawdown.

Potential Impacts Require Additional Study.

2-4 DEIS at § FS-1 states: "Since the Programmatic EIS was released in 2007, additional information has become available, allowing a more detailed evaluation of the incremental flow release options in this Supplemental EIS." The additional information does not include specific new best science studies to quantify important impacts in Lake Roosevelt waters and the surrounding area. Similarly, the much anticipated Colville Tribe consultant studies discussed below contain some new data on fish habitat loss and water levels, but primarily focus on quantifying economic and cultural impacts rather than the potential impacts to water quality, resident fish, and environmental and human health as the Tribe understood would be included.

The CRWMP provides mitigation for consequent negative impacts and Ecology committed itself to studying and analyzing a wide range of such potential impacts; yet, the nature and extent of the impacts remain to be studied, analyzed and quantified because the DEIS:

- Does not contain new studies, data or analysis to support Ecology's determinations of no significant impacts;
- Is based upon the assumption that a drawdown within the range of current operational water levels will not exacerbate current impacts over the short and long-terms;
- Does not identify and quantify negative impacts; and
- Does not identify how and by what standard a negative impact will be determined significant.

The thrust of the DEIS is that:

1. No significant short-term impacts are expected to result from the incremental storage releases:

2-5 "S.3.2.1 Short-term Impacts - In general, the Proposal would not require construction of additional facilities; therefore, there would be no short-term impacts. The exceptions would be the construction of irrigation infrastructure to deliver surface water to individual farms in the Odessa Subarea and possible infrastructure for the municipal industrial uses. Impacts associated with this type of individual construction projects were described in Section 5.1 of the Programmatic EIS (Ecology, 2007)."

Last Updated: May 30, 2008 16:46 EDT.

¹⁰ The State of Montana proposes to modify releases from Libby Dam and Hungry Horse Dam in the State of Montana, which are operations anticipated in dry years to cause additional loss or drawdown of 18" in Lake Roosevelt.

2-5 This conclusion is not supported by new studies or analysis, and it is contrary to a Colville Tribes' consultant study finding that increased exposure of soil will concurrently expose archeological artifacts and human remains.¹¹

2. Long-term negative impacts, such as increased exposure of contaminated soil, impacts on fish and wildlife, changes in air and water quality, and additional exposure of cultural artifacts and human remains are not significant because they fall within the range of impacts associated with normal operating levels:

"S.3.2.2 Long-term Impacts - This Supplemental EIS compared the potential impacts of the alternatives and options for flow releases under the Proposal to the No Action Alternative. This Supplemental EIS evaluates the impact of the incremental increases in flow releases to the Columbia River and drawdowns of Lake Roosevelt. These impacts are summarized below for each element of the environment.

Earth - No increased impacts to landslides or alluvial deposition were identified. Little additional lakebed area would be exposed as a result of the Proposal.

2-6 Climate - The Proposal will not increase emissions that could affect climate change. The effects of climate change could alter runoff to the Columbia River Basin and affect water management of Lake Roosevelt. Ecology will coordinate with other management agencies in the Columbia River Basin to respond to changing conditions as they occur.

Surface Water - The Proposal would result in additional drawdowns of Lake Roosevelt. It is expected that the maximum drawdown for non-drought years would be approximately 1 foot on August 31. For drought years, the maximum drawdown would be approximately 1.5 feet on August 31. In both cases, the maximum drawdown is expected to last for a few days to a few weeks with refill of Lake Roosevelt beginning in early September. The timing and amount of flow changes in the Columbia River vary for the different alternatives and flow options. Average monthly flows in the Columbia River will increase in most months to provide increased benefits to fish. For some alternatives and flow release options, flows will decrease during September. These decreases are most notable in drought years.

Ground Water - The Proposal is not expected to affect ground water levels.

Legal Considerations - The Proposal is not expected to negatively affect water rights, the Biological Opinion, or the Canadian Treaty. Ecology would determine appropriate mitigation measures when processing water rights. The Proposal will not reduce flows during the Biological Opinion "salmon flow objective period." If the Canadian Treaty is renegotiated in the future, the changes may affect water supply to Lake Roosevelt and could require Ecology to adapt the Proposal to changing conditions.

¹¹ See: FN14 at Page 13: "Drawdown creates increased erosion during peak recreation period. This increases the number exposed and visibility of archaeological sites and human remains. More erosion, more exposure, more people means at least a threefold increase for the potential of burial and archaeological site looting and both intentional and naive destruction and desecration."

Fish - The Proposal is not expected to have significant negative impacts to fish in Lake Roosevelt. No additional shoreline would be exposed beyond what is routinely exposed during current operations. Those areas have severely compromised habitats as a result of normal operations. The capacity of the lake to support growth or rearing of kokanee, rainbow trout, or white sturgeon should not be negatively impacted. The incremental storage releases would increase flows in the Columbia River by a minor amount. Although the flow increases will be small, they are expected to help meet stream flow targets in the Columbia River and provide benefits to fish. No negative impacts to fish are expected in Banks Lake. The agreements between the State of Washington and the Confederated Tribes of the Colville Reservation (CCT) and the Spokane Tribe of Indians (STI) provide mitigation for any potential impacts to fish and aquatic resources in Lake Roosevelt.

Wildlife and Plants - No significant impacts to wildlife and plants are anticipated. The additional drawdown during drought years may slightly increase the distribution and abundance of Eurasian watermilfoil. No mitigation is proposed for impacts to fish and wildlife.

Cultural Resources - Impacts to cultural resources were identified in the Programmatic EIS (Ecology, 2007). No new impacts were identified in the Supplemental EIS. Under the various alternatives, additional drawdowns would occur at different times of the year than under current operations. However, under all alternatives, the drawdowns during peak recreation season are anticipated to be small and within the normal operational range. The agreements between the State of Washington and the CCT and STI provide mitigation for any potential impacts to cultural resources.

Environmental Health - The Proposal would slightly increase the exposure of contaminated sediments during peak recreation periods. This could increase public exposure to the contamination. The contaminated sediments problem is being studied separately by the Environmental Protection Agency and Teck Cominco. Ecology will consider the results when they are available to determine if mitigation is required.

Recreation and Scenic Resources - The additional drawdown of Lake Roosevelt during peak summer recreation periods may cause some water-dependent facilities, primarily boat ramps, to be inoperable for a few days from mid-August through early September. During the worst-case drought years, a total of eight boat ramps would potentially be inoperable at times during July and August. When some boat ramps are inoperable, it is expected that boating use will shift to other ramps that are operable, similar to existing conditions. This may slightly increase congestion at these areas for a few additional days. Some developed swimming areas, mooring docks, and camping areas may be affected during worst-case drought years. Lower lake levels would also create a change in the lake viewscape for a few days under worst-case drought conditions. The agreements between the State of Washington and the CCT and STI provide mitigation for any potential impacts to recreation resources. Ecology is working with the National Park Service to identify potential impacts to recreation facilities and will develop an adaptive

management plan to mitigate significant impacts that are identified.

Socioeconomics - The Proposal is not expected to have significant socioeconomic impacts. Although some additional boat ramps may be inoperable for slightly longer periods than under existing conditions, it is expected that visitor use will shift to other areas. Although there could be some decrease in total recreation visits to Lake Roosevelt with resulting economic impacts, data from the 2001 drought indicates that total visitor use did not decline, but shifted to operable ramps.

Public Services and Utilities - The proposal would slightly increase hydropower production in spring and slightly reduce hydropower production in September and October. The reduction is not expected to significantly affect regional power production. The agreement between the State of Washington and the CCT provides for compensation to mitigate the potential impact to CCT hydropower revenues.

Transportation - The Proposal would have no impact on transportation during non-drought years. During drought years, the Inchelium-Gifford ferry could become inoperable and the need for removal of debris from the ferry ramps could increase. The agreement between the State of Washington and the CCT provides for compensation to mitigate for these potential impacts."

"4.3 Cumulative Impact. The Programmatic EIS concluded that the Proposal could compound the effect of existing drawdowns of Lake Roosevelt on fish and wildlife, cultural, recreation, or other resources. This Supplemental EIS has determined that the additional maximum drawdown of 1.5 feet for a few days or weeks at the end of August could incrementally increase the impacts described in the programmatic EIS, however, because of the short duration of increased drawdown, the incremental increase would not be expected to be significant."

The forgoing conclusions are not based upon new science or analysis. This highlights the need to quantify what happens in the environment when the volume of water stored in and released from Lake Roosevelt is increased to accommodate accelerated operations within the same range of lake levels. Accelerated operations must impact the environment in both the short and long-terms, but the nature and extent of these impacts remain to be quantified.

Areas of controversy and uncertainty remain.

Ecology acknowledges that several important areas of controversy and uncertainty remain unresolved and carry the potential to cause significant negative impacts to the environment and everyone living, working and recreating in the Columbia River Basin: (all emphasis added):

DEIS § 3.3. Climate: "[M]ajor uncertainty of precipitation projections is how changes in large-scale weather patterns may interact with local features."; "uncertainty of the precipitation projections complicates projecting runoff for the Columbia River Basin since runoff is dependent on both temperature and precipitation."; and "Therefore, the discussion in this Supplemental EIS of potential climate change impacts on Columbia

River Basin water resources is qualitative rather than quantitative."

DEIS § 4.2.1.9. **Environmental Health:** "Concern has been raised that dry sediments could then become airborne, carrying toxic metals and organic compounds (Office of Governor Christine Gregoire, 2005). Increased recreational use of Lake Roosevelt during summer months could therefore increase chances of the public coming into contact with exposed or wind-blown contaminated sediments. Exposure and movement of contaminated sediments and pore-water chemistry could also increase fisheries contact with contamination, providing another exposure pathway to the public, especially anglers. The area of sediment that will be exposed by the incremental storage releases is within the area exposed by current operations; however, the drawdown would occur at a period when recreation use of the lake is highest.

Teck Cominco and the EPA are currently conducting a Remedial Investigation and Feasibility Study (RI/FS), which will include human health and environmental risk assessments of contaminated sediments in Lake Roosevelt. Results of the RI/FS will not be available for this Supplemental EIS, but will be considered by Ecology upon completion."

DEIS § S.4. **Areas of Significant Controversy and Uncertainty:** "Potential impacts associated with the Teck Cominco contamination of Lake Roosevelt is an area of uncertainty. The extent and location of the contamination is not fully understood and is the subject of on-going studies by the Environmental Protection Agency and Teck Cominco. Results of those studies will not be available for this Supplemental EIS, but Ecology will consider the results when they become available in the future. It is not expected that the Proposal will add significantly to the exposure of the contaminants. The Proposal will not expose areas that are not already exposed during normal reservoir operations. Under the Proposal, additional drawdowns will occur during different times than under normal operations, but are expected to last for only a few days to a few weeks."

Specifically referring to Lake Roosevelt, there are new tables and charts in DEIS §§ 4.1 and 4.2 indicating that the incremental storage releases will lower Lake Roosevelt's water level within the current range of operations; further, that the storage releases will be timed to meet water temperature and minimum flow targets. This is not new information, however, as the Final Programmatic EIS reached the same sweeping conclusions.

Ecology states that new information will be considered when received (e.g., EPA/Teck Cominco study), but there is no reference to the procedure for these evaluations and what the standards will be for determining and acting upon a significant impact. Of further concern is that many of the Tribe's past comments and requests for information and best science data on the cumulative impacts of the proposed incremental storage releases remain open questions.

Colville Tribes' consultant studies.

The Tribe previously commented on the need for "completion of studies³ utilizing best science to

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determine the nature and extent of such impacts and effects as well as effective measures to minimize and mitigate them." ¹² As stated in the footnote to that comment:

³ Note: The Spokane Tribe has made repeated requests to the Washington State Department of Ecology for studies conducted in 2007 bearing directly on the potential impacts of this proposed drawdown on water quality, resident fish and hydropower generation in Lake Roosevelt and any other relevant studies or study results generated to date. The studies and study results have not yet been received." ¹³

The "studies conducted in 2007" refers to studies then being performed for the Colville Tribes. On April 10, 2008, the Tribe received two such study reports.¹⁴⁻¹⁵ With a few exceptions, the reports focus on the potential impacts of the proposed drawdown on economic and cultural impacts, but not on water quality, resident fish, and environmental and human health.

The first of these exceptions is in the Columbia River Water Management Plan - Analysis of Impacts on Confederated Tribes of the Colville Tribes in which impacts to fish habitat are discussed in terms of how many acres of shallow area land will be exposed for mitigation purposes. The report's introduction states that several potential environmental and human health impacts should be revisited (emphasis and bracketed language added):

"In addition to these impacts [i.e., Fish Habitat; Irrigation Pumping Costs; Ferry Operations; Recreational; and Cultural Resources], there are several other impacts that may be considered in the future that were beyond the scope of this report or that could not be adequately analyzed given current information. These impacts may include:

- ▶ Sloughing/erosion resulting from additional drawdown.
- ▶ Exposure of contaminated soil and associated health impacts from direct exposure to tribal members (i.e., skin impact) or exposure to airborne contaminants.
- ▶ Impacts on conventional water quality criteria (e.g., temperature and total dissolved gas).
- ▶ Impacts associated with the re-suspension of hazardous materials.
- ▶ Impacts on groundwater flow and community wells.
- ▶ Cumulative impacts.

These topics should be revisited as additional information becomes available that could shed light on the nature and extent of these impacts." ¹⁶

The remaining exceptions are in the Columbia River Water Management Plan - Analysis of Impacts on Confederated Tribes of the Colville Tribes, Appendix E - Impact of the Columbia River Management Program on Lake Roosevelt Water Levels (prepared by Watson Engineering,

¹² See: FN2 at Page 2, Para. 1.

¹³ ID. at Page 2, bottom.

¹⁴ Columbia River Water Management Plan - Analysis of Impacts on Confederated Tribes of the Colville Tribes.

¹⁵ Analysis of Alternative Operating Scenarios for Hydropower and Impact Upon Agreement Between the Confederated Tribes of the Colville Reservation and Bonneville Power Administration (January 8, 2008).

¹⁶ See: FN8 at Page 2, below Table 3.

2-11

Helena, MT; dated December 26, 2007):

2-11

1. Potential impacts to environmental and human resources are mentioned, but not fully discussed in this report: *"Changes in water levels caused by the CRWMP proposal for Lake Roosevelt were evaluated to assist in the determination of causal impacts between lake levels and environmental, cultural and human resources."*¹⁷

Again, this is the heart of the matter and it remains to be studied and analyzed so that a model is developed to reflect the causal relationship that is acknowledged in the DEIS, but not quantified or given adequate weight because new data was not sought to be included.

2-12

2. Assuming a *"median elevation in May of 1260 feet with 2000 Biological Opinion operating conditions,"*¹⁸ this report presents worst case drawdown scenarios in Table 1 to *"assist in bracketing the worst conditions for analysis of environmental, cultural and human resource impacts. As BPA model runs are refined to address the Biological Opinion now under construction and the CRWMP proposal, changes to water levels should be reexamined. However, significant differences in the results of Table 1 are not expected."*¹⁹

This study indicates that the water level may fall as much as 3.93' during May in a worst case drought year scenario. The DEIS does not appear to incorporate this study and its findings.

2-13

3. An increased frequency of drought years due to climate change is demonstrated in Figure 1 and explained as follows: *"Assuming future NWS forecasts are reasonably accurate and climate change, if any, is more accurately reflected in the last 50 years than in earlier periods of record, DOE drought definitions might be met on average once in every 5 years in the future as contrasted with once in every 26 years."*²⁰

The DEIS does not appear to incorporate this idea or the study's related findings. How will more frequent drought years exacerbate potential impacts associated with drawdowns, and will these impacts become significant?

2-14

4. As stated above, the DEIS also fails to consider or analyze the Montana proposal for Libby Dam and Hungry Horse Dam project operations, which are expected to result in an additional 18" elevation drawdown of Lake Roosevelt in dry years.

2-15

Conservation:

The Tribe is also concerned about water conservation which should be at the forefront of all actions and management practices involving downstream use of increased volumes of water stored in Lake

¹⁷ See: FN9 at Page 5, Para. 6.
¹⁸ ID. at Page 6, Para. 3.
¹⁹ ID. at Page 7, Para. 2.
²⁰ ID. at Page 8, Para. 3.

Roosevelt. Wasteful practices are contrary to the long-term best interests of the Tribe and the State; yet, conservation receives conflicting treatment in the DEIS. Specifically, Ecology responded to two scoping comments²¹ as follows:

Alternatives: add an aggressive water conservation alternative.	See Section 2.5.2 of the Supplemental EIS.
Ecology should not support projects that reward wasteful practices such as the Tri Cities and Odessa.	Ecology and Reclamation's conservation programs are discussed in Section 2.5.

2-15

The Tribe agrees with the comments that aggressive conservation and prevention of wasteful practices must be pursued, although not necessarily to the absolute exclusion of new permits. The relationship between use and conservation must be addressed. Ecology's responses appear to indicate that aggressive conservation and prevention of waste is not a priority as related to the incremental storage releases and the issuance of new permits, and that agricultural users, whether existing or new, will not be required at some point to make capital improvements and changes in practices necessary to prevent a crisis situation where the inefficient practices continue and more water from the Upper Columbia Basin or Lake Roosevelt is requested to subsidize the waste:

*"Another option that has been advocated in comments on the Programmatic EIS and scoping comments on this Supplemental EIS is conservation. Commenters have suggested that Ecology should require conservation for all water users and not issue new water rights. The Columbia River Basin Water Management Program encourages and allocates funding for conservation projects. A number of conservation projects are being actively pursued in the Columbia River Basin, including on the Columbia Basin Project and in the Odessa Subarea. However, conservation is not expected to provide enough water to meet demand in those areas."*²² (emphasis added)

This misses the point because conservation does not need to cover all of the needs at issues. Rather, conservation means making a dent when possible.

2-16

In contrast, Ecology states several times that conservation is a key goal of the CRWMP and Ecology's management of the limited water supply in the Columbia River Basin (all emphasis added):

*"The Management Program recognized that a key priority of water resource management in the Columbia River Basin is the development of new water supplies, including storage and conservation in order to meet the economic and community development needs of people, and the instream flow needs of fish."*²³

"The Act also establishes the Columbia River Basin Water Supply Development Account and authorizes its use to assess, plan, and develop new storage; improve or alter

²¹ DEIS, Appendix B.
²² DEIS § 2.5, Alternatives Considered but Not Carried Forward; and § 2.5.2, Conservation.
²³ DEIS at Page FS-1.

operation of existing storage facilities; implement conservation projects; or undertake any other actions designed to provide access to new water supplies within the Columbia River Basin." ²⁴

"Ecology conducted agency consultation on the VRA and issued a SEPA Addendum to the Programmatic EIS in January 2008. Ecology does not currently envision proceeding with full implementation of portions of the VRA pertaining to new water rights until a pilot program has been completed. The purpose of the pilot program is to demonstrate that proposed conservation projects will result in saved water that could be used for issuing new water rights." ²⁵

"In addition, Ecology is considering three non-storage alternatives—enhanced water conservation, market-based reallocation of water resources, and ground water storage." ²⁶

"There is no term or expiration under the agreement; rather, this section of the MOU describes the intent of the parties to provide a meaningful immediate supply of water to benefit both instream and out-of-stream needs in the Columbia River Basin, and to work on other long-term storage and conservation alternatives.

...

Ecology plans to continue to evaluate long-term storage and conservation plans to add to its water supply development portfolio and at some point replace the water described herein." ²⁷

"Although the water rights would be permanent, federal law prohibits Reclamation from entering into permanent water service delivery contracts. Ecology and Reclamation will negotiate the length of the service contract as part of a MOA covering the secondary use permits. There is a chance of adverse impact on permanent new municipal and industrial water rights if the water service delivery contract with Reclamation is not renewed when its term expires. However, by that time it is Ecology's intention to have provided alternative sources of water through new storage and conservation programs." ²⁸

"When instream flows will not be met, those holding temporary permits may divert only if water in Ecology's "drought insurance" program is available to mitigate the diversion. The drought insurance program includes the 33,000 acre-feet from Lake Roosevelt and water obtained by Ecology from dry-year leases, water conservation projects, and aquifer and surface storage." ²⁹

"The water right for irrigation water for the Odessa Subarea will be a permanent

²⁴ DEIS § 1.1, Introduction, at Page 1-1.

²⁵ DEIS § 1.6.3, Columbia-Snake River Irrigators Association Voluntary Regional Agreement, at Page 1-11

²⁶ DEIS § 1.6.5, Yakima River Basin Water Storage Feasibility Study, at Page 1-12.

²⁷ See: FN8.

²⁸ DEIS § 4.2.2.5, Legal Considerations (non-drought years), at Page 4-61.

²⁹ See: FN18 (drought years) at Page 4-62.

secondary use permit, which will authorize Reclamation to release water from Lake Roosevelt, which it stores under its storage certificate, C-11793, priority date May 16, 1938. The secondary use permit will contain language acknowledging the intent under the MOU that water will be developed from new storage and conservation to replace the water being provided from Lake Roosevelt (Haller, pers. comm., 2008)." ³⁰

Conclusion:

In the spirit of cooperation, the Tribe concurs with and supports the incremental storage releases program. During implementation of the program, "properly scoped studies and analysis utilizing best science" must "determine the effects of the proposed storage drawdown on Tribal resources and the relationship between increased consumptive use of water supplies and the survivability of endangered anadromous fish"; further, "[t]he State of Washington must expand its pursuit of best science, enhance the protection of senior water right holders and protect a range of Tribal trust resources." ³¹ Also, meaningful conservation efforts must occur through enforcement of existing rules as well as by development of new measures to prevent waste. This path will allow Ecology to take the hard look necessary to assess the cumulative impacts of increased drawdowns of Lake Roosevelt. If the negative impacts become significant beyond what can be fairly compensated for or mitigated against, or should the Tribe's federally reserved rights be implicated, then the 'no action' option should be reconsidered.

Sincerely,



Howard A. Funke

cc: Rudy Peone, STOI, Natural Resources
B.J. Keiffer, STOI, Natural Resources
Warren Seyler, STOI, Natural Resources

³⁰ DEIS § 4.2.3.5 Legal Considerations, at Page 4-75.

³¹ FN2 at Page 18, Para. 2-3.

Comment Letter No. 2 – Spokane Tribe of Indians – Howard A. Funke

- 2-1. Comment noted.
- 2-2. The quoted statement from the Draft Supplemental EIS is from the Fact Sheet of that document and refers to future environmental review required specifically for the Lake Roosevelt Incremental Storage Releases Project. Potential cumulative impacts are described in Section 4.3 of the Supplemental EIS. The need for future environmental review of other projects proposed in the Columbia River Basin is acknowledged in Sections 1.6 and 4.3.
- 2-3. The Supplemental EIS describes a series of potential impacts none of which are individually significant. In Sections 1.6 and 4.3, Ecology has considered a wide range of impacts associated with other projects proposed in the region. These other projects could affect Lake Roosevelt and the Columbia River in the future. All of these projects are undergoing separate environmental review under SEPA and/or NEPA or will undergo such review when they are brought forward. This additional review and ongoing consultation between Ecology, tribes and local, state and federal agencies is expected to avoid or minimize cumulative impacts. Management of the Columbia River will be adaptively managed to further avoid cumulative impacts.
- 2-4. The new information that became available for the Supplemental EIS included the alternatives and options for flow releases. The additional information on the flow releases allowed Ecology to evaluate the effect of the releases on lake levels of Lake Roosevelt. That information was used to evaluate the potential impacts. Ecology determined that the drawdown of lake levels would occur for a few days to a few weeks in late August. The limited amount and duration of the drawdown is not expected to cause significant impacts.
- 2-5. For purposes of the Supplemental EIS, short-term impacts are those that would occur as a result of construction. See the discussion at the beginning of Chapter 4 of the Supplemental EIS. No construction is required to implement the storage releases project except for the infrastructure improvements in the Odessa Subarea as noted in the Supplemental EIS. Impacts of construction in the Odessa Subarea were evaluated in Section 5.1 of the Programmatic EIS. Additional information has been added to the Final Supplemental EIS regarding construction impacts associated with improvements to the Weber Siphons. Because there would be no other construction, no studies or analysis were required on construction or short-term impacts.

The impacts of increased shoreline exposure on cultural resources were described as long-term impacts in Section 5.1.1.9 of the Programmatic EIS. No additional analysis was necessary for the Supplemental EIS.

- 2-6. The sections of the Draft Supplemental EIS that are quoted in your comment letter are taken from the summary chapter. Additional information and analysis are provided for all subjects in Chapters 3 and 4 of the Supplemental EIS. The Supplemental EIS determined that the limited amount and duration of the lake drawdown is not expected to cause significant impacts.
- 2-7. As you state in your comment, the Supplemental EIS acknowledges that there are areas of uncertainty associated with climate change and the contamination of Lake Roosevelt and its shoreline. As stated in Section 4.2.1.2, Ecology and other managing agencies would coordinate to adapt to any changes in water availability in the Columbia River Basin

resulting from climate change. Additional information has been added to Section 4.2.1.9 regarding how Ecology will respond to the ongoing studies of Lake Roosevelt sediment contamination.

The tables and charts you reference contain new information about the timing of the storage releases, which was used to determine the amount and duration of the drawdown of Lake Roosevelt. The information on timing of the storage releases was not available for the Programmatic EIS.

- 2-8. Comment noted. Sections S.4 and 4.2.1.9 describe how Ecology will evaluate new information on Lake Roosevelt contamination.
- 2-9. The STI has been provided with all the studies that Ecology has received. Additional studies will be conducted under the agreement between the State of Washington and the CCT.
- 2-10. Impacts associated with the list provided in this comment were evaluated in the following sections of the Supplemental EIS:
 - Sloughing and erosion in Section 4.2.1.1
 - Exposure of contaminated soil in Section 4.2.1.9
 - Water quality in Section 4.2.1.3
 - Re-suspension of hazardous materials in Section 4.2.1.9
 - Groundwater in Section 4.2.1.4
 - Cumulative impacts in Section 4.3
- 2-11. This Supplemental EIS has further evaluated the impacts of additional drawdown of Lake Roosevelt. A model was not developed, but the amount of drawdown that would result from each alternative was estimated. The estimated drawdown amounts were compared to existing conditions and the extent of potential impacts to natural, cultural, and man-made resources were evaluated based on the estimated drawdowns. See Tables 4-2 to 4-8 for estimates of drawdown.
- 2-12. The information in your comment is taken from a discussion on page 5 of the December 2007 report “Impact of the Columbia River Water Management Program on Lake Roosevelt Water Levels” prepared for the CCT. The report was prepared before Ecology had developed the flow release alternatives for incremental releases from Lake Roosevelt. The information you cite is based on a worst-case scenario of releasing all the flows under the Lake Roosevelt Incremental Storage Releases Project in the month of May (page 5, paragraph 3 of the report). Ecology has never considered releasing all of the flows during one month and that is not an alternative presented in the Supplemental EIS. Releasing all of the flows during such a limited timeframe would not meet the purposes of the project. Because it is not a viable alternative, Ecology is not required to consider its impacts.
- 2-13. The impacts of climate change were evaluated in Section 4.2.1.2. Because of the uncertainty associated with precipitation and the frequency of drought years in climate models, the Supplemental EIS does not specifically evaluate those impacts. The Supplemental EIS does acknowledge that climate change could change the amount and timing of runoff to Lake Roosevelt. As stated in the Supplemental EIS, Ecology will coordinate with Reclamation and other managing agencies in the Columbia River Basin to adapt management of the Columbia River to changing conditions.
- 2-14. See the response to your Comment Number 2-3. The effect of the proposed operational changes at Libby and Hungry Horse Dams on Lake Roosevelt would be coordinated by

the FCRPS.

- 2-15. Although conservation is not a component of the Lake Roosevelt Incremental Storage Releases Project, it is part of the Columbia River Water Management Program as you note in your Comment Number 2-16. Ecology is pursuing conservation through other projects in the Columbia River Basin. In addition, Ecology will require that recipients of water from the flow releases implement conservation measures (Sections 2.4.1.2 and 2.4.2.2).
- 2-16. See the response to your Comment Number 2-15. Ecology agrees that conservation is an important component of water supply management in the Columbia River Basin.
- 2-17. Comment noted.

June 30, 2008

Derek I. Sandison
Department of Ecology
15 W Yakima Ave, Suite 200
Yakima, WA 98902-3452
Email dsan461@ecv.wa.gov

Re: Lake Roosevelt Comments

Dear Mr. Sandison,

3-1 | Yakama Nation staff submits the following comments on the Supplemental Environmental Impact Statement (SEIS) for the proposed "Lake Roosevelt Incremental Storage Releases".

| The SEIS fails to recognize some basic facts.

3-2 | First, more water for out of stream uses equals less water for instream uses. It is fundamentally inaccurate claim that this plan will produce additional water for instream flow. An accurate statement would be that for every unit of instream flow lost to new out of stream uses, half that much flow may be retimed to partially mitigate for the loss of the additional out of stream water. The willingness of the Yakama Nation to allow staff to participate in the exercise of retiming that water does not represent approval of or acquiescence in the removal of additional water from the instream flow budget of the Columbia River and should not be represented as such.

3-4 | Second, the Yakama Nation and other Columbia River Treaty Tribes have the senior water rights to the Columbia River. The State has no authority to in any way diminish those Treaty Rights, and the Yakama Nation does not agree with any diminution of those rights associated with the proposed Lake Roosevelt action or other components of the State's Columbia River programs.

3-5 | The State has switched from one misleading title for the proposed action to another. The term "drawdown", has now been replaced with "releases". In truth, only a small portion of the water in question would be released from Lake Roosevelt under this proposal. Release is an expression that most readers would take to mean that the water would be in stream below Grand Coulee. In reality, most of the water would be pumped uphill from Lake Roosevelt for new consumptive uses and would be lost to the Columbia River. These are proposed new diversions from the Columbia River and should be labeled as

3-5 | such. The net result of this proposal is that there would be a loss of water to the Columbia River. Note that the term release is correctly used on page 3-20.

3-6 | The Yakama Nation has previously submitted comments and correspondence related to the Lake Roosevelt proposal. These include, but are not limited to comments on the Draft EIS for the Columbia River Water Management Plan (CRWMP), Scoping comments on the Lake Roosevelt SEIS, comments on the Supply and Demand Inventories, and letters relating to the CRWMP and CRPAG. We incorporate all such previous correspondence by reference.

3-7 | The Yakama Nation reserves all rights and remedies available to it including any remedies to protect its Treaty Rights. The Nation reserves all rights to make any argument with respect to and in any subsequent state and federal processes including but not limited to the issuance of new state water rights, federal water delivery contracts, NEPA, ESA or others.

| Any new water rights or authorized diversions or "releases" that may result from this proposed action would be junior to the Treaty Rights of the Yakama Nation and would be subject to curtailment as needed to satisfy the Nation's Treaty Rights.

3-8 | This proposal would result in a net loss of streamflow in the Columbia River. Any claims that this proposal would "enhance" however defined, or increase streamflow needs to be viewed in the context of net loss. Use of such terms as "additional water" is misleading.

3-9 | Section 1.7 incompletely describes the major areas of concern stated in scoping comments. In particular, we previously expressed concerns about the reduction in stream flow that would inevitably result from the increased pumping from Lake Roosevelt to satisfy additional consumptive use (e.g. Odessa). Section 1.7 only mentions concerns with increased flow, whatever those may be. Unless the EIS clearly documents that the proposal would result in a net decrease in fish flows, documents when those flow deficits would occur, and fully discloses the additional problems those decreases in flow would cause for aquatic resources, the EIS can not be considered adequate.

3-10 | Page 2.2 and elsewhere in the EIS where OCPI is discussed:
The Yakama Nation has already made clear its views on the use of OCPI as a tool for authorizing additional water use from the Columbia River. We incorporate by reference the letter from the Yakama Nation to Director Manning on this topic. The notion that any proposed new state-based use from the Columbia overrides the public and Tribal interest in the Columbia River ecosystem and river-based economy is offensive to those whose interests have depended for millennia on the health of the Columbia River instream economy. We wholly reject the approach of using either ad hoc or systematic invocations of overriding public interest to defeat the purposes of instream flow protection. Likewise individuals, such as those with State permits in the Columbia, who freely accepted water rights conditioned on instream flow or with full knowledge of non-sustainable rates of groundwater pumping have not earned "overriding consideration of

3-10 the public interest” to defeat those minimum flows. The flows in WAC and the OCPI process are based on state law and are not equal to the Treaty Water Rights of the Yakama Nation, which can not, in any event, be diminished or affected in any way by actions of the State.

3-11 The EIS does not make clear the fate of the “stream flow enhancement water”. On page 2.3, mention is made of what occurs “after perfection of a water right”. The meaning of perfection in this context is not clear. After “perfection” both the instream flow water and M&I water would be put in trust “for a minimum of one year” according to the SEIS. Permits would then be issued on the water in trust. This construction leaves unanswered about the fate of the instream flow water. Would it be permitted away downstream by the State? Would it be dedicated to stream flow to go to the ocean? Would the dedication to instream flow be permanent, temporary, or subject to subsequent determinations of OCPI? There are a number of questions about Ecology’s proposals and their impacts that are not answered nor are their impacts nor other options disclosed.

3-12 4.2.2.3 Surface Water Water Quantity Short-term impacts: “No short-term impacts will occur...” This sentence, cut and pasted from elsewhere in the document, does not seem to fit here. The nature of the proposal would be to have short and long term impacts on surface water quantity.

3-13 The EIS fails to address the potential adverse impacts associated with reduction of September and October flows in the Columbia River which it concedes will occur. The EIS improperly cites the National Academy of Science (NAS) report to assert that flow reductions outside of July and August have no impact and require no analysis or mitigation. In fact, the National Academy of Science was asked to analyze increasing summer withdrawals from the river. They strongly advised against it. They were not asked to evaluate decreasing September and October flows, and their report is being improperly used to justify these flow reductions.

3-14 The sections on Instream Flow, Fisheries, and Cumulative Impacts all disregard the potential adverse impacts of reductions in fall flows. The tables on pages 4-55 and 4-66 show predicted decreases in flow in September and October of up to a 3% reduction in streamflow. Rather than actually perform any real analysis the SEIS writes off these impacts with such statements as

- "The differences in flow are a very small percentage of flow in the Columbia River downstream of Lake Roosevelt".
- and
- “As tributaries enter the Columbia River, the percentages decrease”.
- and
- "No mitigation is proposed as the proposed releases will increase Columbia River flow during critical fish periods and will not cause negative impacts”

This is a wholly inadequate environmental review.

Thank you for the opportunity to comment on this document.

Sincerely,

Philip Rigdon, Deputy Director
Yakama Nation Department of Natural Resources

Comment Letter No. 3 – Yakama Nation – Phillip Rigdon

- 3-1. Comment noted.
- 3-2. Comment noted. The water that is being released from Lake Roosevelt for this project is water that currently remains behind Grand Coulee Dam under Reclamation's 1938 storage right. The Lake Roosevelt Incremental Storage Releases Project changes the timing of the release of that water to meet the multiple purposes of the Columbia River Water Management Act. The storage releases for fish are not intended as "partial mitigation" for out-of-stream use, but are part of the overall proposal to provide water for both out-of-stream and instream uses. The flow releases will be timed to provide maximum benefits to fish.
- 3-3. Your comment regarding the Yakama Nation's participation in the Lake Roosevelt Incremental Storage Releases Project is noted.
- 3-4. Your comment regarding tribal water rights to the Columbia River is noted. Ecology acknowledges that state action cannot impact treaty rights of the Yakama Nation or any other native tribe.
- 3-5. Your comment regarding the title of the project is noted. With the exception of the 30,000 acre-feet which will be diverted to Banks Lake to replace some ground water use in the Odessa Subarea, all of the water will be released from Grand Coulee Dam. A total of 52,500 acre-feet of water will be released from Grand Coulee in all years and 102,500 acre-feet will be released in drought years. Of those totals, 27,500 acre-feet will be retained instream during all years and 44,500 acre-feet will be retained instream during drought years. As you note, some of the water released from Grand Coulee will be diverted for new consumptive uses. However, Ecology will work with a panel of fisheries and water managers from WDFW, Reclamation, tribes and other agencies to time the releases of the water for municipal/industrial use and interruptible water rights to benefit fish to the extent possible.
- 3-6. Comment noted. These documents have been received by Ecology.
- 3-7. Comment noted.
- 3-8. See the responses to your Comment Numbers 3-2 and 3-5. As shown in Table 4-14, the Proposal will decrease Columbia River flows in September and October. These decreases are considered small relative to the overall volume of water in the river (less than 4 percent in drought years). Flows in the river will increase in all other months. Potential impacts associated with the reduced flows are described in Sections 4.2.2.3, 4.2.2.5 and 4.2.2.6. The impacts are not considered significant.
- 3-9. The Final Supplemental EIS has been revised to address stream flow reductions in more detail. See Sections 4.2.2.3, 4.2.2.5, and 4.2.2.4.
- 3-10. Ecology appreciates your views on the use of OCPI to resolve conflicts between instream flow rights and out-of-stream water rights. We also recognize the Yakama Nation's time immemorial rights and interests in the Columbia River ecosystem. Ecology recognizes that an OCPI determination is not to be used on a routine basis, but it is one of the tools available to Ecology to allocate water.

Ecology's objective is to use all of its available tools and resources to carry out the legislature's objectives, including the protection of existing water rights and, where possible, the enhancement of instream flows. The Preferred Alternatives (Sections 2.3.2.3

and 2.3.3 of the Final Supplemental EIS) include an adaptive management process that would allow fish and water managers from tribal, state, and federal agencies to schedule releases of water from Lake Roosevelt to maximize fish benefits. Under the adaptive management approach, the supplemental releases would be timed to provide maximum benefits to fish in the Columbia River downstream from Grand Coulee Dam. Because the releases of water would occur when the fisheries and water managers deem it would be most beneficial to fish, some releases could be made at times when the flows would not provide an in-time offset for out-of-stream uses, such as municipal and industrial. If this occurred during a year with forecast runoff at The Dalles Dam of less than 60 million acre-feet (a severe drought year), then a finding of OCPI would be required for the release schedule. Ecology would use an OCPI determination as a tool to provide flexibility in timing the flow releases to be most advantageous for fish.

- 3-11. Ecology agrees that the use of the phrase “after perfection of a water right” is confusing and has made changes to the text. The water for stream flow enhancement and municipal and industrial uses would be transferred to the Trust Water Rights Program based on the terms negotiated under the water supply delivery contract with Reclamation. After that time, water rights permits would be issued for the water in the Trust Program. The water dedicated to stream enhancement in the Trust Water Rights Program is intended to remain instream from Grand Coulee Dam to the mouth of the Columbia River. It will not be committed to mitigation of downriver out-of-stream uses. The water will be protected based upon its priority date of 1938. Because the water becomes available from Reclamation’s water right for storage through a water service delivery contract and a drought relief contract, the water for instream flow is insured for the duration of the contracts. The term of the contracts between Ecology and Reclamation for both non-drought and drought years will be 40 years with an option to renew.
- 3-12. For the purpose of this EIS, short-term impacts refer to construction impacts (see the beginning of Chapter 4). No construction is required to implement the Lake Roosevelt Incremental Storage Releases Project other than infrastructure improvements in the Odessa Subarea. That construction is not expected to impact surface water quantity. Impacts of changing flows were evaluated as long-term impacts.
- 3-13. See the response to your Comment Number 3-9 regarding the impacts of reduced flows in September and October.

Your comment regarding the National Academy of Sciences report is noted. The findings of the National Academy of Sciences and their application to the Columbia River Basin Water Management Program were described in Section 1.3.1.3 of the Programmatic EIS (Ecology, 2007). The report is only cited in the Supplemental EIS (Section 2.3.2.1) to describe how Alternative 1A, which was evaluated in the Programmatic EIS, was developed. The proposed flow releases are not limited to the months of July and August. As noted in Section 2.3.1.1 of the Supplemental EIS, the July and August period was originally selected for the Programmatic EIS to agree with the requirements in the Columbia River Water Management Act. For the Supplemental EIS, Ecology developed other alternatives for the flow releases since the requirement in RCW 90.90.030 relates specifically to the approval of Voluntary Regional Agreements and not to all aspects of the Management Program. Because the July and August releases (Alternative 1A) would not meet the purposes of the incremental flow releases project, Alternative 1A was not

selected as the Preferred Alternative.

- 3-14. The text has been changed to address fall flow reductions in the Columbia River in more detail. See the response to your Comment Number 3-9.



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

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General Council and Board of Trustees

Fish and Wildlife Commission

July 1, 2008
Via E-Mail

Derek Sandison
Central Regional Director
Washington Department of Ecology
15 West Yakima Ave., Suite 200
Yakima, WA 98902-3452
dsan461@ecy.wa.gov

Subject: Draft Supplemental Environmental Impact Statement for Lake Roosevelt Incremental Storage Releases Program

Dear Mr. Sandison:

4-1 The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) offers the following comments on the Draft Supplemental Environmental Impact Statement (SEIS) for the Lake Roosevelt Incremental Storage Releases Program.

4-2 In general, the CTUIR believes that the proposed storage releases would best meet fish needs by supplementing declining flows after the peak of the naturally-produced hydrograph has been achieved, for all water years as measured at McNary Dam. In an average year this would occur in June and the first half of July. In a dry year this would occur in late May through June. This would decrease fish travel time and delay increases in mainstem summer water temperatures.

Analysis by the Fish Passage Center in Portland indicates that allocating water for instream benefits to fish evenly over a two-month or longer period results in a flow increase of less than 1 kcfs per day.¹ The CTUIR does not believe that the "maximum fish flows option 1C(a)" in the SEIS provides the best fish benefits.² Spreading the water out from April to September would yield minimal to no fish benefits.

¹ Memorandum from Michelle DeHart, Fish Passage Center, to Peter Jensen, "Grand Coulee Draft," Feb. 7, 2008.

² SEIS, p. 51.

4-3 The Draft SEIS presents allocation schedules/alternatives for releases of stored water for instream fish water and out-of-river industrial and municipal uses under average and dry-year conditions. The CTUIR recommends, instead, that an adaptive management approach be used. Each year, after the January 1 runoff forecast is released, a committee consisting of the fish and water managers from appropriate tribal, state and federal agencies (e.g., WDOE, WDFW, Reclamation, NOAA Fisheries, USFWS, Tribes) would consider an augmentation schedule for Lake Roosevelt water, based on the projected the flow volumes and runoff. This will promote more "real-time" decision-making, leading to more positive migration conditions and benefits than would adherence to a more rigid and inflexible allocation scheme.

4-4 Furthermore, in April the U.S. Army Corps of Engineers often releases storage from its projects for flood control or to attempt to meet flood control rule curves for spring flows in dryer years. Releasing Lake Roosevelt water in April would therefore not be very productive if the Corps was already releasing storage to meet flood control rule curves in a wet year. Releasing Lake Roosevelt water in April would also reduce the ability to meet refill targets for flood control rule curves for salmon flows in dry years. Releasing stored water during September would also undermine the goal of refilling Lake Roosevelt by October 1.

4-5 Available data indicate that not many fish survive through the hydrosystem in August due to increasing temperatures, which are likely to become worse with climate change. Releasing a small volume of water during August will therefore not do much to improve unfavorable temperature and other migration factors.

4-6 Many adult sockeye salmon, summer Chinook and upper Columbia steelhead and upper Columbia juvenile spring Chinook and steelhead migrate in late May and June. Pacific lamprey, a species that is very important to the CTUIR and is severely depressed, migrate in May, June and early July. Unfortunately, the Draft SEIS did not address them.

4-7 The Columbia River Inter-Tribal Fish Commission (CRITFC), on behalf of the CTUIR and the other three Treaty Tribes, previously provided scoping comments on the Draft SEIS.³ Among the issues identified in these comments and also not adequately addressed in the Draft SEIS are the following:

- The Incremental Storage Releases Program will result in an overall loss of water for fish, as only 1/3 of the released water is allocated to fish. Most of the adult salmon migration and a significant portion of the juvenile salmon migration occurs in September. Refilling Lake Roosevelt in September to meet power and resident fish needs, with no downstream releases during the month, will reduce mainstem Columbia River flows over 3% according to the Draft SEIS. While a relatively small reduction, the Draft SEIS did not examine the effects it will have on fish survival and migration.

³ Letter from Olney Patt, Jr., CRITFC, to Derek Sandison, WDOE, "Comments on the Scope and Determination of Significance for Supplemental Environmental Impact Statement for the Lake Roosevelt Incremental Storage Release Project," Jan. 23, 2008.

- 4-8 [➤ The CTUIR's (and the other three Treaty Tribes') main subsistence and commercial salmon fisheries occur in September. Reducing September flows, particularly in dry years from refilling Lake Roosevelt, will likely negatively impact these fisheries by exacerbating pool fluctuations due to power operations. Pool fluctuations can cause problems with launching boats, using fishing equipment, and utilizing fishing sites.
- 4-9 [➤ The Draft SEIS states that "conservation is not expected to provide enough water to meet demand" in the Columbia Basin Project and Odessa Subarea, without any analysis that quantifies the current or future merits of conservation as a means to address, at least in part, increasing demands for more water.⁴
- 4-10 [➤ The Draft SEIS also states that "Ecology is not promoting the large-scale water marketing that would be required to provide the necessary volumes of water" due to "concerns about the impact to local economies from the transfer of the needed volumes of water."⁵ More detailed analysis or quantification of such impacts is not provided. The U.S. Bureau of Reclamation has successfully established water markets in the Idaho portion of the Snake River Basin employing a "willing buyer-willing seller" approach. The SEIS should consider it as a potentially viable market-based solution respecting the free choices of the contracting parties.
- 4-11 [➤ The Draft SEIS does not mandate a complete water use inventory before additional water rights are considered. Existing water diversions should be quantified before considering whether to provide non-interruptible water rights to users that are currently cut off during dry and drought years.

The Draft SEIS, and the Storage Releases Program itself, should be considered more closely in terms of the following:

- 4-12 [➤ The 2008 Biological Opinion for the Federal Columbia River Power System (FCRPS BiOp) requires no reduction in river flows during the salmon flow objective period (April- August) (Table 1).
- 4-13 [➤ The 2008 FCRPS BiOp states that "Reclamation will not implement this action [Storage Releases Program] unless the state of Washington has secured the concurrence of the Tribes and Reclamation has separately consulted with them on a government-to-government basis" (Table 1).
- 4-14 [➤ The 2008 FCRPS BiOp also says that "the State and Reclamation would need to comply with their respective Environmental Policy Acts and Reclamation would need to submit a water permit application for approval by the State" (Table 1).

⁴ SEIS, p. 70.

⁵ *Id.*

4-15 [Finally, it should be noted that the FCRPS "Action Agencies" responsible for implementing the 2008 FCRPS BiOp have indicated that they would be "convening a technical workgroup to investigate dry year operations and the summer drafting of Lake Roosevelt" in the coming weeks.⁶ It may be premature and inappropriate to prescribe an instream water allocation regime in the Draft SEIS at this point when the subject is on the verge of being considered by a joint tribal-state-federal workgroup, which will probably address it more authoritatively and definitively.

4-16 [The CTUIR encourages you to focus on the issues identified above in the Final Supplemental Environmental Impact Statement for the Program. In addition, we would be interested in meeting with Washington Department of Ecology staff to discuss them further. Thank you for your attention to this matter. If you have any questions, please contact Carl Merkle with our Department of Natural Resources at (541) 276-3449.

Sincerely,

/s/ Jay Minthorn

Jay Minthorn
Chairman
Fish and Wildlife Commission

⁶ E-Mail Message from Katherine Cheney, NOAA Fisheries, to "Sovereigns," "Next FCRPS Sovereigns mtg. July 17 and hydro technical workgroup." July 1, 2008, 3:03 p.m.

Comment Letter No. 4 – Confederated Tribes of the Umatilla Indian Reservation – Jay Minthorn

- 4-1. Comment noted.
- 4-2. Your comment regarding alternatives for timing the flow releases is noted. Ecology has selected Preferred Alternatives that would schedule the flow releases to provide maximum fish benefits.
- 4-3. Please see the response to Comment Number 1-5 regarding adaptive management and the Preferred Alternatives in Chapter 2.
- 4-4. The proposal has been changed to present Preferred Alternatives that use an adaptive management approach to determine if the additional drawdown is necessary on a year-to-year basis to enhance fish flow. We agree that the release would not be productive if the Corps was already releasing water to meet flood control rule curves in a wet year. The Preferred Alternatives result in Lake Roosevelt refill occurring before October 1.
- 4-5. Your comment regarding fish survival is noted. The advisory panel that would be created to adaptively manage the flow releases would consider all factors, including temperature, in scheduling flow releases.
- 4-6. The anadromous fish resource assemblages dominating the mainstem Mid-Columbia region downstream of Chief Joseph Dam, including Pacific lamprey, were presented in Section 3.7.1 of the Programmatic EIS (Ecology, 2007) and were not discussed further in the Supplemental EIS.
- 4-7. Your scoping comments were received by Ecology and were considered in developing the scope of the Draft Supplemental EIS.

Withdrawals of water for municipal and industrial use and for additional mainstem river fish flows under the Lake Roosevelt Incremental Storage Releases Project would occur from water held in storage behind Grand Coulee Dam. The stored water has not been available or used for downstream flows in the mainstem Columbia River to date. As such, adverse effects on downstream fish assemblages would not be anticipated with the incremental flow releases compared to the No Action Alternative. For additional discussion of benefits to downstream fish assemblages with the proposed water release program, refer to Comment Number 19-20. Additional information has been added to the Final Supplemental EIS regarding impacts of reduced flows in September and October. See Sections 4.2.2.5 and 4.2.2.6.

- 4-8. See the response to your Comment Number 4-7 regarding September flows. The reduction in flows in September is not expected to cause pool fluctuations in downstream reservoirs. The flow decreases would occur gradually and would not occur over such a short period of time to cause rapid fluctuations in flow or water levels.
- 4-9. Ecology is pursuing conservation in the Columbia River Basin through other projects as noted in Section 2.5.2 of the Supplemental EIS. In addition, Ecology will require recipients of water allocated for municipal and industrial uses to meet conservation guidelines as part of the public interest test for issuing new water rights (Section 2.4.1.2). Interruptible water rights holders will be required to meet conservation of use restrictions (Section 2.4.2.2).
- 4-10. Water marketing is not included as part of the Lake Roosevelt Incremental Storage Releases Project; however, Ecology is evaluating water marketing potential for the Columbia River Basin through other projects, including the Yakima River Basin Water

Storage Feasibility Study.

- 4-11. Ecology is undertaking a number of projects that will provide information on water rights and water diversions in the Columbia River Basin. All state-based water rights have been imaged and mapped in Ecology's Geographic Water Information System. Document images and place of use overlays are available for viewing on Ecology's Columbia River website. Additionally, Phase 1 of the Columbia River water use measuring program began in 2007 and metering data will be available in 2009. Ecology has allocated \$1 million in financial assistance to mainstem water users to facilitate meter installation. Ecology expects 90 percent of all water withdrawn from the Columbia River and Snake River to be measured and reported. This information will be used in evaluating the issuance of water rights associated with the Incremental Storage Releases Project.
- 4-12. Your comment is noted. Table 1 in the RPA section of the 2008 Biological Opinion describes Storage Project Operations to be included in the Annual WMP ("Water Management Plan"): "If the Lake Roosevelt drawdown component of Washington's Columbia River Water Management Program (CRWMP) is implemented, it will not reduce flows during the salmon flow objective period (April to August)" (Graves, 2007).
- 4-13. Ecology and Reclamation have interpreted the consultation provision of the FCRPS Biological Opinion to apply to consultation with the tribes most affected by the Lake Roosevelt Incremental Storage Releases Project—the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians. The tribes and the state of Washington have signed Water Resources Management Agreements for Lake Roosevelt that include the Tribes' support for the project. Ecology will consult with other tribes in the Columbia River Basin when it evaluates individual water rights that will be issued for water released under the project.
- 4-14. This Supplemental EIS meets the State Environmental Policy Act requirements for the Lake Roosevelt Incremental Storage Releases Project. It is anticipated that Reclamation will submit an application for a secondary water use permit when the Final Supplemental EIS is completed. Reclamation will determine the necessary steps for National Environmental Policy Act compliance when it issues service contracts for the secondary water use permit.
- 4-15. Your comment regarding the technical workgroup is noted. The Biological Opinion includes assessing the operations of Lake Roosevelt as discussed in Sections 3.6 and 4.2.1.4. The need for ongoing discussions and communication between the State of Washington, the action agencies and the tribes is noted in Section 4.2.1.5.
- 4-16. Comment noted.



IN REPLY REFER TO:

EPH-2003
ENV-1.10

Comment Letter No. 5

United States Department of the Interior

BUREAU OF RECLAMATION
Ephrata Field Office
P. O. Box 815
Ephrata, Washington 98823

June 30, 2008

Mr. Derek I. Sandison
Washington State Department of Ecology
12 West Yakima Avenue, Suite 200
Yakima, WA 98902-3452

Subject: Washington State Department of Ecology (Ecology), Draft Supplemental
Environmental Impact Statement (EIS), Lake Roosevelt Incremental Storage Releases
Program, Washington

Dear Mr. Sandison:

5-1 Thank you for the opportunity to review the subject document. Reclamation has worked closely
with Ecology and your contractors during the development of the document. Comments were
provided to you during our June 26, 2008 meeting.

5-2 We are supportive of your efforts to utilize a portion of the water storage behind Grand Coulee
Dam and will continue to work with the State on the Columbia River Water Management
Program.

If you have any questions or we can provide additional background information, please contact
Mr. Jim Blanchard, Special Projects Officer, at 509-754-0226.

Sincerely,

William D. Gray
Assistant Area Manager

Comment Letter No. 5 – Bureau of Reclamation, Ephrata Field Office – William Gray

- 5-1. The comments you provided during the meeting have been incorporated into the Final Supplemental EIS.
- 5-2. Comment noted.



State of Washington
Department of Fish and Wildlife

Mailing Address: 600 Capitol Way North ~ Olympia, WA 98501-1091 (360) 902-2200 TTD (360) 902-2207
Main Office Location: Natural Resources Building ~ 1111 Washington Street S.E. ~ Olympia, WA

June 30, 2008

Derek I. Sandison, Central Regional Director
Washington State Department of Ecology
15 West Yakima Ave. Suite 200
Yakima, WA 98902-3452

Subject: Lake Roosevelt Incremental Storage Releases Project Draft SEIS Comments

6-1 Washington Department of Fish and Wildlife (WDFW) recognizes the importance of the Columbia River Basin Water Management Program for improving instream conditions for fish in the Columbia Basin, as well as providing for other water uses. We support opportunities to increase flows that benefit the species we are mandated to protect, perpetuate, and manage, and the Lake Roosevelt Incremental Storage Releases Project provides such an opportunity. WDFW appreciates the opportunity to provide comments on the Draft Supplemental Environmental Impact Statement (SEIS); Our comments reflect our mandate to "... preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters" (RCW 77.04.012).

WDFW values our collaboration with Ecology, and appreciates that WDFW input contributed significantly to the draft. There are a few issues within the draft, however, that need emphasis:

6-2 ❖ There are four river flow conditions - "Wet," "Normal," "Dry," and "Drought" - that need to be defined and compared, then applied consistently throughout the document. These terms have different definitions depending upon the reader's context and background. In particular, under Section 2.3, the definition of a "dry" year needs to be better explained and tied to the MOU between the State of Washington and Colville Tribes. This is especially important when considering the alternatives for releases of water for instream use, since the dry year definition applied in the draft SEIS is not the same definition applied under the FCRPS BiOp.

Derek I. Sandison
WDFW Comments – FDR Draft SEIS
Page 2

6-3 ❖ WDFW is cited as concluding there is no impact to fish/wildlife from the 1-to-1.5-foot drawdown resulting from this project. In section 4.2.1.6, WDFW's identified potential for indirect effects, through loss of zooplankton production and from entrainment, is omitted. WDFW does not concede the potential for either direct or indirect affects. We do acknowledge that the increment of impact attributable to this 1-to-1.5-foot drawdown is likely not measurable in the context of the range of effects from existing operations.

6-4 ❖ Throughout Section 4, references to the MOU between the State of Washington and Colville Confederated Tribes and to the Accord between BPA and Colville Tribes are muddled. Although the BPA/CCT Accord is important in the overall context of this project, it is the MOU between State of Washington and CCT that is most relevant with respect to this project.

More detailed comments are provided in Attachment 1.

6-5 With respect to the policy alternatives, WDFW has sent Ecology our preferred alternatives for Section 2.3-Proposal regarding water releases under separate cover. WDFW does not identify a preferred alternative for allocation of the water from this project. We wish to note, however, that alternatives involving issuance of water rights in tributaries must be mitigated within those tributaries, and that allocations of "municipal/industrial" and "drought" water that result in withdrawal farther downstream can increase benefits to instream resources in the reaches between release at Grand Coulee Dam and the point of withdrawal.

6-6 Please do not hesitate to consult us on fish and wildlife related issues as you work toward the final SEIS for the Lake Roosevelt Incremental Storage Releases Project. WDFW appreciates the opportunity to comment, and will continue to work collaboratively with Ecology to ensure that implementation of the Columbia River Basin Water Management Program provides benefits to both instream and out-of-stream needs.

Sincerely,

Teresa Scott
Policy Coordinator

**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT
STATEMENT FOR THE LAKE ROOSEVELT INCREMENTAL STORAGE
RELEASES PROGRAM**

Comment 1:

FACT SHEET

Permits, Licenses, and Approvals Required for Proposal: p FS-2

6-7 The Lake Roosevelt Incremental Storage Releases Program requires Ecology to issue secondary use permits for water stored in Lake Roosevelt under Reclamation's 1938 storage right. Ecology will also issue new water rights to municipal and industrial users and supplemental drought permits to holders of interruptible water rights who receive water from the storage releases. Ecology will also issue drought permits for holders of interruptible water rights who receive water from the storage releases. Reclamation will issue service contracts to irrigators in the Odessa Subarea. Ecology will issue a superseding certificate or permit to Odessa Subarea water users who exchange ground water use for surface water.

- ❖ This statement is either redundant or not well differentiated.

Comment 2:

CHAPTER 1.0 INTRODUCTION AND BACKGROUND

6-8 ❖ Much of the background material for this project is buried throughout the document, and even readers well grounded in one or more of the socio-political contexts can get confused about how each is relevant to this proposal. Simple introductory/background descriptions such as a primer on hydropower facilities and operations, a very short description of flood control rule curves, how the BiOp constrains releases under the proposal, and exposition of the context and effects of the various tribal agreements, would be extremely helpful in Chapter 1.0.

Comment 3:

CHAPTER 2.0 PROPOSAL AND ALTERNATIVES

2.3 Proposal: p2-2

6-9 ❖ WDFW's comments and recommendations on the proposed municipal and instream water releases have been submitted in a separate letter, entitled "Preferred Alternatives for Water Releases from the Lake Roosevelt Incremental Storage Releases Program – Draft SEIS" and dated June 20, 2008. Those comments and recommendations with not be reiterated herein but should also be considered.

Comment 4:

2.3 Proposal:

Table 2.4 Maximize Fish Flows Option 1C(b) – Dry Year: p 2-14

6-10 ❖ There appears to be a typographical error. The April, May, and June Odessa Release figures are mistyped as 155, 149, and 154, respectively. The correct values

6-10 are 34, 65, and 101, respectively.

Comment 5:

2.4.1 Allocation for Municipal and Industrial Supply: p 2-27

6-11 ❖ Alternatives that allow permitting for withdrawals in tributaries do not meet WDFW's mitigation goal to achieve no loss of habitat functions and values in the programs we initiate, regulate, or review.

Ecology has proposed four options for allocating storage releases to fulfill pending applications for municipal and industrial uses. Each of these options may be considered separately or in combination with each other.

Option 2.4.1.2 - Allocation to Users Whose Water Use Would Impact the Columbia River - allows for permitting of pending applications in tributaries. Water for municipal and industrial uses will be available in the Columbia River but not the tributaries. Options 2.4.1.3 and 2.4.1.2.4 also allow for permitting of pending applications in tributaries. These options do not provide mitigation water for local impacts to tributaries. Mitigation water must be found for tributary impacts before pending applications in tributaries are permitted.

Comment 6:

2.4.2 Allocation for Interruptible Water Rights: p 2-29

6-12 There are approximately 379 holders of interruptible water rights in the Columbia River Basin. Most of those water rights are for irrigation along with municipal, power and other uses. Ecology is considering seven options for allocating the 33,000 acre-feet of water to those water users during drought years. Ecology would run a drought insurance program for the 33,000 acre-feet and notify interruptible water right holders of program requirements. Each interruptible water right holder would file an application for a drought permit.

❖ The 379 interruptible water rights holders are within the one-mile corridor of the Columbia River, and do not include all interruptible /pro-ratable water rights holders in tributaries within the Columbia River Basin. Please indicate that in the paragraph. It might also be helpful to view the 33,000 acre-feet in context with the entire estimated need for those 379 interruptible water right holders.

6-13 ❖ Six options are listed in the draft SEIS. What is the seventh option?

Comment 7:

CHAPTER 3.0 AFFECTED ENVIRONMENT

3.4.2.1 Lake Roosevelt; Sampling Efforts; Results; Temperature: p 3-19

6-14 Mean monthly temperatures across all sampling locations for 2002 to 2005 (as reported by the STI) ranged as follows (Figure 3-3):

- June: 54.7 to 57.9 degrees F (12.6 to 14.4 degrees C)
- July: 63.1 to 61.5 degrees F (17.3 to 16.4 degrees C)
- August: 65.3 to 67.64 degrees F (18.5 to 19.8 degrees C)

- September: 64.6 to 65.8 degrees F (18.1 to 18.8 degrees C)
 - October: 59.5 to 61.7 degrees F (15.3 to 16.5 degrees C)
- 6-14 ❖ Is there some significance to listing the July values high to low? All other numbers are low to high.

Comment 8:

3.8 Wildlife and Plants:

3.8.1 Lake Roosevelt:

3.8.1.1 Plant Communities and Habitats; Reservoir Drawdown: p 3-44

6-15 A study of Lake Roosevelt’s biological resources in 1993 found that the littoral zone of the lake has limited production of emergent and aquatic bed vegetation due to reservoir fluctuation. Voeller (1993) observed little aquatic plant community growth and low benthic macroinvertebrate assemblages due to the lack of stable littoral habitats. For an approximately three-month period, the lake drawdown separates the riparian habitats from the reservoir by an expanse of barren land.

- ❖ The above paragraph indicates there is very little emergent vegetation due to current operations and yet information in section 3.8.1.2 Wildlife Species, Reservoir Drawdown contradicts that statement by listing the many species that live there. Please reconcile the two sections.

Comment 9:

3.8.1.2 Wildlife Species: p 3-45

6-16 Observations of priority species including bald eagle, golden eagle, osprey, northern goshawk, Merriam’s wild turkey, Rio Grande wild turkey, blue grouse, Lewis woodpecker, and white headed woodpecker are common to the area (WDFW, 2008). Shoreline habitats provide areas for roosting and breeding, including several communal bald eagle roosts found in proximity to the lake. WDFW has identified areas that support high concentrations of waterfowl in Lake Roosevelt including large numbers of migrating or wintering ducks and geese. Common species in these concentration areas are mallard, northern pintail, cinnamon teal, redhead, canvasback, lesser scaup and Canada geese. Areas of emergent vegetation are important for nesting for species such as red-winged and yellow-headed blackbird, marsh wren, grebe, bittern, Canada geese, and muskrat.

WDFW has noted occurrences of California floater, western toad, and Pacific western Townsend’s big eared bat (WDFW, 2008). Other known common reptiles and amphibians include sagebrush lizard, short-horned lizard, western rattlesnake, bull snake, western terrestrial garter snake, bullfrog, and salamander species.

3.8.2 Columbia River Downstream:

3.8.2.2 Hanford Reach: p 3-48

Multiple priority species occurrences have been recorded by WDFW, including mule deer, Rocky Mountain elk, Rocky Mountain bighorn sheep, black-tailed jackrabbit, and Ord’s kangaroo rat. Golden eagle, prairie falcon, peregrine falcon, Swainson’s hawk, common loon, and chukar have also been observed multiple times. Racer, striped whipsnake, night snake, and sagebrush lizard are common reptiles in the vicinity of the river (WDFW, 2008).

3.8.3 Odessa Subarea and Banks Lake:

3.8.3.1 Odessa Subarea: p 3-48

Some areas of intact and disturbed shrub-steppe are present. WDFW notes shrub-steppe, wetland, and riparian priority habitats throughout the northern portion of the Odessa Subarea. Priority species regularly found in this area include ferruginous hawk, sage sparrow, sharp-tailed grouse, Washington ground squirrel, and white-tailed jackrabbit.

Extensive wetland habitat containing waterfowl concentrations is present in northwestern portion of the Odessa Subarea. Mule deer and ring-necked pheasant habitat is common. American white pelican and tundra swan occur in the north-central portion, while swan, prairie falcon, loggerhead shrike, sage thrasher, and tiger salamander have been recorded in the northeastern portion. Occurrences of Washington ground squirrel are common in the western and southern portions of the subarea.

- 6-16 ❖ In each of the paragraphs above, the terms “common” and “regularly” are used without definition. The general understanding of common to a layperson is that the species is plentiful and there is no concern for its survival. Even though the above species may frequent the area, many are on the Priority Habitats and Species, State Species of Concern, and federal lists because of low abundance in Washington. Do NOT portray these species as plentiful or easily found. Those species are
- western toad (Federal Species of Concern, FSC; State Candidate, SC),
 - bald eagle (FSC; State Sensitive, SS),
 - golden eagle (SC),
 - osprey (State monitored, SM),
 - northern goshawk (FSC, SC),
 - Lewis’ woodpecker (SC),
 - white-headed woodpecker (SC),
 - western grebe (SC),
 - California floater (FSC, SC),
 - sagebrush lizard (FSC, SC),
 - striped whipsnake (SC),
 - ferruginous hawk (FSC; State Threatened, ST),
 - sage sparrow (SC),
 - Washington ground squirrel (Federally Controlled, FC; SC), and
 - white-tailed jackrabbit (SC).
- 6-17 ❖ In addition to the species listed above, bull snake is also known as a gopher snake, and bullfrog although present is non-native and considered invasive.

Comment 10:

3.8 Wildlife and Plants:

3.8.1 Lake Roosevelt:

3.8.1.1 Plant Communities and Habitats; Reservoir Drawdown: p 3-46

6-18

Shoreline areas that provide emergent vegetation for nesting waterfowl are generally located within embayments such as the Sanpoil River and Marcus Flats (Figures 3 through 7 and 17 in the Map Folio at the end of this document). These areas likely have a gently sloping littoral zone that allows the deposition of fine sediments that promote plant growth and are sheltered from wind and wave action.

- ❖ See section 3.8.1.1. Plant Communities and Habitats, Reservoir Drawdown. Please reconcile the two sections.

Comment 11:

3.11 Recreation and Scenic Resources:

3.11.1.1 Recreational activities and use levels: p 3-55

6-19

- ❖ Information on recreational fishing is missing from this section. The SEIS should acknowledge recreational fishing as a component of “recreation.” Section 4.11.1.1 - Recreational Fishing Effects - provides a good linkage from fish impacts (and mitigation thereof) to recreational fishing.

Comment 12:

CHAPTER 4.0 IMPACTS AND MITIGATION MEASURES FOR INCREMENTAL STORAGE RELEASES

4.2 Proposal:

4.2.1 Lake Roosevelt (and other relevant sections therein)

6-20

- ❖ Many of the conclusions made within the draft SEIS for potential impacts from Lake Roosevelt incremental releases were drawn from average lake elevations. Averages temper the data to a single point per time unit instead of depicting the range of data. WDFW is concerned about impacts that will occur during the extremes of fluctuations rather than the average fluctuation. WDFW acknowledges that Lake Roosevelt is in a constant state of fluctuation and a specific time unit must be chosen. Please indicate the range of fluctuation by the unit utilized in the figures along with the average. This information would be informative in figures 4-1 through 4-7.

6-21

A monitoring/management plan should be developed and implemented to measure when lake levels fall to within the 25th percentile of the of the low elevation (percentile, frequency and duration would be determined in the management plan). This will allow for verification of Ecology’s modeling results and provide an opportunity for alternative actions (such as salvaging stranded fish etc) to be identified and implemented to minimize impacts.

Comment 13:

4.2.1.3 Surface Water

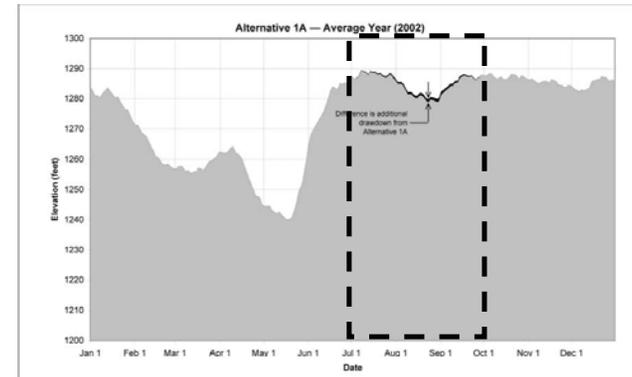
Water Quality

Long-term/operational impacts:

6-22

- Figure 4-1. Lake Roosevelt Water Elevation – Alternative 1A: p 4-11**
- Figure 4-2. Lake Roosevelt Water Elevations – Alternative 1B: p 4-13**
- Figure 4-3a. Lake Roosevelt Water Elevations – Alternative 1C: p 4-15**
- Figure 4-3b. Lake Roosevelt Water Elevations - Alternative 1C: p 4-17**
- Figure 4-4. Lake Roosevelt Water Elevations – Alternatives 1D, 1E: p 4-19**

- ❖ Please bracket or highlight the starting date and ending date within the figure. This will highlight the timing of the incremental releases. See example below.
- ❖ Also explain how the average was calculated. What is the unit that is being averaged, hourly, or daily average to weekly, etc? The graph units are monthly but there is variation within the monthly unit.
- ❖ Please indicate the range of fluctuation by the unit utilized in the figures along with the average.



Comment 14:

4.2.1.6 Fish

**Long-term/operational impacts
Littoral Habitats**

Kokanee Salmon: p 4-31

In their review of the Columbia River Basin Water Management Program, WDFW concluded the worst-case additional drawdown of approximately 1 foot under non-drought conditions and 1.5 feet under drought conditions would not directly affect kokanee salmon at the shoreline (WDFW, 2007). This conclusion is a result of the absence of documented shoreline spawning and the open-water habitat use of this species.

❖ Following is a direct quote of the passage cited above, although the passage was included as part of WDFW's annual contract report to Ecology, and not as a "Review of the program:"

6-23

"Due to the ... absence of documented shoreline spawning, and the open water habitat use of this species, the Washington Department of Fish and Wildlife (WDFW) concludes that the effects of an additional one-foot drawdown will not directly affect kokanee at the shoreline. Indirect effects may occur with the loss of zooplankton and fish through entrainment."

❖ The EIS neglected to include the sentence on indirect affects;

❖ WDFW does not concede the potential for either direct or indirect affects, but acknowledges that the increment of impact attributable to this 1-to-1.5-foot drawdown is likely not measurable in the context of those impacts from existing operations.

❖ Suggested replacement:

["WDFW suggests \(WDFW, 2007\) that direct effects to kokanee salmon at the shoreline from the additional 1-to-1.8-foot drawdown would likely not be measurable in relation to the wide range of impacts from existing reservoir operations. This is because kokanee in Lake Roosevelt primarily utilize open water habitat. Indirect effects may occur with the loss of zooplankton and fish through entrainment, which are discussed in subsections below."](#)

Comment 15:

4.2.1.6 Fish

**Artificial Propagation (Kokanee, Rainbow Trout, White Sturgeon)
Reservoir Residence Time**

6-24

Table 4-12. Estimated Change in Reservoir Retention Time (days) Compared to Current Conditions: p 4-35 (Excerpt follows)

Table 4-12. Estimated Change in Reservoir Retention Time (days) Compared to Current Conditions

Alternative				Retention Time in Days		
Maximum Monthly Outflow				Baseline	With Proposal	Difference
Alternative	Outflow (cfs)	Month	Drawdown (feet)	Days	Days	Days (%)
Example at 1,280 feet msl -Average Year - 1-foot elevation change						
1A	672	August	1,279	45	45	18 (1.7%)
1B(a)	285	August	1,279	45	45	13 (1.2%)
1C(a)	305	August	1,279	45	45	13 (1.2%)

6-24

❖ This table is confusing without additional information or, perhaps, corrections. Data for days "With Proposal" are shown as identical to "baseline," yet the "Difference" values seem to indicate they are not identical. Please explain how "Difference in Retention Time in Days" is calculated or correct entries for "With Proposal" days.

❖ Does this table refer to fish retention time or water particle retention time?

Comment 16:

4.2.1.6 Fish

Fish Entrainment Kokanee Salmon/Rainbow Trout

Table 4-13. Maximum Monthly Outflow under Various Flow Release Alternatives Compared to Existing Conditions: p 4-36 (excerpt follows)

Table 4-13. Maximum Monthly Outflow under Various Flow Release Alternatives Compared to Existing Conditions

Alternative	Maximum Monthly Outflow (CFS) ^{1/}	Peak Month	Existing mean monthly discharge at GCD (KCFS) ^{2/}	Increase in outflow (%)
Average Year				
1A	672	August	94.2	0.7
1B(a)	285	August	94.2	0.3
1C(a)	305	August	94.2	0.3

6-25

❖ Utilize same outflow units for comparison purposes.

Comment 17:

4.2 Proposal
4.2.2 Columbia River Downstream
4.2.2.3 Surface Water: p 4-55
Tables 4-15, 4-16, 4-17.

❖ “Estimated difference in Columbia River Flow Downstream of Lake Roosevelt” – as compared to what? “Average?” Also, is Table 4-17 the same as Table 4-15 except represented in percentages instead of cfs?

Comment 18:

“Mitigation” paragraphs throughout CHAPTER 4.

❖ Under “Mitigation” for section 4.2.2.3 under “Surface Water Quantity,” the SEIS states that “... proposed flows will increase Columbia River flow during critical fish periods and will not cause negative impacts to stream flows.” It is unfortunate to characterize a reduction in flow (September) as “not causing negative impacts to instream flow.” And, it presumptive to assume that the period in question may not be a “critical fish period.” In the same section under “Surface Water Quality:” to indicate that “no mitigation is necessary because no construction is proposed” is missing the point entirely. This is an unfortunate conclusion or expression of the conclusion. See also Section 4.2.2.5 – Legal Considerations - under “Biological Opinion.”

❖ Conclusions reached in the SEIS may be supportable, but many are framed in an inflammatory manner. Certainly WDFW could not agree that a reduction in flow or increase in temperature constitute “no impact.” Ecology should closely examine and revise “mitigation” paragraphs throughout Chapter 4.

Comment 19:

Water Quality
Long-term/operational impacts: p 4-57

The incremental storage releases would release water that is cooler than 68 degrees F (20 degrees C) (Table 4-18). However, maximum upstream water temperatures were substantially warmer than maximum downstream temperatures in July of wet years and drought years (shaded cell in Table 4-13). Summer water temperatures downstream of Lake Roosevelt are typically 64.4 to 68 degrees F (18 to 20 degrees C), so the Proposal would not degrade downstream water temperatures except potentially in the summer months of wet and dry years.

❖ Change to “(Shaded cell in Table 4-18)”.

Table 4-18. Average Daily Water Temperature Upstream and Downstream of Grand Coulee Dam: p 4-58 (Portion of table below)

Year and Month	Upstream Water Temperature, Measured at the Forebay ^a		Downstream Water Temperature, Measured Downstream of the Dam ^a	
	Minimum °F (°C)	Maximum °F (°C)	Minimum °F (°C)	Maximum °F (°C)
June	52.3 (11.3)	56.5 (13.6)	50.0 (10.0)	55.8 (13.2)
July	56.5 (13.6)	61.5 (16.4)■	54.1 (12.3)	58.5 (14.7)■
August	61.5 (16.4)	67.3 (19.6)	58.5 (14.7)	64.8 (18.2)
September	65.7 (18.7)	67.1 (19.5)	63.7 (17.6)	66.9 (19.4)
October	59.7 (15.4)	65.7 (18.7)	70.0 (16.1)	66.2 (19.0)
November	52.5 (11.4)	59.5 (15.3)	53.2 (11.8)	60.8 (16.0)
December	48.6 (9.2)	52.2 (11.2)	45.5 (7.5)	52.9 (11.6)

■ Indicates that there is a difference of more than 2.7°F (1.5°C) between the upstream and downstream locations. However, both locations are below 64.4°F (18°C).
▲ Indicates that there is a difference of more than 2.7°F (1.5°C) between the upstream and downstream locations. However, the upstream location is above 64.4°F (18°C).

❖ Please explain why 2.7° F was chosen to note a difference between upstream and down stream temperatures. Is this difference statistically or biologically significant?

❖ Why does the EIS downplay the potential for degradation of downstream temperatures in summer months for both wet and dry years? This would seem significant in the context of the entire action, especially with respect to the assumption that water releases during those months are beneficial to fish. Please explain further.

Comment 20:

Figure 4-11 Locations of Interruptible Water Rights: p 4-69

❖ First, this figure depicts only the interruptible rights within the one-mile-corridor of the Columbia River Mainstem – the ones relevant in the context of this proposal – and does not represent interruptible or prorated rights in tributaries. Labeling should indicate this.

❖ This figure is truncated at Walla Walla, yet significant interruptible rights occur in the McNary and John Day Pools.

Comment 21:

4.2 Proposal

4.2.3 Odessa Subarea and Banks Lake

4.2.3.7 Wildlife and Plants: p 4-78

6-34

“No short-term impacts to wildlife or plants will occur as a result of the proposed water to be diverted to the Odessa Subarea.” ... “The conveyance systems would be located in existing disturbed and agricultural areas and few impacts to plants and wildlife are anticipated.”

- ❖ These two statements, appearing in the same paragraph, contradict one another. Is it “no impacts” or “few are anticipated?”

Comment 22:

4.3 Cumulative Impacts: p 4-81

6-35

- ❖ WDFW agrees that, though impacts to fish/wildlife/habitat resources from Lake Roosevelt Incremental Storage Release might occur, those impacts are not likely significant or measurable in the context of the range of impacts from existing reservoir operations.

Comment Letter No. 6 – Washington Department of Fish and Wildlife – Teresa Scott

- 6-1. Comment noted.
- 6-2. The definition of dry year is consistent with the Water Resources Agreement with the CCT and will be the basis of decision making for flow releases.
- 6-3. Comment noted. Please also see the response to your more detailed Comment Number 6-23.
- 6-4. References to these documents have been clarified throughout the Supplemental EIS.
- 6-5. The letter you provided on your preferred alternatives was received and was considered in developing the Preferred Alternative for the Final Supplemental EIS. Your comment regarding mitigation in tributaries is noted.
- 6-6. Comment noted.
- 6-7. The sentence has been revised.
- 6-8. General background information on the operation of Lake Roosevelt is provided in Section 1.4. Additional background information specific to elements of the environment is provided in Chapter 3.
- 6-9. See the response to your Comment Number 6-5.
- 6-10. Table 2-4 has been corrected.
- 6-11. Your comment regarding the allocation alternatives is noted.
- 6-12. Comment noted. A new map of the interruptible water rights has been included in the Final Supplemental EIS (Figure 4-12). The new map includes the area downstream of McNary Dam. Text has been added to the description of the map to make it clear that interruptible water rights on the Wenatchee, Okanogan, and Methow Rivers are not depicted.
- 6-13. The text has been revised to say six options.
- 6-14. The text has been revised so that July is consistent with the other months listed.
- 6-15. The text in Section 3.8.1.2 has been revised to state that reservoir fluctuation limits the establishment of suitable habitats for nesting waterfowl and breeding amphibians along the shoreline.
- 6-16. Comment noted. It was not our intention to portray listed or candidate species as common. The text in Sections 3.8.1.2, 3.8.2, and 3.8.3 has been revised to state more clearly that priority species noted as occurring in the area are not common or regularly occurring, but have been merely documented in the WDFW PHS data.
- 6-17. The text in Section 3.8.1.2 has been revised to note that bullfrogs are nonnative and considered invasive.
- 6-18. Based on your comment and further analysis, the text of Section 3.8.1.2 stating that habitat for nesting waterfowl occurs in certain embayments has been revised.
- 6-19. The importance of recreational fishing on Lake Roosevelt was generally described in the Programmatic EIS. Because no impacts were anticipated to recreational fishing, no additional information was provided in the Supplemental EIS.
- 6-20. The conclusions made in the Supplemental EIS regarding potential impacts from Lake Roosevelt releases were drawn from specific years representing an average (2002), dry (2003), or drought (2001) year. The data used in the Chapter 4 figures are daily observed values from those specific years. The horizontal axes in the figures show monthly units because daily labels would be cluttered and too difficult to read.
- 6-21. The Supplemental EIS did not identify significant potential impacts to fish in Lake

Roosevelt from the changed reservoir operations. Therefore, Ecology does not believe a monitoring program is warranted. Ecology will continue to work with WDFW to determine if impacts to fish result from the project.

- 6-22. Figures 4-1 to 4-4 have been revised to include starting and ending dates of additional drawdown. The text has been revised to clarify the figures, which are daily hydrographs of a representative average, dry, or drought year.
- 6-23. Comment noted. The text has been modified to reflect your concern. Indirect effects on zooplankton production and fish entrainment were addressed in later subsections of the Supplemental EIS since the section you refer to only addressed littoral habitats.
- 6-24. The table (now Table 4-11) has been modified per your suggestion.
- 6-25. The table (now Table 4-12) has been revised to make the units consistent.
- 6-26. The estimated difference is compared to the average monthly flows using current operations. Table 4-16 (formerly 4-17) is the same as Table 4-14 (formerly 4-15) except the values are represented in percentages instead of cfs.
- 6-27. The Supplemental EIS has been changed to address fall flow reductions in the Columbia River. See Sections 4.2.2.5 and 4.2.2.6.
- 6-28. The mitigation section for water quality has been revised to clarify the impacts and mitigation requirements, as necessary. Under SEPA regulations (WAC 197-11-660), mitigation measures are required for specific, adverse environmental impacts identified in an EIS. If no significant impacts are identified, no mitigation is offered. The only significant impacts identified in the Supplemental EIS were to recreational facilities on Lake Roosevelt and appropriate mitigation is proposed for those impacts.
- 6-29. The mitigation sections have been reviewed and revised, as necessary. See also the response to your Comment 6-29.
- 6-30. Table 4-18 from the Draft Supplemental EIS has been replaced with a new Figure 4-11. See the response to your Comment Number 6-31.
- 6-31. The difference was not chosen because it was statistically or biologically significant. The 2.7 degrees F difference was chosen to highlight instances where there was a greater difference in water temperature at the two locations. The discussion of operational effects on water temperatures has been revised in the Final Supplemental EIS to focus on how the operating procedures of releases from Grand Coulee Dam and other factors influence the temperature of the water released from Lake Roosevelt. Table 4-18 in the Draft EIS has been replaced with Figure 4-11 which displays downstream water temperatures for 1997 through 2007.
- 6-32. The Final Supplemental EIS has been revised to include an expanded discussion of operational effects on downstream water temperatures to incorporate evaluation of the potential to maintain cool water releases for prolonged periods (Reclamation, 2000).
- 6-33. Comment noted. See the response to your Comment Number 6-12 regarding Figure 4-11.
- 6-34. The paragraph has been revised to be consistent.
- 6-35. Comment noted.

From: Dave McClure [mailto:DaveM@co.klickitat.wa.us]
 Sent: Tuesday, July 01, 2008 10:39 AM
 To: Sandison, Derek (ECY)
 Subject: SEIS Comments

Hi Derek,

7-1 Please find attached Klickitat County's comments on the Draft SEIS. Thank you.

David McClure, Director
 Klickitat County Natural Resources Department
 228 West Main Street, MS-CH-37
 Goldendale, Washington 98620
 Phone: (509) 773-2481
 Fax: (509) 773-6206
 email: davem@co.klickitat.wa.us

**Klickitat County Comments on
 Draft Supplemental EIS for Lake Roosevelt Incremental
 Storage Release Program**

7-2 **Section 2.3:** The discussion of chapter 173-563 WAC should inform that the instream flows and average weekly flows do not apply to any application for water from the mainstem Columbia River on which a decision is made by Ecology on or after July 27, 1997 (WAC 173-563-020(4)).

7-2 RCW 90.82.130(4) provides for the use of approved watershed management plans as a primary consideration in determining the public interest related to water resource decisions. Where there an approved watershed management, is should be included as a primary consideration in the Director of Ecology's OCPI determination.

7-3 **Subsection 2.3.1:** Releases of the water allocation for out of stream uses (municipal, industrial, and interruptibles) should be timed to maximize utility for the water right holders.

7-4 **Subsection 2.4.1.2:** As provided in WAC 173-563-020(1), Chapter 173-563 WAC "applies to public **surface waters of the main stem Columbia River** [emphasis added] in Washington State and to any ground water withdrawal of which is determined by the department of ecology to have a **significant and direct impact** [emphasis added] on the surface waters of the main stem Columbia River. The extent of the "main stem" Columbia River shall be the Columbia River from the upstream extent of tidal influence (Bonneville Dam-River Mile 146.1) upstream to the United States-Canada border (River Mile 745) and include those areas inundated by impounded waters at full pool elevations." As drafted, subsection 2.4.1.2 implies that Chapter 173-563 WAC applies to municipal and industrial users that are not subject to Chapter 173-563 WAC. This should be corrected.

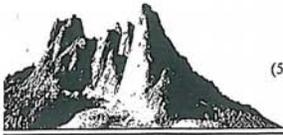
7-5 It is unclear why an OCPI determination would be needed for municipal and industrial uses/water right permit applicants that are not subject to Chapter 173-563 WAC.

7-6 **Subsection 2.4.1.4:** If a "regional equity" scheme is used to allocate water, the regions should be based on the management units delineated in WAC 173-563-040(1) WAC or based on WRIA.

7-7 **Subsection 2.4.2:** As provided in WAC 173-563-056(1)(c), out of stream diverters are regulated on a first-in-time, first-in-right basis. Therefore, it is appropriate that the allocation to interruptible water right holders be on a first-in-time, first-in-right basis.

Comment Letter No. 7 – Klickitat County Natural Resources Department – Dave McClure

- 7-1. Comment noted.
- 7-2. Sections 6.1.6 and 6.1.11 of the Final Programmatic EIS (Ecology, 2007) describe Ecology's Preferred Alternative relative to instream flow conditions applicable to existing water rights and water developed under the provisions of RCW 90.90. Ecology agrees that the adopted instream flows in WAC 173-563-040 do not apply to applications filed after July 27, 1997. Instead, the rule requires that instream flow conditions or mitigation be identified through the consultation process identified in WAC 173-563-020(4). Also, RCW 90.90.030 provides that permits issued as a result of participation in a Voluntary Regional Agreement will not be interruptible. Finally, Section 2.4 of the Supplemental EIS describes the allocation options for water stored in Lake Roosevelt under Reclamation's Reservoir Certificate 21869, not for allocation of new water under an application filed subsequent to July 27, 1997.
- 7-3. Comment noted.
- 7-4. The description in Section 2.4.1.2 of the Draft Supplemental EIS (changed in the Final Supplemental EIS) did not intend to imply that Chapter 173-563 applied to user not subject to that administrative rule. Ecology has selected a Preferred Alternative for allocation of municipal and industrial users that meets the requirements of WAC 173-563-020. See Section 2.4.1.1 of the Final Supplemental EIS.
- 7-5. WAC 173-563 does not exempt industrial or municipal water supplies from instream flow requirements. It provides that the flows are to be developed through consultation with affected state and federal agencies, tribes, and local governments. Further, the adopted flows (WAC 173-563-040) are water rights that must be considered in the impairment review associated with new applications for permit or transfers of existing water rights.
- 7-6. Comment noted.
- 7-7. Comment noted.



OKANOGAN COUNTY
 OFFICE OF PLANNING AND DEVELOPMENT
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Comment Letter No. 8

June 2, 2008

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

RE: Lake Roosevelt Comments

Dear Mr. Sandison,

8-1 Thank you for the opportunity to comment on the Proposed Lake Roosevelt Incremental Storage Release Project Draft Supplemental EIS. After reviewing the proposal I offer that Okanogan County has concerns about the EIS.

1) Lower water level brought about by the additional drawdown of Roosevelt Lake is a probable, significant, adverse impact.

8-2 The Okanogan County Board of County Commissioners believes the impact associated with lower water levels is over-stated. It is questionable whether the amount of water allocated for withdrawal will result in a noticeable difference if the future withdrawals are anticipated and planned for during high water times. In addition, the calculations for the return flow of non-consumptive water use from irrigation, domestic, and municipal activities are inadequate. The calculations of true consumptive use must be realistic. The impacts of the additional withdrawal are further mitigated as the points of withdrawal will likely be spread throughout the drainage.

8-3 2) The additional withdrawal of water from Lake Roosevelt will create public and environmental benefits that outweigh any probable, significant, and adverse impacts.

8-4 The additional water, if allocated to municipalities, agriculture, and community water systems in that order of priority, will benefit the public. One of the issues faced by the Counties in the drainage is the pressure of rural development proposals. While those seeking the rural lifestyle will always be a factor, in many cases a single family well or small group B system on an exempt well is the only realistic option. Several small cities in Okanogan County face tremendous obstacles in trying to infill or expand because of the lack of a water right. Because new water rights are virtually impossible to obtain the Department of Ecology has caused an artificial supply and demand imbalance which has priced water rights out of reach for these municipalities. The aggressive program of water right purchases and transfers facilitated by the Department of Ecology has exacerbated this situation. Because of the resources, both in time and money, necessary to complete a transfer and to financially absorb the cost of the water right routinely lost through "wastage" or "relinquishment" most small municipalities are out of the market.

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 DEPARTMENT OF ECOLOGY - CSH/RAIL REGIONAL OFFICE

Comment Letter No. 8

8-6 One of the major objectives of the Growth Management Act was to direct growth into municipalities where the higher density could be better served with fewer impacts. Affordable housing is generally possible only where urban services are available. The additional water from Lake Roosevelt, if allocated with these priorities in mind, can achieve a great deal consistent with these two important objectives.

3) The additional water withdrawal from the Roosevelt Lake should be part of a much larger effort to revise water policy in the drainage.

8-7 The array of disjointed laws, rules, policies, and historic practices that govern the allocation and use of water in the drainage are often the greatest obstacles to effective decision making. By way of example, WAC 173-548 or the Methow Rule, was written as an emergency rule later codified as the cited WAC as a result of the Early Winters Ski Resort proposal in the 1970's. The ski resort was never permitted yet the rule passed in anticipation of it has never been revised in any meaningful way. All elements of the WAC, including in-stream flows, need to be re-examined using principles of good watershed planning rather than to provide restrictions to a development and the anticipated secondary development that never occurred.

8-8 4) There appears to be reluctance on the Department of Ecology to move efficiently towards additional withdrawal of water from Lake Roosevelt.

8-9 The critical methodology applied by the Department of Ecology to this proposal would seem in stark contrast to their refusal to examine the potential impacts of the water right sale/transfer program facilitated by the Department. It would appear at face value that some concern exists in the Department that the additional water will reduce some of the market demand on existing water rights. This assertion is supported by the Departments on-going assertion that the drainage is over appropriated. By creating the high demand for existing water rights and facilitating the sale and transfer of these rights the Department is able to bring these rights under scrutiny. Through their analysis for "wastage" and "relinquishment" or by using the Washington River Conservancy to buy portions of the rights the Department is able to reduce the amount of water under existing rights using the money of the development community. Whether this program is good or bad is academic in this discussion. The desire of the Department to keep the demand for existing water rights high should not impact the analysis and implementation of the additional water from Roosevelt Lake.

Thank you for the opportunity to commenting on the Proposed Lake Roosevelt Incremental Storage Release Project Draft Supplemental EIS.


 Nathan Wehmeyer
 Natural Resource Planner II

Cc: Perry Huston, Director
 File

Comment Letter No. 8 – Okanogan County Office of Planning and Development – Nathan Wehmeyer

- 8-1. Comment noted.
- 8-2. The Supplemental EIS does not conclude that the drawdown of Lake Roosevelt would be a significant adverse impact. The only significant impacts noted for the drawdown of Lake Roosevelt would be impacts to boat ramps for a few days to few weeks during drought years. In order to approach the impacts conservatively, return flow from non-consumptive water use was not considered. These non-consumptive flows will increase the Columbia River flow at points downstream of Grand Coulee Dam, but will have no effect on the water levels of Lake Roosevelt.
- 8-3. Comment noted.
- 8-4. Comment noted.
- 8-5. Your comment regarding water transfers and the price of water rights is noted. The Washington State Legislature has directed Ecology to study the impacts of downstream transfers by November 15, 2009 (RCW 90.90.080). Ecology will meet this deadline and the other requirements of the legislation to study impacts and assist affected counties.
- 8-6. Your comment regarding housing goals of the Growth Management Act is noted.
- 8-7. Your comment regarding water policies is noted.
- 8-8. Ecology anticipates that action will be taken on the Lake Roosevelt Incremental Storage Releases Project upon completion of this Final Supplemental EIS later this summer.
- 8-9. Your comments are noted.



PO BOX 618, Colville, Washington 99114

(509)258-4041

June 30, 2008

To: Derek I. Sandison
Department of Ecology
15 West Yakima Ave., Suite 200
Yakima, WA 98902-3452

From: Wesley L. McCart
Stevens County Farm Bureau
4979 Lyons Hill Rd
Springdale, WA 99173

Subject: Draft Supplemental Environmental Impact Statement for the Lake Roosevelt Incremental Storage Releases Program – dated May 25, 2008

I, Wesley L. McCart, state the following for the record on behalf of Wesley L. McCart and the Stevens County Farm Bureau:

9-1 We oppose the current distribution of water during drought years as stated based on the MOU referenced in appendix A. The current law, RCW 90.90, states that 1/3 should be for instream flow augmentation and 2/3 should be for out of stream uses, including existing interruptible water right holders on the mainstem Columbia River. This would allow for the distribution of 50,000 acre-ft in drought years to be proportioned as 16,667 acre-ft for instream flow and 33,333 acre-feet for out of stream use. The MOU drafted and signed by then Governor Locke was for the Columbia River Initiative, which was defeated and never put into legislation. An existing MOU for distribution purposes does not allow you to violate state law. Therefore, the MOU must be changed as well as the distribution of water allocated. Under your current proposal of 17,000 for instream use, 333 acre-feet of water is short changed to agriculture, which would be approximately 100+ acres of total season farmland irrigation, or enough water to supply short season needs in crops like orchards that may save thousands of acres of trees and several years of subsequent losses of crops, or very valuable municipal water supply. We support the total allocation of 50,000 acre-ft, but ask that you correct the distribution to follow state law, not an invalid MOU.

9-2 We support allocations to achieve regional equity as stated in section 2.4.1.4. We feel it is extremely important that pending municipal and industrial water applications that would withdraw water from behind Grand Coulee Dam be considered. We also believe pending agricultural water applications should be included as well as interruptible rights from behind the Grand Coulee Dam in drought years.

9-3 We are concerned about the effects the drawdowns will have on our local economies. As stated in section 3.11.1.3, five boat ramps will be affected by water levels. Four of five of these ramps are in northern Stevens County above Kettle Falls. These ramps include Marcus Island, Evans, Napoleon Bridge, and North Gorge. There is no data to back up the claims that the users of these facilities will go somewhere else, just a personal communication based on a guess. This loss of use of an entire area of the system, refer to your map for clustered location, does have a significant economic hit to the local economies. When local dollars are lost, other infrastructure and support businesses are also lost. If we are to maintain healthy local economies, these effects must be mitigated. 9-4 2ESSB6874 under section 3 calls for studying these economic losses. We would like to stress that when site specific studies are complete, that specific mitigation for the effects takes place. Such things as extending boat ramps or similar types of mitigation must occur.

9-5 Further, under section 3.14.1, the Inchelium-Gifford Ferry is talked about. Although loss of this vital transportation link will only occur occasionally, in drought years, further drawdowns will extend the hardship. Farmers use this Ferry to deliver hay and other products. Schools use this system to transport children back and forth to both sides of the Lake. It is an economic hardship to extend travels, especially with current and future fuel prices, to the Kettle Falls bridge and back down again, or expect people to travel to the Keller Ferry. The Keller Ferry may only be thirty miles, but I question if this is road miles, and in the case of school bus travel this would extend a pupils trip by 1-2 hrs twice a day. We must mitigate for this effect, by extending the ramps, or other means of making the Ferry year round.

Thank you for allowing me to comment on this matter.

Respectfully submitted,

Wesley L. McCart
Stevens County Farm Bureau
4979 Lyons Hill Rd.
Springdale, WA 99173
(509) 258-4041
wpmccart@juno.com

Comment Letter No. 9—Stevens County Farm Bureau – Wesley L. McCart

- 9-1. The requirement to allocate one-third of active storage to augment instream flows and two-thirds to out-of-stream uses applies only to new storage facilities funded through the Columbia Basin Water Supply Development Account (RCW 90.90.020). The Lake Roosevelt Incremental Storage Releases Project is not a new storage facility. However, the water allocation is approximately one-third to stream flows and two-thirds to out-of-stream uses.

The MOU between Ecology, Reclamation, and the three Columbia Basin irrigation districts is still valid and was not tied to passage of the Columbia River Initiative.

- 9-2. Comment noted.
- 9-3. The source of the personal communication cited is an employee of the Lake Roosevelt National Recreation Area who is familiar with recreational use.
- 9-4. Your comments regarding economic impacts are noted. As stated in Section 4.2.1.10 of the Supplemental EIS, Ecology is working with the National Park Service to better define impacts to specific recreational facilities and to develop an adaptive management mitigation plan. That plan may include extending or relocating ramps to make them usable during low water periods.
- 9-5. The distance from the Inchelium-Gifford Ferry to alternative crossings has been revised in Section 3.14.1. Section 4.2.1.13 has been revised to clarify that the project is not expected to cause additional impacts to the Inchelium-Gifford Ferry. As part of the agreement between the State of Washington and the Confederated Tribes of the Colville Reservation, the State will support a federal appropriation for ongoing maintenance and repair of the ferry and an evaluation of a bridge at the ferry location.



PETER A. FRALEY
pfraley@omwlaw.com

June 23, 2008

VIA E-MAIL DSAN461@ECY.WA.GOV

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

Re: Lake Roosevelt Draft SEIS Comments

Dear Mr. Sandison:

Our office represents the City of Bridgeport. On behalf of the City, we respectfully submit the following comments in response to the Draft SEIS for the Lake Roosevelt Incremental Storage and Releases Program as set forth in Ecology Publication No. 08-11-012 dated May 15, 2008 (the "Draft SEIS") for consideration by the Department of Ecology ("Ecology").

10-1 In general, the City supports and encourages additional efforts to make water available to cities and towns in Washington State, whether that be by releases from Lake Roosevelt for cities and towns along the Columbia River, or by legislation to recognize the needs of growing communities. The Draft SEIS provides one potential avenue to enable the City of Bridgeport to plan for the future. The primary focus of the City's comments relate to the Policy Options for Water Allocation, in particular the Allocation for Municipal and Industrial Supply. Additionally, comments are offered regarding the Release Alternatives as described in Section 2.3.1 and its subsections.

10-2 1. **Section 2.4.1 - Allocation for Municipal and Industrial Supply.** The City supports allocating water to cities and towns planning under the Growth Management Act based on need rather than the existing "first in time first in right" priority system. Given the fact that no new water rights have been issued along the Columbia River for nearly two decades, Ecology should consider factors other than the date the application was filed in determining and allocating this important resource. Ecology is encouraged to use the following factors to evaluate the needs of the applicants:

A. Health and Safety Considerations. Higher priority should be given to applicants addressing health and safety concerns that would be alleviated by the issuance of additional water rights. This priority could be similar to the priority processing provided

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Derek I. Sandison
June 23, 2008
Page 2

to competing applications as defined and set forth in WAC 173-152-050. This higher priority would include those systems out of compliance with Department of Health regulations, for which the lack of water is a contributing factor.

10-2 B. Cities and Towns at Capacity. Many cities and towns are at the capacity of their water rights, but have not initiated steps to declare a building moratorium, while a de facto moratorium or limit for new connections exists. Many of these same cities and towns have taken a number of steps to increase efficiency, including: (a) adoption of water rate schedules with significant increases and escalating rates for higher use; (b) annual or frequent leak detection surveys, (c) where possible, placing parks, cemeteries and similar public open spaces on irrigation rather than public water systems, and (d) installing new and replacing old meters to more accurately reflect and measure water usage. In response, many cities and towns have reduced the gallons per day per equivalent residential unit, thus freeing up some water for additional connections (which creates some reluctance to adopt an outright building moratorium). The declaration of a building moratorium can be a factor, but the underlying issue should be investigated and considered as well by Ecology in determining the relative priorities and needs. More specifically, cities and towns that have taken all reasonable steps to become an efficient water system, yet are at or near the capacity of their water rights should be treated in a similar fashion as those cities and towns who have declared a building moratorium. Additional factors that could be investigated include whether standards similar to those set forth in RCW 90.03.386 are being pursued, and whether the city or town has implemented or is in the process of implementing of cost-effective water conservation measures. Should water be made available first to an inefficient public water system where a building moratorium has been declared, or to an efficient public water system that is at or near capacity but a building moratorium has not been declared? We submit that it is the latter. While this will require more investigation on Ecology's behalf, it ultimately is a better allocation and use of the resource.

C. Growth Management Act. Higher priority should be allocated to cities and towns complying with and planning under the rules and regulations set forth in the Growth Management Act (the "GMA"). This is an important policy question: who should benefit from the "municipal" water being made available, public entities planning under the GMA or private interests that meet the definition of a municipal water supplier under chapter 90.03 RCW? The State of Washington has already made a significant policy decision by adopting the GMA, establishing urban growth areas, and encouraging long range planning. In order to achieve the greatest societal impact and benefit, cities and towns planning under the GMA should be considered before private interests. Only after the needs of our growing communities are met, should "municipal and industrial" water be made available to private interests. Otherwise, by limiting the ability of the cities and towns to plan for reasonable growth due to lack of water, will only cause further erosion of the policies and goals of the GMA by pushing development into areas outside of

{BBAW0102465.DOC;1/00030.900000/}

Derek I. Sandison
June 23, 2008
Page 3

10-2 | established urban growth areas, whether that is by means of exempt wells or conversion of other water rights.

10-3 | 2. **Sections 2.3.1 and 2.3.2 - Release Alternatives - Each Year and Drought Years.** It appears that in every alternative, the maximum period that water will be made available for municipal purposes is from April through September, a 6 month period. Cities and towns with existing water rights may have the opportunity to incorporate a 6-month seasonal water right into its overall water right management plan. However, as the number of months are reduced (see Options 1A, 1C(b), 1C(c), and 1E) the potential benefit associated with the water being made available for a city or town decreases. For a city or town that has a near term projected short fall of 30%, making water available during the months of July and August may only provide a fraction of what is needed (one-sixth, or 16.7%). In some regards, the decision in Section 2.3.1 regarding the timing of the release and the availability of the water must be made prior to considering the priority allocations set forth above as this will impact the degree to which any municipal or industrial user will be able to actually use the water. Put another way, municipal applicants who have more immediate needs that can be satisfied by seasonal water rights, should have a higher priority over an applicant who has filed an application prior in time, but is unable to rely on a 2 or 4 month seasonal water right without taking some addition steps in the future (i.e. purchase additional water rights). Immediate and demonstrated needs should be addressed prior to uncertain or speculative needs.

10-4 | As a final comment, in Section 2.4.1 of the Draft SEIS, it appears that Ecology is considering charging all water users to offset certain transaction costs of acquiring the water related to the Lake Roosevelt Drawdown. This is a state-wide issue that should be addressed in a more comprehensive fashion, rather than passing the costs onto the citizens living in more rural and farming communities on the dry side of the state. As a component of government, incorporated cities and towns should be exempt from any fee arising from water to be made available from the Lake Roosevelt drawdown outlined in the Draft SEIS.

Thank you for the opportunity to comment.

Very truly yours,

OGDEN MURPHY WALLACE, P.L.L.C.
OFFICE OF THE CITY ATTORNEY



for PETER A. FRALEY
PAF:wba

cc. Mayor Steve Jenkins

Comment Letter No. 10 – City of Bridgeport – Peter Fraley

- 10-1. Comment noted.
- 10-2. Your comment regarding the allocation of water for municipal and industrial supply is noted.
- 10-3. Your comment regarding the timing of the flow releases is noted.
- 10-4. Your comment regarding Ecology charging a fee to offset transaction costs is noted. Ecology will develop an administrative framework for cost recovery that includes appropriate public review.

From: Bob Alberts [mailto:ALBERTSB@pasco-wa.gov]
Sent: Tuesday, May 27, 2008 2:07 PM
To: Sandison, Derek (ECY)
Subject: Lake Roosevelt Drawdown comments

Derek:

11-1 [The documents refer to mitigating 10cfs of water rights for the Quad-cities permit. The actual amount of mitigation water committed to by the Department of Ecology's past Director was for up to 15cfs and a minimum of 10cfs. The documents should make it clear that the Quad-cities water right may use the Lake Roosevelt municipal water for future migration water without being in line with a new permit application.

11-2 [The City of Pasco is in favor of the new program to provide water and certainty to our City and others for today and the future.

Bob Alberts
Director of Public Works
City of Pasco

Comment Letter No. 11 – City of Pasco, Department of Public Works – Bob Alberts

- 11-1. The Supplemental EIS in Section 2.4.1.3 correctly describes the mitigation framework in the Settlement Agreement related to permit S4-30976P, which is used as one example of a priority use of water. The section also indicates that allocating water based on priority needs can be combined with other alternatives.
- 11-2. Your comment in favor of the project is noted.



www.ci.richland.wa.us

505 Swift Boulevard, P.O. Box 190 Richland, WA 99352
Telephone 509-942-7390, Fax 509-942-5666

PUBLIC WORKS DEPARTMENT
Administration

June 30, 2008

Derek Sandison, Regional Director
Central Region Office
Washington State Department of Ecology
Columbia River Management Program
15 W. Yakima Avenue Suite 200
Yakima, WA 98902-3452

Subject: **COLUMBIA RIVER MANAGEMENT PROGRAM**
"LAKE ROOSEVELT COMMENTS"

Dear Derek:

12-1 Thank you for allowing us the opportunity to comment on the Lake Roosevelt Draft Supplemental EIS. Attached are our general comments and also specific comments that relate to sections in the EIS. The Columbia River plays an integral role in the future of Richland and it is important that we be involved in the decisions concerning the Columbia River.

You can contact me at 509-942-7558 or progalsky@ci.richland.wa.us or Nancy Aldrich at naldrich@ci.richland.wa.us or 509-942-7508 if you have any questions.

Thank you.

Sincerely,

PETE ROGALSKY, P.E.
Public Works Director

cc: File
Nancy Aldrich

Attachment

**CITY OF RICHLAND COMMENTS ON THE
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE
LAKE ROOSEVELT INCREMENTAL STORAGE RELEASES PROGRAM**

General Comments

- 12-2 1. Currently, municipalities and/or potable water purveyors are subject to the Water Use Efficiency Rule (WUE) as administered by the Department of Health. Presentations to the Columbia River Policy Advisory Group have suggested that the program apply water conservation standards to participants in the program, perhaps on a project-specific basis. The City suggests that conservation programs applied to municipalities be consistent with the Water Efficiency Rule. If new standards are developed for the Columbia River program the City suggests they be done through an open rulemaking process for transparency and consistency with other requirements. Any new conservation requirements should not put a water right holder in conflict with the conservation requirements of the WUE.
- 12-3 2. Ecology should stay focused on the core goals of the program (i.e. to aggressively develop new water resources for in-stream and out-of-stream uses) as mandated by the legislation. The many scenarios presented in the draft EIS are somewhat confusing. The City believes that allocation of the Lake Roosevelt releases should be programmed to maximize their mitigation value for water users. For instance releases should not be programmed to directly offset uses where the Biological Opinion or other mitigation requirements would not impose mitigation. The public does and should expect that the significant investment it is making in the Columbia River program should be made to its maximum benefit.
- 12-4 3. Ecology should consider including in the Lake Roosevelt release program a periodic review of mitigation needs as directed by new science, federal regulation, or other input. The review should provide an opportunity to reprogram releases to optimize their benefit under changing conditions.
- 12-5 4. The City understands that Ecology believes that a determination of Overriding Considerations of the Public Interest is required to support many of the actions proposed in this program. The Columbia River legislation articulates the clear public interests underlying the program. It seems odd that a separate administrative determination by staff is needed to implement the actions contemplated by the legislation. If these staff actions are indeed required the City hopes that Ecology falls back on the legislation's direction and avoids making these decisions based on some other set of complex criteria.

Specific Comments

12-6 | 1. Section 2.3.2 – Releases for Drought Years
The City of Richland prefers Alternative 1E, since it is the option that maximizes the mitigating effectiveness of the release program. The City does not understand the OCPI requirement in this case, since the release program is fully mitigating out of stream withdrawals.

12-7 | 2. Section 2.4.1.2. – Allocation of Municipal and Industrial Supply
The City of Richland opposes this option of allocation. This concept would unnecessarily complicate the analysis of impact and mitigation on the Columbia River mainstem. The EIS document implies that a proposed tributary use may require mitigation on both the tributary and the Columbia River mainstem. Presumably adequate mitigation on the tributary would resolve any mitigation needs on the Columbia. Including Lake Roosevelt release water as a mitigation option will dilute the effect of Lake Roosevelt releases for those uses with direct mitigation needs.

3. Section 2.4.1.3 - Allocation of Municipal and Industrial Supply
Court required mitigation by Ecology for current water right holders should be a top priority of the Lake Roosevelt water. The draft EIS may understate the water needed to resolve mitigation requirements for the first increment of water authorized under the Quad-Cities Water Right. The City encourages Ecology to consult with the Quad-Cities partners about its needs prior to finalizing the mitigation volume made available to these users.

12-8 | *The Quad-Cities Water Right was approved as a long-term (50 years) water supply plan for the region. Since the permit requires full mitigation of future withdrawals the City requests that Ecology's water resource planning under the Columbia River Program continue to develop mitigation opportunities beyond the Lake Roosevelt release program. It is apparent from Ecology staff communications that the Lake Roosevelt release program represents a finite, and perhaps, short term solution to water supply development on the Columbia River. The City believes the State must continue to be a partner in support of sound planning for all water users on the River, and in particular those for whom plans have been endorsed through issuance of a water right permit. It may be prudent to reserve a portion of the 25,000 acre foot municipal and industrial reserve for future mitigation called for in the Quad-Cities permit and develop a mechanism for the communities to reserve this water.*

12-9 | 4. Section 2.4.2 – Allocation for Interruptible Water Rights
The City of Richland prefers Policy Option for Water Allocations to be the priority date allocation described in section 2.4.2.5. Alternatively, the City could support the market based allocation described in section 2.4.2.3. The City opposes the option identified in 2.4.2.2 wherein the State will allocate water through a State-derived hierarchy of beneficial uses.

Comment Letter No. 12 – City of Richland, Public Works Department – Pete Rogalsky

- 12-1. Comment noted.
- 12-2. Your comment regarding conservation standards is noted. As described in Section 2.4.1.2, Ecology will meet with the Department of Health to determine how to integrate the requirements.
- 12-3. Your comment regarding the flow releases is noted.
- 12-4. Your comment regarding periodic review of the project is noted. Ecology has selected Preferred Alternatives for the flow releases that will be based on adaptive management and adjustments to existing conditions. See the response to Comment Number 1-5.
- 12-5. Your comment regarding the Overriding Considerations of the Public Interest is noted.
- 12-6. Your comment in support of Alternative 1E is noted. A finding of OCPI may be required for Alternative 1E because the April to June flow releases downstream of Grand Coulee Dam would be dedicated exclusively to fish—not for in-time replacement of out-of-stream uses. Therefore, in years when the WAC 173-563 adopted flows are applied to flow-conditioned permits, an OCPI finding would be required to allow diversion of water when the weekly average flows are not met or exceeded.
- 12-7. Your comment opposing the water allocation alternative is noted.
- 12-8. Your comment regarding allocation based on priority needs is noted.
- 12-9. Your comment supporting a preferred allocation is noted.

113 Lakeshore Drive
PO Box 8
Pateros, WA 98846



Phone: 509.923.2571
Fax: 509.923.2971
E-mail: pateros@swift-stream.com

June 5, 2008

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

RECEIVED
JUN 09 2008
DEPARTMENT OF ECOLOGY - YAKIMA REGIONAL OFFICE

RE: Lake Roosevelt Incremental Storage Release Project EIS

The city of Pateros would like to provide the following comments to the Lake Roosevelt Incremental Storage Release Project:

1. We are highly supportive of any plan to increase water to municipalities and irrigators in eastern Washington and wish to be included in the Columbia River Basin Water Management program.
2. We have a water rights application on file (G4-31832) since August 23, 1993 which would double our withdrawals from our wells to 1,000 gpm, daily.
3. We are approaching our limit on withdrawals under our current permit, because of several new developments in town.
4. We have already put in place water saving measures in town to try to conserve water and are willing to participate in water reuse programs but these measures will not solve all of our water needs.

The city of Pateros requests that we be considered a top priority city in this EIS and that we be kept involved in the process as it moves forward.

Sincerely,

Gail A Howe
Gail A Howe, Mayor
City of Pateros

13-1

Comment Letter No. 13 – City of Pasco – Gail A. Howe, Mayor

13-1. Your comments supporting increased water supply for municipalities are noted.



City of
Kettle Falls
P.O. Box 457
Kettle Falls, Washington 99141

Comment Letter No. 14

509-738-6821
(FAX) 509-738-4577
Mayor
City Council
Clerk/Treasurer
Building Inspector
Fire Department
Planning Commission
Project Manager/Grant Writer

509-738-6821
(FAX) 509-738-2052
Public Works Dept.
City Superintendent

509-738-6700
(FAX) 509-738-2052
Police Department

June 17, 2008

RE: Draft SEIS Lake Roosevelt

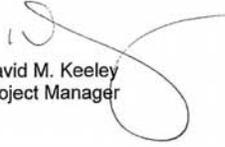
To Whom It May Concern:

14-1 The City of Kettle Falls is concerned over the additional drawn down and increase in downstream water rights on Lake Roosevelt. The City of Kettle Falls applied for a Water Right increase on June 22, 1998 (G330206) for 1,900 GPM (20 year demand \pm 530 GPM for standby source). This permit has been in review with the Department of Ecology for the past 10 years.

The Growth Management Act (GMA) is designed to allow and plan for healthy growth in our communities. As a result of GMA, more people are moving into towns and urban areas as opposed to rural areas. This growth increases the pressure on municipal systems as towns continue to grow.

14-2 As a municipal water system provider, we are quickly approaching capacity. If the issuance of additional water rights downstream has an impact on Kettle Falls and the other communities on the northern portion of Lake Roosevelt, then the City of Kettle Falls strongly opposes this proposal. The town of Marcus has a similar Water Right application in review as well. If the proposal for a downstream increase is approved, then the current Water Right applications for Kettle Falls and Marcus should be included and approved as part of this proposal.

Respectfully


David M. Keeley
Project Manager

580 Meyers St. Kettle Falls, Washington 99141

Comment Letter No. 14 – City of Kettle Falls – David M. Keeley, Project Manager

- 14-1. Your comment regarding your water right application is noted.
- 14-2. Under the Preferred Alternative for the allocation to municipal and industrial users, Ecology would allocate a portion of the flows to achieve regional equity. Some of this water could be allocated to jurisdictions above Grand Coulee Dam (see Section 2.4.1.1).

From: dolsenecon@aol.com [mailto:dolsenecon@aol.com]
Sent: Monday, June 02, 2008 1:08 PM
To: Sandison, Derek (ECY)
Cc: DonO@WattsBros.com; bossconsulting@earthlink.net
Subject: Comments on DSEIS Lake Roosevelt Incremental Storage Release Program

Derek:

15-1 [For the administrative record, please see CSRIA's attached scoping comments on the DSEIS that are also being submitted for the released DSEIS. The CSRIA comments remain the same.

Please also note that CSRIA's public comments/submissions within the PAG on this issue should be considered as part of the administrative record, per this comment request.

My thanks,

Darryll Olsen, Ph.D.
CSRIA
509-783-1623 office

Columbia-Snake River Irrigators Association Technical Memorandum

DATE: January 3, 2008
TO: Mr. Derek Sandison, Regional Manager and EIS Coordinator
Central Regional Office, WADOE
FROM: Darryll Olsen, Ph.D., CSRIA Principal Consultant
SUBJECT: CSRIA Scoping Comments on the Supplemental EIS for the Lake Roosevelt Incremental Storage Release Project

15-2 [The CSRIA is supportive of the Lake Roosevelt Incremental Storage Release Project (water shifting proposal) to meet new water right needs for the Quad-Cities, Brewster, and potentially other local communities; for a portion of the Odessa Sub-Area; and for conversion (drought permits) of a portion (quantity allocation) of the existing, mainstem interruptive water rights to firm status.

Our scoping comments focus specifically on water management actions for the interruptive water rights program, where a portion of the interruptive rights would be "firmed" with Lake Roosevelt water releases (about 33,000 acre-ft, with another 17,000 acre-ft. provided for additional fish flows).

15-3 [We note that the Lake Roosevelt water would be used in combination with demand-side recalibration of the existing water rights (under the CSRIA-Ecology Voluntary Regional Agreement) and exercising the critical flow adjustment for low water-year conditions to adequately firm the interruptive water rights for a 2001 water-year condition. It requires all three actions (Lake Roosevelt water, water right recalibration, and the critical flow adjustment) to make the interruptive water right conversion program effective, and deal with all pertinent water rights.

15-4 [Consequently, we address the overall use of the combined water sources, per our scoping comments. Additional briefing papers on this subject will be provided to the Ecology Director, as well.

Interruptive Water Rights Planning Period/Quantity Requirements:

- 15-5 [
- For planning purposes, the CSRIA recommends that water demands for firm water right conversion be targeted to a 2001 water-year condition, and not a 1928-1932 or 1976-77 water-year condition (critical water definition). If this is done, then there will be adequate water to cover the interruptive rights, per the three measures described above.

**3030 W. Clearwater, Suite 205-A, Kennewick, WA 99336
509-783-1623, FAX 509-735-3140**

- If a water-year condition emerges providing less water than that available for a 2001 condition, then the 2001 mitigation program should be implemented, with the existing Columbia River flow target WAC temporarily suspended in conjunction with a drought declaration by the Governor (and with emergency authority granted by existing rules).

Interruptive Water Rights and Lake Roosevelt (or Other) Water Allocations:

- Lake Roosevelt water should be allocated equitably among all the interruptive water rights (equitable pro-rationing), with no attempt made to prioritize the water rights per purpose, class, timing, or crop type.
- During a 2001 water-year condition, voluntary reductions or curtailments of water rights, or temporary leasing options for non-use, are supported.

Interruptive Water Rights and the Critical Flow Adjustment:

- There already exists a critical flow adjustment (OCPI) allowed under the current administrative rules.
- The “lower” flow target should be a firm planning constraint for issuing future drought permits for relief/conversion of interruptive water rights. There are: 1) no measurable fish benefits to be obtained from stopping the engagement of the critical flow adjustment (see attached NOAA Fisheries data/analyses for Columbia River fall chinook migration, 2001 water year conditions); 2) the adjustment provides some tangible relief for interruptive water rights; and 3) supplying “new” water for the flow adjustment will likely take away water that could otherwise be used for the development of new water rights.
- There is no compelling, nor reasonable, technical or policy justification for the Ecology Director to refrain from exercising the critical flow adjustment option (OCPI) under a low-water condition (like 2001), per exiting administrative rules. There are no measurable fish benefits, but there are very real economic and policy (litigation) impacts.
- The CSRIA further notes that the existing rule for a “two-stage” adjustment to critical flow targets is a very strange and flawed provision, not well thought-out by the original rule drafters. Its fundamental utility is very vague and questionable.

15-5

15-6

The CSRIA anticipates further discussion of this issue with Ecology management staff.

Attachment

**Pacific Northwest Project
Technical Memorandum
On Columbia River Flows**

DATE: November 10, 2006 (revised).
 TO: Mr. Jay Manning, Director, WADOE
 Mr. Gerry O’Keefe, Coordinator, Columbia River Partnership
 and Interested Parties
 FROM: Darryll Olsen, Ph.D.
 Regional Planner/Resource Economist
 SUBJECT: The “Ghost” Haunting the NRC/NAS Columbia River Report
 Is “Empirical Science”—And the Ghost Has Daunting Implications
 for State Proposals Toward Columbia River Water Management

Introduction:

Prepared for the WADOE, the NRC/NAS report¹ on the impacts of future Columbia River water right withdrawals and water management has been haunted by a lack of quantitative explanation, or more appropriately termed, “Empirical Science.”

A great uneasiness pervades the report’s conclusions, with contradictory statements by the report authors incanting that the actual fish impacts cannot be measured, but nevertheless the non-measurable impacts are deemed to create “substantial risk” to fish survival. There exists an eerie, disturbing feeling that a critical “presence” does exist here, but hidden from direct awareness, or at least shielded from clear vision by the NRC/NAS study’s strained rationalizations.

That “presence” is, in fact, “Empirical Science.” When the doors of perception are opened, and “Empirical Science” is brought into a clear and focused light, its revealing implications for proposed state actions become troublesome.

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¹ National Research Council/National Academy of Sciences, “Managing the Columbia River: Instream Flows, Water Withdrawals, and Salmon Survival,” NRC/NAS, 2004, at NAS Website.

Background and Review of Recent Flow-Survival Data:

As stated by the NRC/NAS report, the primary emphasis on “risk” to migrating fish was directed toward low water-year events (like 2001), during the summer months (July-August), when peak water withdrawals and low flows coincided²

The dominant fish run affected during this period likely would be Mid-Columbia (wild) fall chinook, as well as other runs such as the ESA-listed Snake River fall chinook run.

For fish migrating through the Lower Snake River system and the John Day Pool, the basic empirical data and analyses for assessing the impacts of flow regimes on fish travel time, temperature and survival are contained within the following studies: 1) Smith, S. G., W. G., Muir, et al. 2002. “Survival of Hatchery Subyearling Fall Chinook Salmon in the Snake River and Lower Snake River Reservoirs, 1998-2001.” Report by the National Marine Fisheries Service to the U.S. Department of Energy, BPA, Portland, OR; and 2) Muir, W. G., et al. 2004. “Survival of Subyearling Fall Chinook Salmon in the Free-Flowing Snake River and Lower Snake River Reservoirs in 2003 and from McNary Dam Tailrace to John Day Dam Tailrace in the Columbia River from 1999 to 2002.” Report by the National Marine Fisheries Service to U.S. Dept. of Energy, BPA, Portland, OR.

The NRC/NAS authors actually referenced one of the reports (Smith and Muir, et al., 2002) as follows: “correlations were not significant between annual fish survival and the average river condition variables [flow, temperature, turbidity]”³. No statistically significant flow-survival relationship could be detected for migrating fish within the mainstem Columbia River, even in a low water-year event like 2001 (within year relationship).

But there is much more to be understood about the empirical data and analyses.

These studies observed that water temperature and flow were highly correlated for the combined data, 1999-2002 period. For the combined data, flow and survival were moderately correlated, as was temperature and fish survival. When data for all years were combined (1999-2002), travel time versus flow and temperature relationships were not statistically significant (adjusted values). For between-year conditions, higher flows generally relate to higher survival rates; the year 2001 displayed lower survival rates compared to the other years. For analyses of individual years (within-year operations), 1999-2001, there did not exist a statistically significant relationship between flow and survival or temperature and survival, but temperature did exhibit the highest level of correlation to survival.

In all years, when water temperatures exceeded 19 degrees C., survival rates generally decreased. Moreover, the report authors (Muir, et al. 2004) observed that below 19.3 degrees C the survival-temperature relationship was “nearly zero,” and above 20.6 degrees C the survival-temperature relationship was “nearly zero.” In other words, when

² NRC/NAS pg. 60.

³ NRC/NAS Report pg. 60.

temperature changes occurred and crossed a threshold, independent of flow levels, survival levels changed as well. Below or above the threshold level, survival levels were relatively “flat.”

This temperature “threshold effect” also was a defining point in another University of Washington study, briefly referenced by the NRC/NAS study, but not given close attention. This study, prepared by the Columbia Basin Research Office, UW (Anderson, J., 2004, *A Resolution of the Flow-Survival Debate*. Columbia Basin Research Office, UW, and presentation materials to the NRC/NAS Report authors) observed that the 2001 spring-summer data for migrating chinook salmon through the Lower Snake River to the McNary project displayed a non-linear relationship between flow and survival.

Survival rates actually varied greatly at the same flow levels, when the flow levels were measured during different time periods, with differing temperatures (see Figures 1 and 2 below). For example, during one flow (time) period of about 60 kcfs, survival rates were about 70%, and during another flow (time) period, survival rates were about 20%. The driving factor was temperature, not flow; and flow was observably not controlling temperature.

Figure 1.

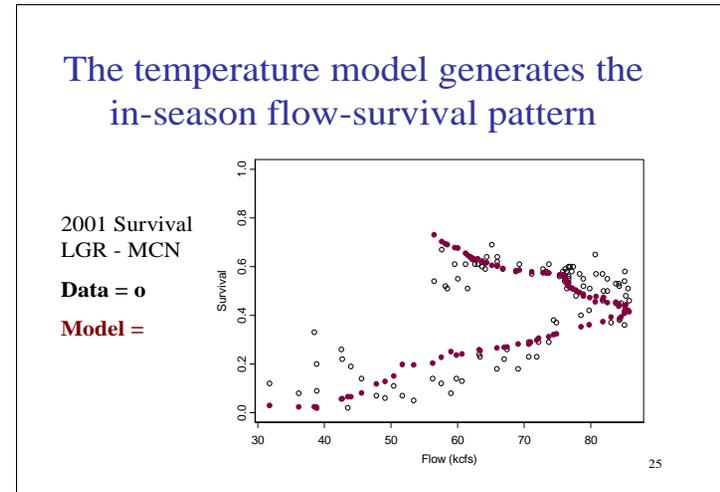
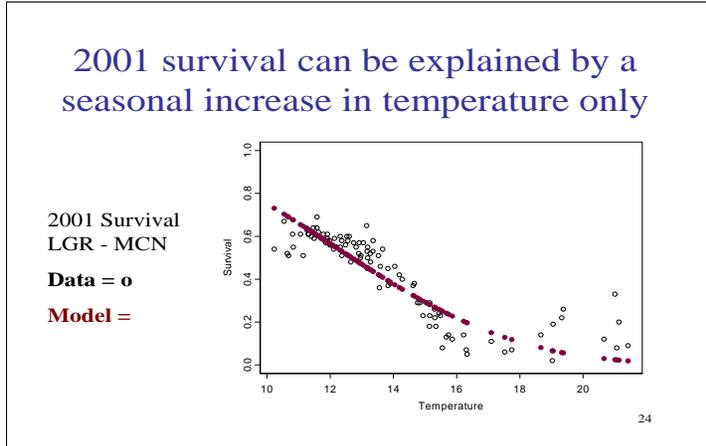


Figure 2.



The data and analyses provided by Muir, et al. (2004) (Report Table 20), also can be reviewed in greater detail regarding statistical significance and explained variance (predictability of the relationship between flow and survival). As noted by the report authors, the flow and survival relationship for the *combined data* may be statistically significant, because of the large sample size involved, but the explanatory power between the variables is relatively low. For example, for the *combined 1999, 2001, and 2002 data* (the year 2000 was omitted from analysis here), an estimated correlation coefficient between flow and survival ($r = .506$) suggests that the amount of explained variation in survival relative to flows (r^2) is about 0.26 (26%). That is, about 26% of the change in survival levels can be statistically explained by changes to flows—when *multi-year data are combined*. This suggests that other factors—*within years*--have a much more powerful influence on survival through the pool than flows.⁴

A comparison of the *within-year data* for 2001 (low water year) and 2002 (intermediate water year) gives greater insight into the nature and consistency of the variable relationships. Table 1 below depicts the flow-temperature-travel time and survival data for 2001 (low flow year), for an analysis sample of migrating fall chinook through the

⁴ There are two important problems affecting the interpretation of combined year data for water (fish) management operations. First, the different years, with many different environmental conditions and variables, actual represent distinct sample populations. Combining data from distinct sample populations within a statistical analysis will provide misleading results. Data must be from the same sample population. And second, actual water management operations can only affect within year conditions—flow regime changes only affect a single, within-year situation, not water-fish-temperature-flow conditions across multiple years.

John Day Pool (Muir, et al. 2004).

Table 1. 2001 John Day Pool Fall Chinook Survival

Year	Study Group Release Date (End)	McNary/J.D. Flow (kcfs)	McNary Temperature (Degrees C)	Estimated Temperature Gain Between McN-J.D. (Degrees C)	Travel Time (Days)	Survival Rate (%)
2001	June 25	125/89	16.9	2.4	13.8	.57
2001	July 02	117/80	17.6	3.0	27.6	.56
2001	July 09	92/85	19.2	1.9	26.9	.52
2001	July 16	81/79	20.5	0.2	16.6	.65
2001	July 23	82/84	20.4	0.6	13.7	.59
2001	July 30	82/91	21.4	0.1	13.3	.60

In 2001, the flow and travel time rates fluctuated across the fish release groups, producing mixed results. The lowest flow period (81 kcfs) corresponded to the highest survival rate of .65, while the highest flow period (125 kcfs) corresponded to one of the lower survival rates of .57. The travel times across this flow regime generally decreased, with the decreasing flows.

Table 2 below depicts the flow-survival-temperature-travel time data for 2002 (intermediate water year), for an analysis sample of migrating fall chinook through the John Day Pool (Muir 2004).

Table 2. 2002 John Day Pool Fall Chinook Survival

Year	Study Group Release Date (End)	McNary/J.D. Flow (kcfs)	McNary Temperature (Degrees C)	Estimated Temperature Gain Between McN-J.D. (Degrees C)	Travel Time (Days)	Survival Rate (%)
2002	June 25	326/309	15.7	1.2	3.8	.89
2002	July 02	322/271	17.0	0.6	4.6	.94
2002	July 09	262/252	16.8	1.4	5.2	.68
2002	July 16	240/226	18.7	0.3	5.0	.81
2002	July 23	229/186	19.7	1.0	4.8	.60
2002	July 30	173/161	20.1	0.6	7.7	.66
2002	Aug 06	160/153	20.2	1.1	8.7	.81
2002	Aug 13	157/146	20.1	1.0	5.6	.45
2002	Aug 20	144/150	21.0	0.0	4.9	.57

In 2002, data were collected over a more extended period of time than in previous years, adding the month of August.

In the latter half of July and through August, the temperatures moved above 19 degrees C. It is noticeable that a large degree of variation in the flows ranging from 229 to 144 kcfs produced mixed results related to travel time and survival; across this flow regime, travel time fluctuated from 4.8 days (229 kcfs) to a high of 8.7 days (160 kcfs), and then back down to 4.9 days (144 kcfs). The survival rate varied as well, but the highest rate of survival (.81) corresponded to the peak travel time for the period (8.7 days), while the lowest survival rate (.45) occurred at a travel time of 5.6 days. Here, there does not appear to be a consistent relationship between travel time and survival.

The above 2001 and 2002 data for *within-year observations* confirm that it is difficult, if not impossible, to relate changes in survival arising from changes in flow or travel time.

Empirical Science Implications for Water Management:

The above data and analyses have important implications for state water management proposals targeting fall chinook (summer period runs) survival in the mainstem Columbia River. This applies most specifically to a low water-year condition like 2001, and during a peak water withdrawal period, such as the months of July and August.

The following conclusions are derived from the empirical data and analyses depicted above but not fully, or adequately, considered by the NRC/NAS study:

- One estimate of water needed for new water rights represents about 250,000 acre-ft., or about 1 kcfs during the peak irrigation withdrawal period during the month of July (57,500 acre-ft.). A 1 kcfs change to flows will have absolutely no significant (or likely empirical impact) on either temperature or fish survival.
- Under the state's December, 2004, Columbia River Initiative (CRI) proposal, the "no net loss plus" multiplier of 1.5 dictated that if 500,000 acre-ft. were withdrawn from the river, then 750,000 acre-ft. would have to be "returned" (750,000 acre-ft. of water shifted to the July-August summer period). If the full 750,000 acre-ft. of water were shifted to these months, not taking into account any actual net withdrawals, the "shifted" flow would be about 6.3 kcfs.
- Even under a "gross" increase of 6.3 kcfs, there would be no significant (or likely empirically measurable impact) on either temperature or fish survival.
- If about 40% of the 750,000 acre-ft. of the water "shifted" was used for irrigation water withdrawals in July and August, then about 450,000 acre-ft. of water would increase flows by about 4 kcfs (net increase). There would be no significant (or likely empirically measurable impact) on either temperature or fish survival.

- The state's proposal to shift initially about 100,000 acre-ft. of water within the Grand Coulee Project to the month of August would increase flows by about 1.7 kcfs. There would be no significant (or likely empirically measurable impact) on either temperature or fish survival.
- It will not be possible to control temperatures in the mainstem Columbia River—and thus fish survival—with the flow regime changes contemplated by the state. It is unlikely that any potential flow regime change would have a meaningful impact.

The implications of the Empirical Science are: 1) small, incremental water withdrawals for new mainstem water rights (250,000 acre-ft.) would have no "measurable" affect on temperature or fish survival; 2) the state's "no net loss plus" proposal would have no measurable affect on temperature or fish survival; and 3) state funds allocated to implement the "no net loss plus" proposal would produce no empirically "measurable" fish benefits.

Stated succinctly, state funding used to shift more water into the July-August period for the mainstem Columbia River will have no empirically measurable fish benefits. To the extent that state funding for fish projects is limited, the state dollars spent on the Columbia River will lead to fewer dollars available for other fish—and water--projects that may yield more tangible benefits elsewhere.

Failure to acknowledge the ghost haunting the NRC/NAS report will invoke a price.

Comment Letter No. 15 – Columbia-Snake River Irrigators Association – Darryll Olsen

- 15-1. Comment noted. The comments you submitted during scoping of the Draft Supplemental EIS are attached and included in the Final Supplemental EIS.
- 15-2. Comment noted.
- 15-3. Your comment regarding recalibration of water rights is noted. The recalibration only applies to participants in the CSRIA Voluntary Regional Agreement and not to all interruptible water rights included in the Lake Roosevelt Incremental Storage Releases Project.
- 15-4. Your briefing paper is attached and was considered in the preparation of the Programmatic EIS (Ecology, 2007). Your comment regarding additional briefing papers is noted.
- 15-5. Your comments regarding the water right conversion are noted.
- 15-6. Comment noted.



P.O. Box 1235

Royal City, WA, 99357

June 30, 2008

VIA ELECTRONIC MAIL

Derek Sandison, Central Regional Director
 Washington Department of Ecology
 15 West Yakima Avenue, Suite 200
 Yakima, WA 98902-3452

Dear Mr. Sandison:

RE: Draft SEIS for Lake Roosevelt Incremental Storage Releases Program Comments

The Columbia Basin Development League is a 501(c)(6) non-profit organization established in the early 1960's to encourage the development and support the ongoing maintenance and operation of the Federal Reclamation Columbia Basin Project. Since that time the League has closely followed issues affecting Project operations.

The League has focused its resources recently on efforts to address the problems associated with the depletion of the aquifer in the Odessa Ground Water Management Subarea. In late 2004, the U.S. Bureau of Reclamation, Washington Department of Ecology and the three Columbia Basin Project Irrigation Districts entered into a Memorandum of Understanding to work together on a number of projects aimed at addressing water management issues in the Columbia River Basin generally, and on the Columbia Basin Project specifically.

The MOU became one of the underpinnings for Ecology's Columbia River Water Management Program established by the Washington Legislature in 2006. One central element that has carried through this program has been an effort to provide early action access to new water resources for both instream and out of stream uses in the region by utilizing unused capacity in the Columbia Basin Project water reservation held by Reclamation.

The League has reviewed the Draft Supplemental Environmental Impact Statement for the Lake Roosevelt Incremental Storage Releases Program (LRISRP) which, when implemented, will include a new diversion of 30,000 acre/feet of water to replace ground water used for existing irrigated agriculture in the Odessa Subarea. The LRISRP will also provide new drought relief, municipal/industrial and instream flow supplies.

Mr. Derek Sandison
 Page 2
 June 30, 2008

The CBDL believes Ecology has completed a comprehensive analysis of the potential impacts of the LRISRP and the benefits of the Program far out reach the impacts that have been identified. A key factor is a recognition that operational levels of the Lake Roosevelt Reservoir will be well within the current operational range when implementing the annual drawdown necessary to offset the diversion for new supplies.

16-2

Ecology has proposed a number of actions to be undertaken to address minor impacts where they have been identified. The net effect will be that for the general public there will be no noticeable change when the program is implemented. The CBDL believes the SEIS adequately addresses all potential impacts and should serve as a basis for issuing the new permits for Columbia River water use.

Sincerely,

Michael V. Schwisow

Project Director
 Columbia Basin Development League

Comment Letter No. 16 – Columbia Basin Development League – Michael V. Schwisow

16-1. Comment noted.

16-2. Your comment in support of the project is noted.

From: Scott Revell [mailto:SRevell@kid.org]
Sent: Monday, June 30, 2008 4:03 PM
To: Sandison, Derek (ECY)
Subject: Lake Roosevelt Incremental Storage Releases Draft SEIS

Mr. Sandison:

The Kennewick Irrigation District supports the incremental storage release proposal. The proposal is an important water management tool for Columbia River water resources.

17-1 As stated in the draft SEIS, the proposal involves very few environmental and recreational impacts. On balance, these impacts are a very small price to pay for the additional flexibility that the new water resources will provide. As a downstream water user, the KID supports the availability of additional Columbia River water for both the holders of interruptible water rights and new water rights.

Thanks you for the opportunity to submit comments.

Scott Revell
District Planner

Comment Letter No. 17 – Kennewick Irrigation District – Scott Revell

17-1. Your comment in support of the project is noted.



June 30, 2008

Derek Sandison
 Central Regional Director
 Washington State Department of Ecology
 15 West Yakima Ave., Suite 200
 Yakima, WA 98902-3452

Via email: dsan461@ecy.wa.gov

Dear Mr. Sandison:

Thank you for this opportunity to comment on the draft Supplemental Environmental Impact Statement (SEIS) for the Lake Roosevelt Incremental Storage Releases Program.

18-1 American Rivers is a national, non-profit conservation organization dedicated to protecting and restoring healthy natural rivers and the variety of life they sustain for people, fish, and wildlife. We have a growing national network of members and supporters totaling over 65,000 people. American Rivers' Northwest office serves over 2,000 members in Washington, Oregon, and Idaho. WEC is a statewide, non-profit, nonpartisan organization devoted to environmental protection in the state of Washington. Since its founding in 1967, WEC has actively participated in issues concerning the state's water resources.

18-2 As we stated in our comments on the scoping of this SEIS, American Rivers and WEC view re-operating Lake Roosevelt as a promising way to help meet eastern Washington's water needs and the goals of the Columbia River Water Management Program in a relatively cost-effective, environmentally friendly manner, while providing some benefit to instream flows during the salmon and steelhead migration season. While we continue to have some questions about the effect of the proposed program on downstream salmon stocks (particularly the Hanford Reach fall chinook stock) and some concerns about the nature and durability of water rights granted through the re-operation of Lake Roosevelt, this project has the potential to meet demonstrated water needs while reducing – and in combination with conservation, efficiency, and other non-structural water management tools, helping to eliminate – any perceived need for substantial public investments in expensive, environmentally harmful new surface storage dams.

A. Response to Our Scoping Questions

In our comments on the scoping of this EIS, we asked the following questions:

- 18-3
1. What are the impacts to Columbia River flows and the aquatic ecosystem during the times of year when the flow would have otherwise been released? What are the impacts to salmon, including ESA-listed stocks and Hanford Reach fall chinook?; and
 2. What happens to the water rights issued as a result of new Lake Roosevelt operations in the event that those operations end or are curtailed for any reason, including an end to the agreement establishing the modified operations?

18-4 The draft SEIS provides only a cursory and incomplete answer to our first question, indicating in one short paragraph that the “flow level increases are unlikely to have a measurable influence on habitat conditions or aquatic resources in the mainstem Columbia River, but are expected to help meet stream flow targets and provide cumulative benefits to fish,” p. 4-64 – 65. We request that the final EIS provide more information and documentation explaining this conclusion, particularly with respect to protecting Hanford Reach fall chinook during spawning and emergence. Will refilling Lake Roosevelt in the fall and winter affect the ability of downstream dam managers to manage dam releases for the protection of Hanford Reach spawners, redds, and newly hatched fish?

18-5 In response to our second question, the draft SEIS essentially states that if the drawdown releases are curtailed, Ecology must seek a replacement source for the 132,500 acre-feet of water that would disappear. This serves to reinforce our concerns – which we nevertheless hope will prove to be academic – about the durability and sustainability of water rights issued under the drawdown program. Should the program be curtailed, we urge Ecology to look for ways to acquire immediate water savings/replacement through environmentally-friendly means such as conservation, and to take a conservative view of how much water actually needs to be replaced. Ecology needs to take preventive measures to avoid a conflict from developing should the new water rights to lose their underlying mitigation water. We urge Ecology to include appropriate language in the certificates to address that contingency and to consider options for an “insurance plan”

18-6 that might provide adequate mitigation under the unlikely circumstance that water is urgently needed in future decades.

B. Recommendations Regarding Storage Release and Policy Alternatives

18-7 With respect to storage release alternatives, we support Alternative 1C, the “Maximize Fish Flows” option. The quantity of water released by the drawdown can best contribute to cumulative improvements in flow conditions and meeting Federal Columbia River Power System Biological Opinion flow targets by targeting the times when fish would most benefit from additional flow.

18-8 Regarding policy options for water allocation, of those listed we most support the “Market-Based Allocation” option. This is because it will force those who want additional water to look into whether the drawdown is the best source for “new” water, or whether alternatives such as conservation would better serve their water supply needs. This would also, presumably, offset some of the costs of administering the drawdown, and provide the Columbia River Water Management Program funds to invest in conservation, efficiency, and other alternatives to improve instream flows and water supply.

18-9 We propose that Ecology adopt an allocation option as part of the drawdown program (and throughout its administration of the Columbia Water Program) that combines the market approach with one that assures that water users have invested in conservation and efficiency (potentially with the help of Columbia Program funds) before other “new” water is made available to them. This is part of ensuring that the “public interest” test for new water rights is met. Absent a demonstration that water users are making the best use of existing water supplies, state investment and assistance in acquiring new water supplies for private or municipal entities is premature.

Thank you for your consideration of our comments.

Sincerely,



Michael D. Garrity
Associate Director, Columbia Basin Programs, American Rivers



Michael Mayer
Legal Director, Washington Environmental Council

Comment Letter No. 18 – American Rivers and Washington Environmental Council – Michael D. Garrity and Michael Mayer

- 18-1. Comment noted.
- 18-2. Your comments regarding the Lake Roosevelt Incremental Storage Releases Project are noted.
- 18-3. Your scoping comments were considered in the development of the Draft Supplemental EIS. See the responses to your Comments 18-4 and 18-5 for specific responses to your questions.
- 18-4. The Supplemental EIS has been revised to include more detailed information on fall flow reductions in the Columbia River caused by refilling Lake Roosevelt. See Sections 4.2.2.3, 4.2.2.5., and 4.2.2.6.
- 18-5. Water rights based on the proposed water supply contract would be the same as any other water rights held by irrigation districts, municipalities, and individuals in many areas in Washington and the western United States. The federal contracts are for a period of no more than 40 years and can be extended. To the extent that water supplies created through program funding are not permanent or may not be completely reliable, Ecology intends to develop contingency plans to manage the risks associated with the potential future loss of that supply.
- 18-6. Your comment regarding water rights certificates is noted. The issuance of individual water rights for water from the flow releases will be evaluated in the future and Ecology will consider how to address these issues at that time.
- 18-7. Your comment in support of Alternative 1C is noted. The Preferred Alternative is a modification of Alternative 1C.
- 18-8. Your comment in support of a market-based allocation is noted. Ecology is including a market strategy in the Preferred Alternative for the allocation of water to holders of interruptible water rights (Section 2.4.2.2).
- 18-9. Your comment regarding market-based allocation and conservation is noted. See Sections 2.4.1.2 and 2.4.2.2 regarding conservation requirements for recipients of water from the flow releases.

