



North Central Washington Audubon Society
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July 29, 2018

Mike Kaputa
Director
Natural Resource Department, Chelan County
411 Washington Street, Suite 201
Wenatchee, WA 98801

Re: Draft Programmatic Environmental Impact Statement for the Icicle Creek Water Resource Management Strategy, Chelan County, Washington

Dear Mr. Kaputa:

The North Central Washington Audubon Society appreciates the opportunity to provide comments to the DPEIS for the Icicle Creek Water Resource Management Strategy.

Minimizing impacts to in-stream and lake habitat in the Icicle watershed is necessary to preserve the healthy environment that underpins our region's economy and way of life. To minimize habitat impacts, the amount of water drawn from the Icicle must be minimized. To minimize water withdrawals while also providing sufficient water for downstream users, water use by all users must be as efficient as possible. This would require implementation of aggressive conservation measures, which should include conveyance infrastructure improvements to minimize water loss, increased metering, and pricing of water in combination with issuance of bonds to finance a substantial buy-down of agricultural water rights in the area served by the Icicle's water. Unfortunately, none of the alternatives under consideration appears to include this level of aggressive conservation. WAC 197-11-440(5)(b) states "Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation." An alternative with aggressive conservation measures would be a reasonable alternative under SEPA as it could attain the proposal's objectives while resulting in less overall environmental impact than any of the alternatives analyzed in the DPEIS.

The introduction to Section 1.1 contains the statement "Additionally, the PEIS will serve as the basis for future project-level environmental review that may be required if additional adverse impacts not identified in this document are probable." Future project-level actions that are not exempt will require environmental review and a threshold determination as stated in WAC 197-11-310(1). The question is not whether review would be required but whether additional documentation will be required or whether the PFEIS can be adopted under WAC 197-11-630. The text should be modified to clarify this point.

The introduction of Section 3.6 of the DPEIS states that the description of water rights in that section “does not represent an extent and validity review and is not intended to determine the validity of quantities of water available under these water rights”. We appreciate this acknowledgement, as we believe some of the water rights originally granted haven’t been tapped for decades and are now likely invalid.

Section 3.6 is titled Water Use whereas the entire section describes water rights. This highlights a semantic issue that propagates throughout the document and reveals a substantive underlying issue. In the DPEIS, the terms “use” and “demand” appear to be synonyms for water right rather than actual water use, the assumption apparently being that each user is actually using or has an actual demand for the full quantity of water allowed in the user’s presumed water right. For example, Table 3.10 lists claimed surface water rights on Icicle Creek, some of which apparently authorize only instantaneous quantities. The total annual quantities needed for the beneficial uses of water claimed under water rights authorizing maximum instantaneous withdrawals are not, but should be, provided.

Also, the apparent assumption of actual water use or demand equaling a presumed water right, which is almost certainly invalid, highlights the need for comprehensive metering to understand actual water use. An understanding of actual water use would facilitate a rational system-wide water allocation that provides sufficient water to downstream water users while minimizing the amount of water extracted from the Icicle and minimizing or avoiding modifications to lakes in the upper Icicle drainage.

The extent to which claimed existing water rights would be used or new water rights obtained under each alternative is unclear. For example, Table 3.9 lists a water storage right for Eightmile Lake with an adjudicated annual quantity of 2,500 acre-feet. Section 2.3.5 describes Alternative 4 involving “increasing the useable storage [of Eightmile Lake] to approximately 3,500 acre-feet”. This increase in storage would presumably require acquisition of a water storage right for an additional 1,000 acre-feet assuming that the original water storage right remains valid. There is also a lack of clarity with respect to water rights claimed by the City of Leavenworth in relation to the amount of water that would be provided to the City under the various alternatives. Tables 3.9 and 3.10 provide a clear listing of claimed water rights. A similarly clear tabulation of new water rights required under the various alternatives, assuming claimed water rights are valid, would be useful to the reader.

Section 3.6.1.2 describes groundwater rights held by the City of Leavenworth with “points of diversion near RM 27.2 of the Wenatchee River”. This section further states: “the City of Leavenworth may be amenable to exercising water made available through the Icicle Strategy from their Wenatchee River well field rather than their Icicle Creek diversion.” Impacts and implications for reduced modification to the Icicle system as a result of using this groundwater by the City should be analyzed in the EIS. The statement that the City “may be amenable” is ambiguous as to the City’s actual willingness to draw from that groundwater source. The EIS should therefore also clarify under what conditions the City would use that source.

The DPEIS is unclear regarding to what extent actions implemented under the eventual approved Icicle Creek Water Resource Management Strategy would facilitate projected development of the City of Leavenworth to 2050. The text should be clarified on this point, and the impacts resulting from development that could not otherwise occur but for implementation of the Management Strategy described as indirect impacts in the PEIS as required under WAC 197-11-060(4).

We disagree with several conclusions reached in Section 4.28 regarding unavoidable adverse impacts. For example, impacts to Earth, Surface Water, Water Quality, Shorelines, and Fish and to Aesthetics, Recreation, and Wilderness from modifications to lakes in the upper Icicle drainage, for example, late summer drawdowns of Eightmile Lake under Alternative 4, would be significant. Sufficient detail is available at this programmatic stage of analysis to reach appropriate conclusions regarding significance of unavoidable impacts. Adequate consideration of environmental impacts during finalization of the management strategy requires that these conclusions be available to decisionmakers. If conclusions regarding the significance of unavoidable impacts are nonetheless postponed, project-level environmental review should be a supplemental environmental impact statement to adequately assess impacts.

Sincerely,

A handwritten signature in cursive script that reads "Arthur Campbell".

Arthur Campbell
President