RECLAMATION
Managing Water in the West

Scoping Summary Report for the Cle Elum Pool Raise Environmental Impact Statement

A component of the Yakima River Basin Integrated Water Resource Management Plan

Yakima Project, Washington
Pacific Northwest Region

U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
Columbia-Cascades Area Office

Washington State
Department of Ecology
Office of Columbia River

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Mission Statements

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

The mission of the Department of Ecology is to protect, preserve and enhance Washington's environment, and promote the wise management of our air, land and water for the benefit of current and future generations.

Scoping Summary

The Proposed Project

The Bureau of Reclamation and the Washington State Department of Ecology are joint leads in preparing an environmental impact statement (EIS) for the proposed Cle Elm Pool Raise (CEPR) that meets the requirements of both the National Environmental Policy Act (NEPA) and the Washington State Environmental Policy Act (SEPA). The CEPR project is a component of the Yakima River Basin Water Enhancement Project (YRBWEP) Integrated Water Resource Management Plan (Integrated Plan).

The CEPR is included in the Structural and Operational Changes element of the Integrated Plan. The project-level EIS will tier to the March 2012, *Yakima River Basin Integrated Water Resource Management Plan Final Programmatic EIS*. Tiering refers to using the coverage of general matters in a broader NEPA document in a subsequent, narrower, NEPA document (40 Code of Federal Regulations [CFR] 1508.28, 40 CFR 1502.20). This allows the tiered NEPA document to focus on a site-specific or project-specific proposal and its alternatives, and to concentrate solely on the issues not already addressed in the broad programmatic NEPA document. Tiering is appropriate when the analysis for the proposed action will be a specific refinement or project implementing the programmatic NEPA action. The tiered document focuses only on those issues and mitigation measures specifically relevant to the project-specific proposal but not analyzed in sufficient detail in the programmatic-level EIS.

The proposed action would modify the existing radial gates on Cle Elum Dam spillway to raise the water level of the reservoir by approximately 3 feet. The pool raise would inundate additional areas around the reservoir for an average of 4 weeks per year, generally in June and July. This would add approximately 14,600 acre-feet (af) of storage to the reservoir for annual release.

The increased storage capacity would provide additional water that would be used to meet instream flow needs. It would also allow for increased storage capacity for out-of-stream needs, depending on annual operating conditions.

Scoping Process

The process of seeking comments and public information on the proposed action, alternatives, and potential issues to be considered in the EIS is called "scoping." This report summarizes the comments received during four public scoping

meetings held jointly by Reclamation and Ecology for the CEPR EIS. In addition, both Reclamation and Ecology received comments from the interested public, including individuals, organizations, and government agencies via mail, email, telephone, and facsimile, and those comments are captured here as well.

On October 30, 2013, Reclamation published a Notice of Intent to prepare an EIS and Public Scoping Meetings in the *Federal Register*. Both Reclamation and Ecology issued a joint press release to Washington State media on November 6, 2013, announcing the dates and locations of scoping meetings and request for comments. Meeting notices were emailed to interested individuals, Tribes, interest groups, and government agencies. Notice was also posted on Reclamation's Integrated Plan website and associated pages describing the project, requesting comments, and providing information about the public scoping meeting.

On November 4, 2013, Ecology published its Determination of Significance and public notices in area newspapers requesting comments on the scope of the EIS. Ecology also notified by email all those registered on their Yakima Basin Plan list-serve, and notice was posted on Ecology's Office of Columbia River website.

On November 20, 2013, Reclamation and Ecology held two public open houses/scoping meetings at the Yakima Arboretum in Yakima, Washington–one in the afternoon and one in the evening. Twenty-three individuals attended the two meetings. At the meetings, the CEPR proposal was described and attendees were given the opportunity to discuss the proposal with Reclamation and Ecology staff as well as comment on the scope of the NEPA/SEPA EIS, the EIS process, and resources to be evaluated in the EIS.

On November 21, 2013, Reclamation and Ecology held two public open houses/ scoping meetings at the U.S. Forest Service (USFS) Cle Elum Ranger District Office in Cle Elum, Washington—one in the afternoon and one in the evening. Thirty-three persons attended the two meetings. The same meeting format was followed as those in Yakima.

The period for comments to be included in this document was October 30, 2013, through December 16, 2013, during which 17 comment documents and telephone calls were received. Reclamation and Ecology have considered the comments received to assist in the following:

- Identify the significant issues relevant to the proposed action;
- Identify those elements of the environment that could be affected by the proposed action; and
- Formulate alternatives to the proposed action and potential mitigation.

Summary of Scoping Comments

The following is a summary of comments received during the scoping period for consideration by Reclamation and Ecology during preparation of the Draft EIS:

Surface Water Resources

- The EIS should include information explaining anticipated activities in floodplains, alternatives considered, and steps taken to reduce impacts to floodplains.
- The EIS should identify potentially affected seeps and springs or other open water bodies and biological resources.
- How will the EIS evaluate the construction of the proposed project and identify potential mitigation measures for those impacts such as surface water discharge?
- How can the 3-foot raise increase both instream flows for fish and water supply for out-of-stream needs?
- How often (annually) and when (seasonally) will the additional water actually be available to use for instream flows?
- What amount of water will be diverted to out-of-stream needs?
- Please provide a complete description of out-of-stream needs and the relationship between this objective and the benefits for fish.
- Please provide a clear description in the EIS of how the pool raise will impact the current free-flowing reach of the Cle Elum River upstream of the current reservoir and any other reservoir tributaries.
- How long will the 14,600 acre-feet remain in the pool during drawdown and what can it accomplish?
- Please describe in the EIS how the Cle Elum Pool Raise would modify the operations and maintenance of the storage and release of water.
- What impact would this project have on the target flows at Prosser Dam, as described in Title XII?
- What would the impacts be if the 14,600 af were included as total water supply available?
- How can additional stored or pumped water be used to improve streamflows if the stored water must be dedicated to irrigators during drought years as part of the Total Available Water Supply allocated under the 1945 Consent Decree?
- How many seasons since 1979 has the Cle Elum reservoir completely refilled?

- The EIS should describe all waters of the U.S., including wetlands, that could be affected by the project, and include maps that clearly identify all waters within the analysis area. It should also include data on acreages and channel lengths, habitat types, values, and functions of these waters.
- If the project would involve or cause discharge to waters of the U.S., then the EIS should include actions to reduce and mitigate resulting impacts.
- Analyze what agricultural commodities use the equivalent amount of water (14,600 af) and over what time period.
- How will the proposed increased water be distributed (water rights)?
- A review of how “flip-flop” operations in the Tieton and Naches Rivers might be affected by storage and flow alterations in the upper Yakima River resulting from these project proposals should be examined.
- Exactly what process will Ecology follow in making the determination of a drought?
- The EIS should list all Reclamation-approved water conservation plans for the Yakima River Basin.

Earth

- How will the EIS evaluate the construction of the proposed project and identify potential mitigation measures for those impacts such as upland discharge, including soil contamination and erosion?
- How would the extensive shoreline landfilling and riprapping comply with the "no net loss of shoreline ecological functions" standard?
- Have geotechnical studies been done for the proposed project sites?
- Would any proposed project be affected by seismic faults or fractures?
- How and where would the in-reservoir disposal of the shoreline excavation materials take place?
- Would the drilling and blasting, as well as pit excavation, create solid waste as defined by Sec. 36 of the Shoreline Management Program (SMP)?
- Appropriate bioengineering techniques should be investigated or mitigation actions incorporated into the upper reservoir near the mouth of Cle Elum River.

Surface Water Quality

- What benthic and water quality impacts would be caused by in-reservoir disposal of the shoreline excavation materials?
- The EIS should document the project's consistency with applicable storm water permitting requirements and should discuss specific mitigation measures for reducing adverse impacts to water quality.

- Evaluate change in road miles and density that will occur because of the project and predicted impacts to water quality by roads and runoff.
- Will the EIS include a description of the potential for spills of contaminants into waters of the United States and the measures, such as an emergency response plan, to mitigate impacts?
- The EIS should report waters on the State's and Tribe's most current EPA-approved 303(d) list and describe any existing restoration and enhancement efforts for those waters, how the project would coordinate with ongoing protection efforts, and any mitigation measures that could be implemented to avoid further degradation of water.
- Note that non-degradation provisions of the Clean Water Act prohibit degrading water quality standards within water bodies that are currently meeting water quality standards. Because of that, the EIS document should indicate how the project would meet those provisions.

Groundwater

- Construction and maintenance of the IP projects have the potential to disrupt the continuity of ecological processes such as the flow of shallow groundwater and the movements of wildlife species. Because of their location in the I-90 corridor, the Service recommends that the design of the proposed projects incorporate maintenance of ecological connectivity as a primary objective (i.e., it should be a part of the purpose and need for these projects).
- The EIS should identify potentially affected groundwater aquifers, any potential for subsidence, as well as impacts to seeps and springs or other open water bodies and biological resources.

Fish

- Model the new shoreline and show how it can or cannot be a thriving aquatic ecosystem and what kinds of remediation efforts will be needed.
- How will the elevation of the water in the reservoir affect fish?
- The Proposed Integrated Water Resource Management Plan (2011) states, "Providing unimpeded fish migration past the existing storage dams in the Yakima Basin would increase species distribution. . ." The Cle Elum EIS should clarify how this goal of providing unimpeded fish migration is consistent with raising the pool of an existing storage dam.
- The EIS should provide a full analysis of the pool raise on fish and their habitat, including salmon and steelhead species, which make greater use of the Cle Elum Reservoir and the Cle Elum River, once permanent fish passage is completed.
- The EIS should provide an analysis of benefits to fish and their habitat in the Yakima Basin from an increased ability to meet instream flow targets.

- The EIS should describe the current quality and capacity of fish habitat in more detail, including species that use them, impacts of the project on the habitats and species, as well as mitigation measure for the impacts.
- If there would be marine habitat impacts due to the proposed project, the EIS needs to disclose those impacts and measures to take to minimize them.
- How does raising the pool affect the interim fish passage facility? Will the interim fish passage facility need to be modified to accommodate the pool raise?
- How will the loss of even the current compromised shorelines along with their insect and shade species impact salmon species?
- Explain how this project would help the salmon run.
- The utilization of the portion of the lower Cle Elum River (proposed to be inundated) by spring spawning and rearing fish life (rainbow trout and cutthroat trout) is unknown and should be reviewed. The effects of inundation should be surveyed and identified to assess the significance to spring spawning resident fish life.
- Cutthroat trout, rainbow trout and kokanee, and future anadromous stocks, may not be able to access spawning tributaries, or current spawning and incubation areas may be inundated under the new management scenarios. The project should assess how spawning resident fish, and future anadromous fish, would be adversely impacted and how to preserve tributary access.
- Conduct fish inventory work, with emphasis on predator/prey relationships during drawdown; and rainbow trout and cutthroat trout spawning surveys in the new reaches of the lower Cle Elum River to be inundated.
- Please describe in the EIS how the Cle Elum Pool Raise would modify the operations and maintenance of the storage and release of water, highlighting the changes in bull trout access from the reservoir into and out of spawning tributaries such as the Cle Elum River.
- Address the potential effects within the littoral zone and at the mouths of tributaries, which may impact foraging or rearing habitats. The potential and magnitude of effect of the proposed action to the lake's limnology, productivity, and fish communities are among key concerns. Assess these effects over drought, average, and above average water years, over short- and long-term temporal scales.
- Assess any potential effects of the Cle Elum pool raise on nonnative species in the reservoir, including lake trout *(Salve linus namaycush),* brook trout (S. *fontinalis),* and brown trout *(Salmo trutta).* Nonnative species interactions (i.e., competition and predation) are likely suppressing the native fish assemblage.

- How will the quantity of water improve conditions for fish during drought years?
- Will the EIS address impacts to fishery habitat from vibration, sound, shading, wave disturbance, alterations to currents and circulation, water quality, scouring, sediment transport, shoreline erosion (landfall) and structural habitat alteration?
- Will studies for all final sites include an assessment of: 1) species type, life stage, and abundance, based upon existing, publicly available information; 2) potential changes to habitat types and sizes; and 3) the potential for fishery population reductions?
- The EIS should identify all potential conflicts with existing fishery use patterns and the potential for fishery elimination due to the consequences of the construction of the proposed projects.
- Will the EISs comprehensively address the interconnections between the benthic and fisheries and avian resources?
- What impacts would the proposed projects, including construction and operation have on the Pacific Lamprey and its recovery?
- Reservoir drawdowns reduce fish habitat availability, strand benthic organisms, adversely impact water quality, and congregate predators with their prey.
- Faster turnover of lake input/output (i.e. decreased water retention time) can cause increased entrainment of both fish and their prey and loss of nutrients.
- Pre- and post-project monitoring efforts should be directed at determining the best strategies for long-term adaptive management of upper Yakima River reservoir fish and fisheries.
- Provide resources so that WDFW can adaptively manage these fisheries to maintain or enhance fisheries value. For example, increased plants of artificially propagated fish, or enhanced public fishing access facilities might be necessary in order to maintain fisheries. Adaptations can include changing fishing regulations; altering fish stocking species mix, numbers, timing, or sizes; providing facilities or resources that increase fish stocks' self-sustainability; and enhancing fisher's access to the fishery.

Vegetation and Wetlands

- The EIS should describe all waters of the U.S., including wetlands, that could be affected by the project, and include maps that clearly identify all waters within the analysis area.
- How would the extensive shoreline landfilling and riprapping comply with the "no-net-loss of shoreline ecological functions" standard?

- The potential impacts associated with the Cle Elum Reservoir pool raise on the vegetated shallows at the upper end of the reservoir should be investigated. Habitat Evaluation Procedure (HEP) or similar methodology should be applied to lower gradient shoreline areas of the pools to assess the effects of changes in pool elevation, timing, and duration or inundation on shoreline and/or wetland habitats.
- A thorough examination of the current shoreline ecosystem, however compromised it may be by current water level changes, should be studied. Every aspect of the shoreline from wetlands to plant species to invertebrates and potential erosion should be addressed.
- How will the elevation of the water in the reservoir and changes in water levels and supply due to operation affect the non-populated shoreline?
- Would shoreline inundation change in different water years, and would it necessitate the removal of timber?
- Please provide an analysis of how the pool raise would impact the Thorp Mountain Inventoried Roadless Area, including impacts to vegetation and any need for timber cutting or removal.
- The EIS should describe the current quality and capacity of wildlife and avian habitat in more detail, including impacts of the project on the habitats and species, as well as mitigation measure for the impacts.
- Study impacts to rare plants, minerals, and fungi.
- Describe the new area to be inundated with the Cle Elum pool raise. Include the effects to habitat for the spotted owl, designated critical habitat for the spotted owl, and riparian habitat. The pool raise may result in the relocation of displace infrastructure, which may also have effects to listed species and their habitats (e.g., road relocation may remove spotted owl habitat). There may also be shoreline areas that may experience erosion or need future erosion control. Please include these analyses in the EIS.
- What major plant communities are present and affected? Will the EIS consider impacts on sensitive plant species, particularly those endemic to the Yakima River Basin? How will sensitive plant species in the vicinity be protected?

Wildlife

- The EIS should provide a full analysis of the pool raise impacts to wildlife and their habitat, including benefits from increased ability to meet instream flow targets.
- Documentation of completed surveys for all Survey and Manage species should be included in the EIS for review or be available upon request.
- The potential impacts associated with the Cle Elum Reservoir pool raise on nesting birds and wildlife using the vegetated shallows at the upper end of

the reservoir should be investigated. Habitat Evaluation Procedure (HEP) or similar methodology should be applied to lower gradient shoreline areas of the pools to assess the effects of changes in pool elevation, timing, and duration or inundation on wildlife associated with shoreline and/or wetland habitats, and near shore nesting species must be assessed and mitigated.

- Will the EIS describe the current quality and potential capacity of habitat, its use by fish and wildlife in the Yakima River Basin, and identify known fish and wildlife corridors, migration routes, and areas of seasonal fish and wildlife congregation?
- Will the EIS evaluate effects on fish and wildlife from habitat removal and alteration, aquatic and terrestrial habitat fragmentation caused by roads, land use, and management activities, and human activity?
- Will the EISs comprehensively address the interconnections between the benthic and fisheries and avian resources?
- How will the EIS describe the impacts to migratory birds? Species, number, type of use, and spatial and temporal patterns of use should be described.
- EIS should address bird migration, bird flight during storms, foul weather, and/or fog conditions, food availability, predation, and benthic habitat and benthic food sources.
- The EIS should be thorough not only in documenting the footprint of the project, but the full extent of its impact on terrestrial and aquatic habitats at a site scale and landscape scale.
- Altered reservoir elevations, and the timing and rate of filling and drafting reservoirs have potential to adversely affect shorebird and waterfowl populations in the project area. There is need to assess habitat with respect to timing and rate of pool elevation changes within the reservoirs and their shorelines.
- Include an assessment of how riverine wetlands and associated waterfowl and shorebirds will be affected by changes in flow quantity and timing of flow releases with a focus on nesting impacts.
- The EIS should assess how changes in water supply will affect wildlife.
- How will the EIS address the potential for noise and vibrations associated with construction and operation of the facilities to adversely affect mammals, habitats and migration?
- Construction and maintenance of the IP projects have the potential to disrupt the movements of wildlife species. Because of their location in the I-90 corridor, the Service recommends that the design of the proposed projects incorporate maintenance of ecological connectivity as a primary objective (i.e., it should be a part of the purpose and need for these projects).

Threatened and Endangered Species

- The EIS should identify the endangered, threatened, and candidate species under the Endangered Species Act (ESA), and other sensitive species within the project area.
- The EIS should describe the critical habitat for species; identify impacts to species and their critical habitats; and how the project will meet all requirements under the Endangered Species Act. The EIS should include a mitigation plan with detailed steps to take to reduce or eliminate adverse impacts. The project construction and operation may also have impacts on native and rare plants and the EIS should include information about these plants, if any, related impacts and measures to take to mitigate potential impacts on the plants. The timing of project activities, for example, should be planned so that there would be little to no impacts to plants and animals during crucial seasons in their life cycle.
- Will the EIS address whether northern spotted owls are present on nearby National Forest lands, State Department of Natural Resources lands, or private forestry lands and whether the species or individuals of the species may be affected by construction and operational activities?
- What impacts would the proposed projects, including construction and operation have on the Pacific Lamprey and its recovery?
- The EIS should assess how changes in water supply will affect listed species.
- Will an assessment of fisheries and benthic impacts specifically address the requirements for an Essential Fish Habitat Assessment per the Magnuson Stevens Act?
- Without consultation first occurring on the IP operations and maintenance, we will be unable to develop a credible or defensible environmental baseline or assess ongoing activities as part of our jeopardy analysis (USFWS).

Visual Quality

- Are there scenic vistas that will be affected?
- How will the EIS address visibility of any proposed project and need for landscaping or buffers? How will the EIS assess effects of light and glare from construction on adjacent properties and communities?

Air Quality

- How will the EIS evaluate the project's potential impacts on existing air quality during construction?
- How will the EIS evaluate the project's compliance with the Clean Air Act requirements for construction and operation phases?

- How would construction of the project contribute to climate change gases?
- How would construction of the project contribute to carbon footprint?

Climate Change

- The EIS should discuss climate change effects in the context of water supply and availability to meet demands within the analysis area and vicinity.
- Climate change impacts on runoff, snowpack, recharge and discharge, as well as reliability, may influence the project. At a minimum, the EIS should include a qualitative discussion of impacts of climate change to water supply in the local area, implications of the proposed project, and water conservation measures to implement to reduce water demands.
- How will climate change affect the project during drought years?
- The EIS should consider how resources affected by climate change could potentially influence the proposed project and vice versa, especially within sensitive areas.
- Exactly what process will Ecology follow in making the determination of a drought?

Noise

- How will the EIS address the potential for underwater noise and vibrations associated with construction and operation of the facilities, and the potential for adversely affecting fish and mammal habitats and migration?
- Will the EIS evaluate noise-generating activities and noise impacts to human activity resulting from construction and ongoing operations, including traffic to and from any project site?

Recreation

- How will the boat launches be affected?
- What type of mitigation measures will be taken to compensate for the forest and picnic area on the shores of the upper end of Cle Elum Reservoir?
- Please provide an analysis in the EIS of how the project will comply with agency requirements for management of a river identified as suitable for Wild and Scenic designation.
- If the access site at the Forest Road 4308 Bridge will be changed from a river setting to a reservoir setting, or if the bridge itself will be modified, alternatives for river recreation take-out and access need to be evaluated.

- The EIS should describe and disclose all impacts associated with recreation activities, the resources involved, access, and measures to take to reduce the impacts.
- The EIS should describe actions to take to manage recreation opportunities and access in the project area.
- How will the EIS address the proposed project's impacts on recreational use of the Yakima River, its tributaries, and the Keechelus, Kachess, and Cle Elum reservoirs?
- The EIS should include a discussion of how the project would comply with the provisions of the Roadless Area Conservation Rule.
- All three upper Yakima River reservoirs host popular recreational fisheries. Kokanee, rainbow trout, cutthroat trout, mackinaw, and burbot are all popular fishing targets in these waters. The overall level and success of recreational fishing needs to be maintained or improved.
- Access to the lake at various pool levels must be maintained to the extent possible.

Land and Shoreline Use

- Identify the effects to any infrastructure that would be impacted, such as roads, culverts, campgrounds, boat launches, and other structures.
- The EIS should assess how changes in water supply will affect residential and agricultural development throughout the Yakima basin.
- Wilderness or other appropriate designation should also be sought for USFS roadless areas in the Teanaway, in the area between Kachess and Cle Elum Lakes, and in the upper reaches of Manastash and Taneum Creeks in order to protect headwaters streams, snowpack, and forests.
- The EIS should fully evaluate the acreage that will be inundated by the pool raise, for how long, and how often this would occur.
- What shoreline facilities will the high reservoir level affect?
- What will happen to the dike on the southeast bank of the existing reservoir that protects the road and private property?
- How will the elevation of the water in the reservoir affect the non-populated shoreline?
- The EIS should include data on the properties that would be involved (type of ownership, acreage, current and anticipated use), nature and extent of impacts to the properties (e.g., land use changes), and measures to minimize impacts.
- The EIS should discuss the property acquisition process, including compensation and methods to address the extent of necessary participation.

- How will the property owners be compensated for loss of property including sewer and water?
- The EIS must document and detail the land allocations covered by actions. The Aquatic Conservation Strategy states that all actions must "maintain or enhance" watershed health with court-tested reference to the need to do so in both the short- and long-term. Therefore, actions must include mitigation in both the immediate and long-term to temporally offset impacts to the watershed health (i.e. sedimentation from roads and construction).
- The EIS should seek consistency towards objectives as being proposed in the Okanogan-Wenatchee National Forest (OWNF) Plan under revision now. The EIS should also ensure close coordination with the analysis and proposed actions of the Upper Yakima Restoration Project. The Snoqualmie Pass Adaptive Management Area is already in exceedance of its stated road density standards, and this project must detail any contribution (negative and positive) it makes to meet the standards set for this landscape in the short- and long-term.
- IP actions, which occur within and adjacent to Northwest Forest Plan (NWFP) affected lands, need to be consistent with the conservation objectives of the NWFP. The U.S. Fish and Wildlife Service recommends that the development of action alternatives in the EIS be coordinated with the OWNF to ensure these NWFP-based conservation strategies remain intact. The Service has devoted significant resources toward the successful implementation of the NWFP, as well as land exchanges, land purchases, habitat conservation plans, and other conservation agreements in Kittitas County. The Service wants to ensure our investments are complemented by IP actions. Please assess in your EIS, and associated biological assessments, how these existing conservation efforts will be affected by IP actions.
- Please provide an analysis of how the pool raise would impact the Thorp Mountain Inventoried Roadless Area.
- How will the EIS address impacts of hazardous materials and identification of mitigation measures?
- Will the EIS include a description of the potential for spills of contaminants into waters of the United States and the measures, such as an emergency response plan, to mitigate impacts?
- The EIS should discuss how the proposed action would support or conflict with the objectives of Federal State, Tribal or local land use plans, policies and controls in the analysis area and vicinity. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. If an appropriate government body has proposed plans in writing, but the plans are not yet

fully developed, address them. The EIS should address existing constraints in the analysis area and how the land uses will impact the proposed project.

- Section 28 of the Kittitas County Shoreline Management Program of 1975 (currently undergoing revision) provides that landfills in the Conservancy environment shall be a conditional use and allowed only for water-dependent uses, for public uses, and for the purpose of elevating a structure to meet flood proofing requirements as required by the flood control zone permit.
    - Would these projects be vested to the 1975 SMP?
    - How would any changes to the SMP adopted by Ecology in the future impact this project?
- Would the drilling and blasting, as well as pit excavation, create solid waste as defined by Sec. 36 of the SMP?
- How would the extensive shoreline landfilling and riprapping comply with the "no-net-loss of shoreline ecological functions" standard?
- The EIS must document and detail the actions' consistency with existing national forest policy (including Northwest Forest Plan, Snoqualmie Pass Adaptive Management Area Plan, Land Management Plan, Aquatic Conservation Strategy, Roadless Rule, and all species recovery plans). The Aquatic Conservation Strategy states that all actions must "maintain or enhance" watershed health with court-tested reference to the need to do so in both the short- and long-term. Therefore, actions must include mitigation in both the immediate and long-term to temporally offset impacts to the watershed health (i.e. sedimentation from roads and construction). The EIS should also seek consistency towards objectives as being proposed in the OWNF Plan under revision now. The EIS should also ensure close coordination with the analysis and proposed actions of the Upper Yakima Restoration Project. The Snoqualmie Pass Adaptive Management Area is already in exceedance of its stated road density standards, and this project must detail any contribution (negative and positive) it makes to meet the standards set for this landscape in the short- and long-term.

Utilities

- Quantify the impact of this project on the water supply of Kennewick Irrigation District, which has historically depended on return flows.
- What will be the need for additional public services, including public safety and emergency services, during the proposed construction of the project?
- What impacts to local school systems in the Yakima River basin can be expected?
- Will the EIS address the potential for increased litter?

- Will the EIS address the disposal of solid waste?
- The EIS should analyze opportunities for hydropower at Cle Elum Dam.

Transportation

- Include data about existing and new roads and evaluate change in road miles and density that will occur because of the project and predicted impacts to water quality by roads.
- The Snoqualmie Pass Adaptive Management Area is already in exceedance of its stated road density standards, and this project must detail any contribution (negative and positive) it makes to meet the standards set for this landscape in the short- and long-term.
- The EIS needs to document any impacts associated with the FR 4308 Bridge that might results from a reservoir pool raise.
- How much of the Salmon-La Sac Road will have to be moved or improved due to potential flooding?
- Will the EIS identify existing traffic levels and transportation infrastructure, impacts of the proposed projects on potential increases in traffic accidents, additional maintenance, and minimization of traffic impacts?
- How many vehicle trips would be generated, including trips by construction crews, employees, and service and delivery vehicles, from the proposed projects?
- Will the EIS evaluate the level of service and overall traffic generation from various activities at the proposed project sites?
- Will there be congestion at the interchanges serving the proposed project?
- Washington State Department of Transportation (WSDOT) would like more information on how changes to existing drainage flows within the upper Yakima River Watershed may affect downstream WSDOT infrastructure.

Cultural Resources

- What is the history of human habitation along the current shoreline?
- The EIS should describe the process and outcome of Government-to-Government consultation between Reclamation and each Tribe potentially affected by the project, issues that were raised, if any, and how those issues were addressed.
- Will the scope of the cultural resources analysis include identifying all historic properties or cultural resources potentially impacted by the projects or associated offsite development, including traditional cultural properties, other native cultural resources, and nonnative historic properties? What are

the impacts of the project and associated offsite development (e.g., housing, amenities) to cultural resources?

- How will historical Tribal uses of this area be factored in, including effects on sacred sites and fishing grounds?
- How will the project affect the cultural heritage of the area?
- Will the EIS consider Tribal fishery impacts?

Socioeconomics

- The EIS should include an analysis of the impacts to downstream agricultural water users, especially below Parker gage.
- How will housing needs for construction crews and employees be addressed? Where will housing be developed?
- Water supply benefits and their economic repercussions, should be individually identified to evaluate how much of the programmatic objectives will be accomplished with this project.
- How will the quantity of water improve conditions for agriculture during drought years and exactly what process will Ecology follow in making the determination of a drought?
- What will be the total cost of this project? The impacts analysis should including construction, operation, and maintenance costs.
- What amount of acre-feet will be dedicated to fishery enhancement, so that a cost per acre-foot comparison can be made between this project and water conservation?
- Has Reclamation determined what portion of the operation and maintenance costs of the pool raise would be the responsibility of local irrigation districts?
- The individual benefit and cost analysis for this specific project should be shown.
- Who will pay for the project?
- Will a comprehensive economic analysis be undertaken to identify potential effects of the proposed project on the Yakima River basin?
- Will the demand for hotel rooms in the Yakima River basin be calculated?
- How many jobs will be created; at what wage levels? What percentage of work would be reserved for local contractors?
- What will be the consequences on property values and property taxes in the Yakima River Basin?
- How will the project impact existing restaurants, hotels, motels, RV facilities, and other overnight tourism lodging facilities?

- Will the EIS assess the current social and economic impacts of not having adequate public and essential commercial services (e.g., housing, medical, emergency) for current and future workers?
- How will effects on quality of life, including community character, demographics, and small-town atmosphere, be assessed?
- Will the potential dislocation of current residents due to an increased cost of living be considered?
- Assure that the EIS embodies a balance of public interests between the needs of users and the needs of fish and wildlife and the local economic activity they generate.
- The proposed EISs must provide information and analysis that would allow decisionmakers and the public to determine whether there are other less environmentally damaging alternatives with lower financial costs.

Environmental Justice

- The EIS should include an evaluation of environmental justice populations within the geographic scope of the project.
- Will the EIS assess whether low income or people of color communities will be impacted by the proposed project and disclose what efforts were taken to meet environmental justice requirements consistent with Executive Order (EO) 12898?
- Will the EIS consider Tribal fishery impacts?

Cumulative Effects

- The scope of this EIS must be broad enough to address basinwide impacts; not be limited to site-specific impacts.
- EIS must fully consider the cumulative effects on the entire Yakima River basin by the IP.
- The EIS should assess impacts over the entire area potentially affected by similar impacts (e.g., hydrology, wetlands, and habitat), and to consider the effects of other past, present and future projects together with the proposed action, including those outside the jurisdiction of the lead agency. Where adverse cumulative impacts may exist, the EIS should disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.
- The EIS should clearly identify the resources that may be cumulatively impacted, the time over which impacts are going to occur, and the geographic area that will be impacted by the proposed project.
- Identify the trend in the condition of the resource as a measure of present impacts.

- Identity the current condition of the resource as a measure of past impacts.
- Identify the future condition of the resource based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends.
- Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.
- The EIS should include a detailed discussion of the cumulative effects that these and other projects may have on the hydrologic conditions in the vicinity of the proposed project. The document should clearly depict reasonably foreseeable direct, indirect, and cumulative impacts to groundwater and surface water resources.
- For all projects, assess how changes in water supply will affect residential and agricultural development throughout the Yakima basin. How will these changes affect listed species, and other fish, wildlife, and plants?

Process/Scope

- The scope of this EIS must be broad enough to address basinwide impacts; not be limited to site-specific impacts.
- The EIS should include a range of reasonable alternatives that meet the stated purpose and need for the project and that are responsive to the issues identified during the scoping process. This will ensure that the EIS provides the public and the decisionmaker with information that sharply defines the issues and identifies a clear basis for choice among alternatives as required by NEPA, even if some of them could be outside the capability of the applicant or the jurisdiction of the agency preparing the EIS for the proposed action. The EPA encourages selection of alternative(s) that will minimize environmental degradation.
- The No Action Alternative should include a discussion of how 14,600 af of water could be obtained through other means, including conservation.
- The EIS needs to be exceptionally detailed and thorough.
- The purpose and need statement for each project should explain the role of each within the Yakima Basin Integrated Plan.
- The Teanaway acquisition should be included in the analysis and plan area.
- The EIS should discuss the means by which the IP will be managed to ensure that all of the elements of the IP will be developed.
- The EIS should include a discussion of the role of the IP Workgroup and IP Implementation Committee. The membership of these two groups should be listed and identified by affiliation.

- The proposed EIS must provide information and analysis that would allow decisionmakers or the public to determine whether there are other less environmentally damaging alternatives with lower financial costs.
- Disclose the parties that would be responsible for avoiding, minimizing, and mitigating adverse impacts.
- Identify opportunities to avoid and minimize impacts, including working with other entities.
- A listing and summary of all Workgroup "Implementation Committee" meetings should be included in the EIS.
- Will the EIS disclose the relationship of the Citizens Advisory Group to the establishment of the Yakima Workgroup?
- Will the EIS disclose all meetings of the Yakima Workgroup Executive Committee, the minutes from those meetings, and how public notice was given?
- The project design should include an environmental inspection and mitigation monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. The EIS document should describe the monitoring program and its use as an effective feedback mechanism so that adjustments can be made to meet environmental objectives throughout the life of the project.
- Evaluate how much of the programmatic objectives will be accomplished with this segment of the overall Integrated Plan.
- The Yakima Integrated Plan Final EIS failed to provide specific responses to scoping comments on the Integrated Plan.
- Each EIS should include the likely operations and maintenance activities associated with the constructed projects.
- The EIS should list all Reclamation-approved water conservation plans for the Yakima River Basin.

Recommended Alternatives

- Any EIS must include a nonstructural alternative including both water conservation and water marketing to provide the public and Congress with a fair comparison and range of choices.
- A comprehensive and mandatory water conservation program that would provide the 14,600 acre-feet should be included.
- Enhanced Water Conservation alternative—the EIS should include an alternative of maximum water conservation efforts, in addition to the 170,000 acre-feet proposed under the Integrated Plan.

- Municipal and Domestic Conservation alternative—how much water could be conserved by ending the exempt well provisions under Washington water law?
- Would not a Market-Based Reallocation of Water Resources alternative alone have the capacity to meet the irrigation "goals" of the Yakima Plan?
- Crop Selection alternative—which Yakima basin crops are most drought-resistant? Which are least drought-resistant?
- Market-Value Water Pricing alternative —what would be the true costs of irrigated crops if farmers had to pay market rates for water and power delivery?
- Crop Insurance alternative—what is the status of crop insurance availability to address crop losses during a drought?
- Aquifer Storage alternative—what is the status of aquifer storage in the Yakima basin?
- Forest Practices alternative—will the EIS look at halting timber harvesting in the Yakima basin to retain more snowpack and improve instream flows throughout the summer above the reservoirs?
- Wilderness or other appropriate designation should also be sought for USFS roadless areas in the Teanaway, in the area between Kachess and Cle Elum Lakes, and in the upper reaches of Manastash and Taneum Creeks in order to protect headwaters streams, snowpack, and forests.

Anticipated Scope of the EIS

Except as noted, the EIS will evaluate the concerns and issues identified in the scoping comments summarized above for each of the listed resources. The level of analysis and documentation in the EIS will be based on the alternatives and potential for significant impacts. The following resources will be evaluated in the EIS:

- Surface Water Resources

  Note: The EIS will not evaluate the water demands of agricultural commodities or identify all approved water conservation plans because these requests are not sufficiently related to the proposed action and its potential to cause significant impacts.

- Earth
- Surface Water Quality

  Note: The EIS will not evaluate the change in road miles and density or the potential for impacts to water quality from highway runoff because

these requests are not sufficiently related to the proposed action and its potential to cause significant impacts.

- Groundwater
- Fish

  Note: The EIS is not expected to use modeling to evaluate how the shoreline ecosystem functions; nor will the EIS conduct contemporary fish inventories or rainbow trout and cutthroat trout spawning surveys. These methods and inventories are not necessary to understand and evaluate the potential effects of the proposed action on fish and the aquatic ecosystem.

- Vegetation and Wetlands

  Note: The EIS is not expected to conduct a contemporary Habitat Evaluation Procedure (HEP) to assess effects on the lower gradient shoreline areas. These methods are not necessary to understand and evaluate the potential effects of the proposed action on vegetation and wetlands.

- Wildlife

  Note: The EIS is not expected to conduct a contemporary Habitat Evaluation Procedure (HEP) or similar analysis to assess effects on the lower gradient shoreline areas. These methods are not necessary to understand and evaluate the potential effects of the proposed action on wildlife and habitat.

- Threatened and Endangered Species
- Visual Quality

  Note: The EIS will not conduct an analysis of scenic vistas because this request is not sufficiently related to the proposed action and its potential to cause significant impacts.

- Air Quality

  Note: The EIS will not conduct an analysis of the carbon footprint of the proposal because this information is not necessary to understand and evaluate the potential to cause significant impacts.

- Climate Change
- Noise
- Recreation

  Note: The EIS will not conduct an analysis of the Roadless Area Conservation Rule because this request is not sufficiently related to the proposed action and its potential to cause significant impacts.

- Land and Shoreline Use

  Note: The EIS will not conduct an analysis of Wilderness or other restrictive designation for U.S. Forest Service roadless areas; nor will the EIS analyze the Thorp Mountain Inventoried Roadless Area. These proposals and requests are outside the purpose and need for the proposed action, and this information is not necessary to understand and evaluate the potential for significant impacts.

- Utilities

  Note: The EIS will not evaluate opportunities for hydropower at Cle Elum Dam because this proposal is outside the purpose and need for the proposed action.

- Transportation

  Note: The EIS is not expected to evaluate the level of service at intersections and roadways because this information is not necessary to understand and evaluate the potential for significant impacts.

- Cultural Resources
- Indian Sacred Sites
- Indian Trust Assets
- Socioeconomics

  Note: The EIS is not expected to provide a cost-per-acre-foot comparison between the proposed pool raise and water conservation; nor will the EIS develop a benefit and cost analysis. The EIS will not include a detailed quantitative analysis of jobs creation, effects on wage levels, local set-asides, or demand for local lodging during construction because this information is not necessary to understand and evaluate the potential for significant impacts.

- Environmental Justice
- Cumulative Effects

  Note: The EIS will not reevaluate cumulative effects on the entire Yakima River basin associated with the Integrated Plan. These effects have been evaluated previously in the March 2012, Yakima River Basin Integrated Water Resource Management Plan Final Programmatic EIS.

The Cle Elum Pool Raise Project is intended to implement actions identified in Section 1206, Title XII of YRBWEP. Through this legislation, Congress authorized Reclamation to:

- Modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in the Cle Elum Reservoir;
- Provide for shoreline protection; and

- Provide environmental mitigation for impacts from the project, as necessary.

The EIS will not advance alternatives for detailed analysis in the EIS that do not satisfy or approximate this congressional authorization. Thus, water conservation, water marketing, alternative agriculture and cropping, aquifer storage, new forest designation and practices, and similar suggestions that were identified during scoping likely will not receive detailed assessment in the EIS.

The *NEPA Notice of Intent*, *SEPA Determination of Significance*, press release, and comment letters are attached to this report, along with handouts from the meetings.

Attachments

- **Notice of Intent**
- **Determination of Significance**
- **News Release**
- **Comment Letters**
- **Scoping Meeting Handouts**

proratable irrigation districts during severe drought conditions, and create more normal flows in the upper Yakima River between Keechelus Dam and Lake Easton to improve fish habitat.

At this time, there are no known Indian Trust Assets or environmental justice issues associated with the Proposed Actions.

Special Assistance for Public Scoping and Open House Meetings

If special assistance is required to participate in the public scoping and open house meetings, please contact Ms. Candace McKinley, Bureau of Reclamation, Columbia-Cascades Area Office, 1917 Marsh Road, Yakima, WA 98901; telephone (509) 575–5848, ext. 232; facsimile (509) 454–5650; email *yrbwep@usbr.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FedRelay) at 1–800–877–8339 TTY/ASCII to contact the above individual during normal business hours. The FedRelay is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours. All meeting facilities are physically accessible to people with disabilities.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 24, 2013.

Lorri J. Lee,

Regional Director, Pacific Northwest Region.

[FR Doc. 2013–25689 Filed 10–29–13; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[XXXR0680R1 RR.R0336A1R5WRMP01.03 RR01113000]

Notice of Intent To Prepare an Environmental Impact Statement and Public Scoping Meetings for the Cle Elum Reservoir Pool Raise, Yakima River Basin Water Enhancement Project, Integrated Water Resource Management Plan, Kittitas County, Washington

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation intends to prepare an Environmental Impact Statement (EIS) on the Cle Elum Reservoir Pool Raise project. The Washington State Department of Ecology will be a joint lead agency with the Bureau of Reclamation in the preparation of this EIS, which also will be used to comply with requirements of the Washington State Environmental Policy Act (SEPA). The Bureau of Reclamation is requesting public comment and agency input to identify significant issues or other alternatives to be addressed in the EIS.

DATES: Submit written comments on the scope of the environmental impact statement on or before December 16, 2013.

Two scoping meetings, combined with open houses each day, will be held on the following dates and times:

- November 20, 2013, 1:30 p.m. to 3:30 p.m., and 5:00 p.m. to 7:00 p.m., Yakima, WA.
- November 21, 2013, 1:30 p.m. to 3:30 p.m., and 5:00 p.m. to 7:00 p.m., Cle Elum, WA.

ADDRESSES: Send written scoping comments, requests to be added to the mailing list, or requests for sign language interpretation for the hearing impaired or other special assistance needs to Ms. Candace McKinley, Environmental Program Manager, Bureau of Reclamation, Columbia-Cascades Area Office, 1917 Marsh Road, Yakima, WA 98901; or email *yrbwep@usbr.gov.*

The scoping meetings and open houses will be located at:

- Yakima—Yakima Area Arboretum, 1401 Arboretum Way, Yakima, WA 98901.
- Cle Elum—U.S. Forest Service (Cle Elum Ranger District Conference Room), 803 W 2nd Street, Cle Elum, WA 98922.

FOR FURTHER INFORMATION CONTACT: Ms. Candace McKinley, Bureau of Reclamation, Columbia-Cascades Area Office, 1917 Marsh Road, Yakima, WA 98901; telephone (509) 575–5848, ext. 232; facsimile (509) 454–5650; email *yrbwep@usbr.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FedRelay) at 1–800–877–8339 TTY/ASCII to contact the above individual during normal business hours. The FedRelay is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours. Information on this project may also be found at *http://www.usbr.gov/pn/programs/yrbwep/index.html.*

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation (Reclamation) is issuing this notice pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 *et seq.;* the Council on Environmental Quality's (CEQ) regulations for implementing NEPA, 43 CFR parts 1500 through 1508; the Department of the Interior's NEPA regulations, 43 CFR part 46, and the Washington State Environmental Policy Act.

Background

On July 9, 2013, the Record of Decision (ROD) for the Final Programmatic EIS (PEIS) for the Yakima River Basin Integrated Water Resource Management Plan (Integrated Plan) was signed. In the ROD, the Reclamation selected the Integrated Plan Alternative for implementation. The Integrated Plan Alternative is comprised of seven elements which were considered in the PEIS:

1. Reservoir Fish Passage;
2. Structural and Operational Changes;
3. Surface Water Storage;
4. Groundwater Storage;
5. Habitat/Watershed Protection and Enhancement;
6. Enhanced Water Conservation; and
7. Water Market Reallocation of Water Resources.

As described in the PEIS, the Reclamation and the Washington State Department of Ecology (Ecology) will complete project-level, site-specific environmental review for actions within the Integrated Plan once the agencies are ready to move forward each action or groups of actions. Reclamation and Ecology have determined that it is appropriate to initiate the environmental review process with regard to the Cle Elum Reservoir Pool Raise.

This action was previously evaluated at a programmatic level of analysis in

the Integrated Plan PEIS (see chapters 2 through 5 of the PEIS available at: *www.usbr.gov/pn/programs/yrbwep/reports/FPEIS/fpeis.pdf*). The PEIS examined the effects of the overall Integrated Plan Alternative, which included the Cle Elum Reservoir Pool Raise Project as part of the Structural and Operational Changes element. Now the agencies will prepare a project-level EIS for the Cle Elum Reservoir Pool Raise Project and will tier to the Integrated Plan PEIS as provided for in the Council on Environmental Quality Regulations (40 CFR 1502.20, Tiering). The project-level environmental analysis to be conducted in this EIS will expand upon and add detail to those analyses already completed in the Integrated Plan PEIS.

The proposed action to be evaluated in the Cle Elum Reservoir Pool Raise EIS is to modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity. This modification would raise the pool level by approximately 3 feet. The objective of this action is to use the additional water stored to provide increased seasonal releases from Cle Elum Reservoir to improve streamflows for fish. The Cle Elum Pool Raise Project is authorized in Yakima River Basin Water Enhancement Project (Sec. 1206, Pub. L. 103–43).

At this time, there are no known Indian Trust Assets or environmental justice issues associated with the proposed action.

Special Assistance for Public Scoping and Open House Meetings

If special assistance is required to participate in the public scoping and open house meetings, please contact Ms. Candace McKinley, Bureau of Reclamation, Columbia-Cascades Area Office, 1917 Marsh Road, Yakima, WA 98901; telephone (509) 575–5848, ext. 232; facsimile (509) 454–5650; email *yrbwep@usbr.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FedRelay) at 1–800–877–8339 TTY/ASCII to contact the above individual during normal business hours. The FedRelay is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours. All meeting facilities are physically accessible to people with disabilities.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 24, 2013.

Lorri J. Lee,

Regional Director, Pacific Northwest Region.

[FR Doc. 2013–25691 Filed 10–29–13; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–841]

Certain Computer and Computer Peripheral Devices, and Components Thereof, and Products Containing Same; Commission Decision to Review an Initial Determination; Schedule for Filing Written Submissions Including Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in the entirety the final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') on August 2, 2013, finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in this investigation.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 2, 2012, based on a complaint filed by Technology Properties Limited, LLC (''TPL'') of Cupertino, California. 77 FR 26041 (May 2, 2012). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent Nos. 6,976,623 (''the '623 patent''), 7,162,549 (''the '549 patent''), 7,295,443 (''the '443 patent''), 7,522,424 (''the '424 patent''), 6,438,638 (''the '638 patent''), and 7,719,847 (''the '847 patent''). The complaint further alleges the existence of a domestic industry. The notice of investigation named twenty-one respondents, some of whom have since settled from the investigation. As a result of these settlements, the '638 patent is no longer at issue, as it has not been asserted against the remaining respondents. The remaining respondents are Acer Inc. of New Taipei City, Taiwan (''Acer''); Canon Inc. of Toyko, Japan; Hewlett-Packard Company of Palo Alto, California (''HP''); HiTi Digital, Inc. of New Taipei City, Taiwan; Kingston Technology Company, Inc. of Fountain Valley, California (''Kingston''); Newegg, Inc. and Rosewill Inc., both of City of Industry, California (''Newegg/Rosewill''); and Seiko Epson Corporation of Nagano, Japan.

On October 4, 2012, the ALJ issued a *Markman* order construing disputed claim terms of the asserted patents. Order No. 23. On January 7–11, 2013, the ALJ conducted a hearing, and on August 2, 2013, the ALJ issued the final ID. The ALJ found that TPL demonstrated the existence of a domestic industry, as required by 19 U.S.C. 1337(a)(2), through TPL's licensing investment under 19 U.S.C. 1337(a)(3)(C). ID at 152–55. The ALJ rejected TPL's showing based upon OnSpec Electronic, Inc.'s research and development, and engineering investments for section 337(a)(3)(C), as well as subsections (a)(3)(A) and (a)(3)(B). *Id.* at 155–57.

The ALJ found that the respondents had not shown that any of the asserted patent claims are invalid. However, the ALJ found that TPL demonstrated infringement of the '623 patent, and not the other patents. With respect to the '623 patent, the ALJ found that TPL demonstrated direct infringement of the asserted apparatus claims (claims 1–4 and 9–12). Accordingly, the ALJ found a violation of section 337 by Acer, Kingston and Newegg/Rosewill (collectively, ''the '623 respondents'') as to these apparatus claims of the ''623 patent.

DETERMINATION OF SIGNIFICANCE AND REQUEST FOR COMMENTS ON SCOPE OF ENVIRONMENTAL IMPACT STATEMENT FOR THE CLE ELUM RESERVIOR POOL RAISE

The Department of Interior, Bureau of Reclamation (Reclamation) and the Washington State Department of Ecology (Ecology) are beginning preparation of an Environmental Impact Statement (EIS) for the Cle Elum Reservoir Pool Raise Project. The EIS will be a joint National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) EIS. Reclamation and Ecology are requesting comments regarding the scope.

Lead Agency: Reclamation and Ecology are joint lead agencies for the combined NEPA and SEPA process

SEPA Responsible Official: Derek I. Sandison, Director Office of Columbia River, Washington State Department of Ecology

EIS Required: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, Reclamation proposes to prepare an EIS for the Cle Elum Reservoir Pool Raise, Yakima River Basin Water Enhancement Project, Integrated Water Resource Management Plan. Ecology has determined that an EIS is required under SEPA (Chapter 43.21C RCW).

Action: Notice of Intent

Location: Kittitas County, Washington

Description of Proposal:

The Cle Elum Pool Raise Project is proposed as part of the Yakima River Basin Water Enhancement Project, Integrated Water Resource Management Plan (Integrated Plan). The Integrated Plan is comprised of seven elements which were evaluated in a Programmatic EIS issued March 2, 2012:

1. Reservoir Fish Passage;
2. Structural and Operational Changes;
3. Surface Water Storage;
4. Groundwater Storage;
5. Habitat/Watershed Protection and Enhancement;
6. Enhanced Water Conservation; and
7. Water Market Reallocation of Water Resources.

As described in the PEIS, the Reclamation and the Ecology will complete project-level, site-specific environmental review for individual actions and projects within the Integrated Plan once the agencies are ready to move forward each action or groups of actions. Reclamation and

Ecology have determined that it is appropriate to initiate the environmental review process with regard to the Cle Elum Reservoir Pool Raise.

The proposed action to be evaluated in the Cle Elum Reservoir Pool Raise EIS is to modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity. This modification would raise the pool level by approximately 3 feet. The objective of this action is to use the additional water stored to provide increased seasonal releases from Cle Elum Reservoir to improve streamflows for fish. The Cle Elum Pool Raise Project is authorized in Yakima River Basin Water Enhancement Project (Sec. 1206, Pub. L. 103-43).

Scoping Meeting Dates: Two scoping meetings, combined with open houses each day, will be held on the following dates and times:

- November 20, 2013, 1:30pm to 3:30pm, and 5:00pm to 7:00pm, Yakima Area Arboretum, 1401 Arboretum Way, Yakima, WA.

- November 21, 2013, 1:30pm to 3:30pm, and 5:00pm to 7:00pm, U.S. Forest Service (Cle Elum Ranger District Conference Room), 803 W 2nd Street, Cle Elum, WA.

Comments: Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. Comments on the scope of the EIS must be received by December 16, 2013, at the address listed below.

You may submit comments by any of the following methods:

Email: *yrbwep@usbr.gov*

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

For further information contact: Ms. Candace McKinley, Bureau of Reclamation, Columbia-Cascades Area Office, 1917 Marsh Road, Yakima, WA 98901; telephone (509) 575-5848, ext. 232; facsimile (509) 454-5650; email *yrbwep@usbr.gov*.

News Release

RECLAMATION
Managing Water in the West

Pacific Northwest Region
Boise, Idaho

Media Contact:

Annette Ross (208) 378-5322
aross@usbr.gov

Candace McKinley (509) 575-5848 ext. 232
cmckinley@usbr.gov
TTY/TDD: 711

Derek Sandison (509) 457-7120

For Release: November 6, 2013

Reclamation and Ecology Host Scoping Meetings for Proposed Cle Elum, Kachess, and Keechelus Projects

YAKIMA, Wash. - The Bureau of Reclamation and Washington State Department of Ecology's Office of Columbia River will conduct joint public scoping meetings this month for two environmental impact statements (EIS) — one for the proposed Cle Elum Pool Raise, and one for the Kachess Reservoir Inactive Storage and Keechelus-to-Kachess Conveyance Projects — three components of the Yakima River Basin Integrated Water Resource Management Plan (Integrated Plan) under the Yakima River Basin Water Enhancement Project (YRBWEP).

The combined open houses/scoping meetings will be held from 1:30-3:30 p.m., and from 5-7 p.m. on the following dates and locations:

- November 20, 2013 - Yakima Area Arboretum, 1401 Arboretum Way, Yakima, WA
- November 21, 2013 - U.S. Forest Service Cle Elum Ranger District, 803 W. 2nd Street, Cle Elum, WA

Ecology is joint lead with Reclamation in the preparation of the EISs, and they will satisfy the requirements of both the National Environmental Policy Act and the Washington State Environmental Policy Act.

The scoping meetings will give the public and agencies the opportunity to identify issues and concerns associated with the proposed projects and to identify other potential alternatives that could be considered in the EISs.

Reclamation and Ecology have led the basinwide YRBWEP Workgroup since 2009 to develop a well-defined set of strategies for resolving water supply and streamflow imbalances, as well as ecosystem restoration enhancements. This effort resulted in a final programmatic EIS for the Integrated Plan for the Yakima basin in 2012, and Reclamation issued a Record of Decision in 2013.

The Integrated Plan includes seven elements:

> Fish passage at existing reservoirs; structural and operational changes to existing facilities; new or expanded storage reservoirs; groundwater storage; habitat/watershed protection and enhancement; enhanced water conservation; and market-based reallocation of water resources. Additional information about these efforts can be found at: http://www.usbr.gov/pn/programs/yrbwep/index.html.

The draft EISs are expected to be issued in the summer of 2014, followed by an opportunity for public and agency review and comment. The final EISs are anticipated to be completed in the spring of 2015.

The meeting facilities are physically accessible to people with disabilities. Requests for sign language interpretation for the hearing impaired or other special assistance should be mailed to the Bureau of Reclamation, Ms. Candace McKinley, Environmental Program Manager, 1917 Marsh Road, Yakima, WA 98901-2058; (509)-575-5848, ext. 232 or by email to yrbwep@usbr.gov, by November 12, 2013.

Reclamation published a Notice of Intent to prepare the EISs in the Federal Register, and Ecology published a Determination of Significance in local newspapers concurrent with the release of the Notice of Intent.

In addition to comments received at the scoping meetings, written comments will also be accepted through December 16, 2013. Comments should be submitted to Ms. McKinley using the contact information above. For additional information or questions, please call (509) 575-5848, ext. 613.

# # #

Reclamation is the largest wholesale water supplier and the second largest producer of hydroelectric power in the United States, with operations and facilities in the 17 Western States. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Visit our website at www.usbr.gov.

RECLAMATION
Managing Water in the West

DEPARTMENT OF ECOLOGY
State of Washington

Contact: Candace McKinley, (509) 575-5848, ext. 613

Derek Sandison, 509-457-7120

Cle Elum Pool Raise

Yakima River Basin Integrated Water Resource Management Plan (Integrated Plan)

November 2013

What is the proposed Cle Elum Pool Raise?

The Cle Elum Pool Raise was authorized for implementation, including construction, under the Yakima River Basin Water Enhancement Project (YRBWEP) Title XII, October 31, 1994. Section 1206 of Title XII includes authorization to:

- Modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in Lake Cle Elum,
- Provide for shoreline protection of Lake Cle Elum, and
- Provide environmental mitigation for impacts from the Pool Raise, as necessary.

The Pool Raise consists of raising the maximum water level of Cle Elum Lake by 3 feet, increasing the volume of available storage in Cle Elum Lake by approximately 14,600 acre-feet, which would be used to improve instream flows for fish.

How does the Pool Raise relate to the Integrated Plan?

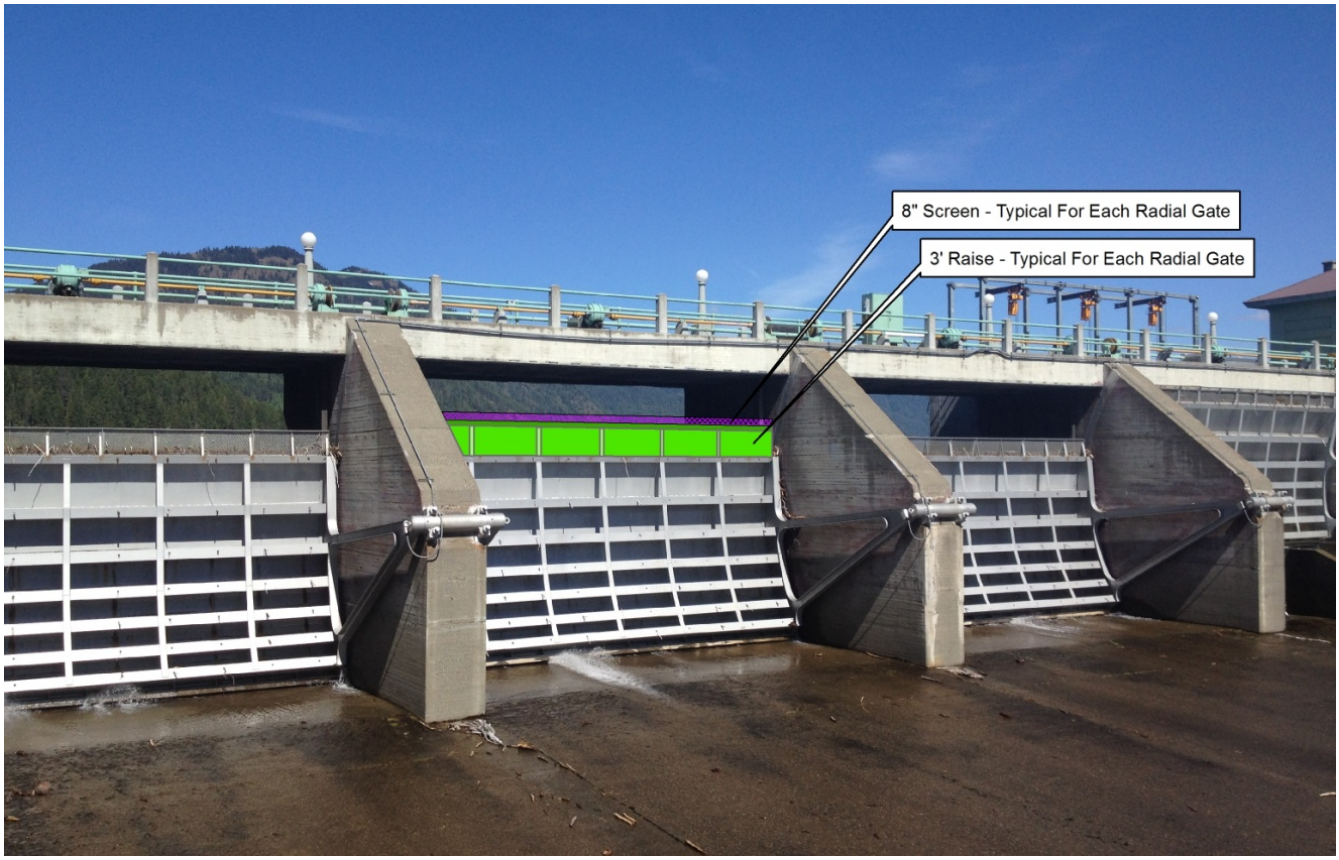
The Pool Raise is included in the Structural and Operational Changes element of the Integrated Plan. The site-specific environmental impact statement (EIS) produced at the end of this study will tier off the March 2012, *Yakima River Basin Integrated Water Resource Management Plan Final Programmatic EIS*.

What alternatives are being considered for the project?

The proposed alternative would modify the existing radial gates to raise the water level on the gates by approximately 3 feet. Modifications to the radial gates would consist of fabricating and installing 3-foot-high by 37-foot-wide stiffened steel flashboards at each of the five radial gates. An additional 8-inch-high screen would be installed above the 3-foot-high flashboards to catch debris.

The water surface elevation of Cle Elum Lake would be raised from 2,240 feet to 2,243 feet above mean sea level, adding approximately 14,600 acre-feet of storage to the reservoir for annual release. The increased storage capacity would provide greater operational flexibility for instream flows.

In addition, the No Action Alternative is evaluated to form the baseline for evaluating the potential impacts of the Pool Raise action alternative.



Cle Elum Pool Raise Modification (shown on one gate for illustrative purposes)

SCOPING COMMENT FORM

Cle Elum Pool Raise

October 30 – December 16, 2013

Name (please print legibly):	
Organization:	
Mailing Address:	
City, State, and Zip Code:	
Telephone:	**E-mail:**

Request to be placed on the mailing list and/or receive a copy of the Scoping Document:

___ I would like to receive a copy of the Scoping Document.

___ I want to receive email updates and information on the Environmental Impact Statement (EIS).

___ I want my name included on the mailing list to receive information on the EIS.

___ I want my name removed from the ___ email list and/or ___mailing list (please check one or both).

Please note: Our practice is to make comments, including names, home addresses, home phone numbers and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released**.** We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

My comments on the Cle Elum Pool Raise are:

(Use back of sheet or additional sheets as necessary)

You may leave your comments in the box provided or mail, fax, email, or call in your comments by Dec. 16, 2013, to: Candace McKinley, Environmental Program Manager, Bureau of Reclamation, 1917 Marsh Road, Yakima WA 98901-2058; fax (509) 454-5650; email yrbwep@usbr.gov; phone (509) 575-5848, ext. 613.

U.S. Department of the Interior
Bureau of Reclamation

DEPARTMENT OF ECOLOGY
State of Washington

Comments (continued)

You may leave your comments in the box provided or mail, fax, email, or call in your comments by Dec. 16, 2013, to: Candace McKinley, Environmental Program Manager, Bureau of Reclamation, 1917 Marsh Road, Yakima WA 98901-2058; fax (509) 454-5650; email yrbwep@usbr.gov; phone (509) 575-5848, ext. 613.

RECLAMATION
Managing Water in the West

DEPARTMENT OF ECOLOGY
State of Washington

Contact: Candace McKinley, (509) 575-5848, ext. 613

Derek Sandison, 509-457-7120

What Is the Integrated Plan?

Yakima River Basin Integrated Water Resource Management Plan (Integrated Plan)

November 2013

In 2009, Reclamation and the Washington State Department of Ecology's Office of Columbia River convened the Yakima River Basin Water Enhancement Project Workgroup (Workgroup) to provide a collaborative forum for evaluation of the usefulness of an integrated water resource management approach to addressing water and aquatic resource needs in the Yakima River basin in Washington. The Workgroup is comprised of representatives of the Yakama Nation, irrigation districts, environmental organizations, and federal, state, and local governments. In 2010, under the WaterSMART Basin Study Program, Reclamation and Ecology jointly conducted the Yakima River Basin Study with the Workgroup to better define options for future water management of the basin.

The Integrated Plan is a comprehensive approach to address a variety of water resource and ecosystem needs in the Yakima River Basin. The Integrated Plan includes seven elements: (1) reservoir fish passage; (2) structural and operational changes; (3) surface water storage; (4) groundwater storage; (5) habitat/watershed protection and enhancement; (6) enhanced water conservation, and (7) market reallocation.

In March 2012, Reclamation and Ecology released the Final Programmatic Environmental Impact Statement (PEIS) for the Integrated Plan. The Integrated Plan was selected as the Preferred Alternative in the PEIS. Reclamation signed a Record of Decision in 2013, which selected the Integrated Plan for implementation. The total cost of all the elements of the Integrated Plan is approximately $4.2 billion, with estimated annual operation and maintenance costs of $10 million. Implementation is expected to take place over a 15- to 20-year period.

In the first legislative action of his administration, Governor Inslee focused on Washington's water resources and, specifically, the Integrated Plan to support food and agriculture industry jobs, salmon recovery, and a growing population in Central Washington. The 2013-2015 Washington State Budget includes $132 million for Integrated Plan projects.

Yakima River Basin Integrated Water Resource Management Plan

Structural & Operational Changes

1. Raise the Cle Elum Pool by three feet to add 14,600 ac-ft in storage capacity.
2. Modify Kittitas Reclamation District canals to provide efficiency savings.
3. Construct a pipeline from Lake Keechelus to Lake Kachess to reduce flows and improve habitat conditions during high flow releases below Keechelus and to provide more water storage in Lake Kachess for downstream needs.
4. Decrease power generation at Roza Dam and Chandler power plant to support outmigration of juvenile fish.
5. Make efficiency improvements to the Wapatox Canal.

Enhanced Water Conservation

1. Implement an agricultural water conservation program designed to conserve up to 170,000 acre-feet of water in good water years.
2. Create a fund to promote water use efficiency basin-wide using voluntary, incentive-based programs. Focus on outdoor uses as top priority.

Habitat/Watershed Protection & Enhancement

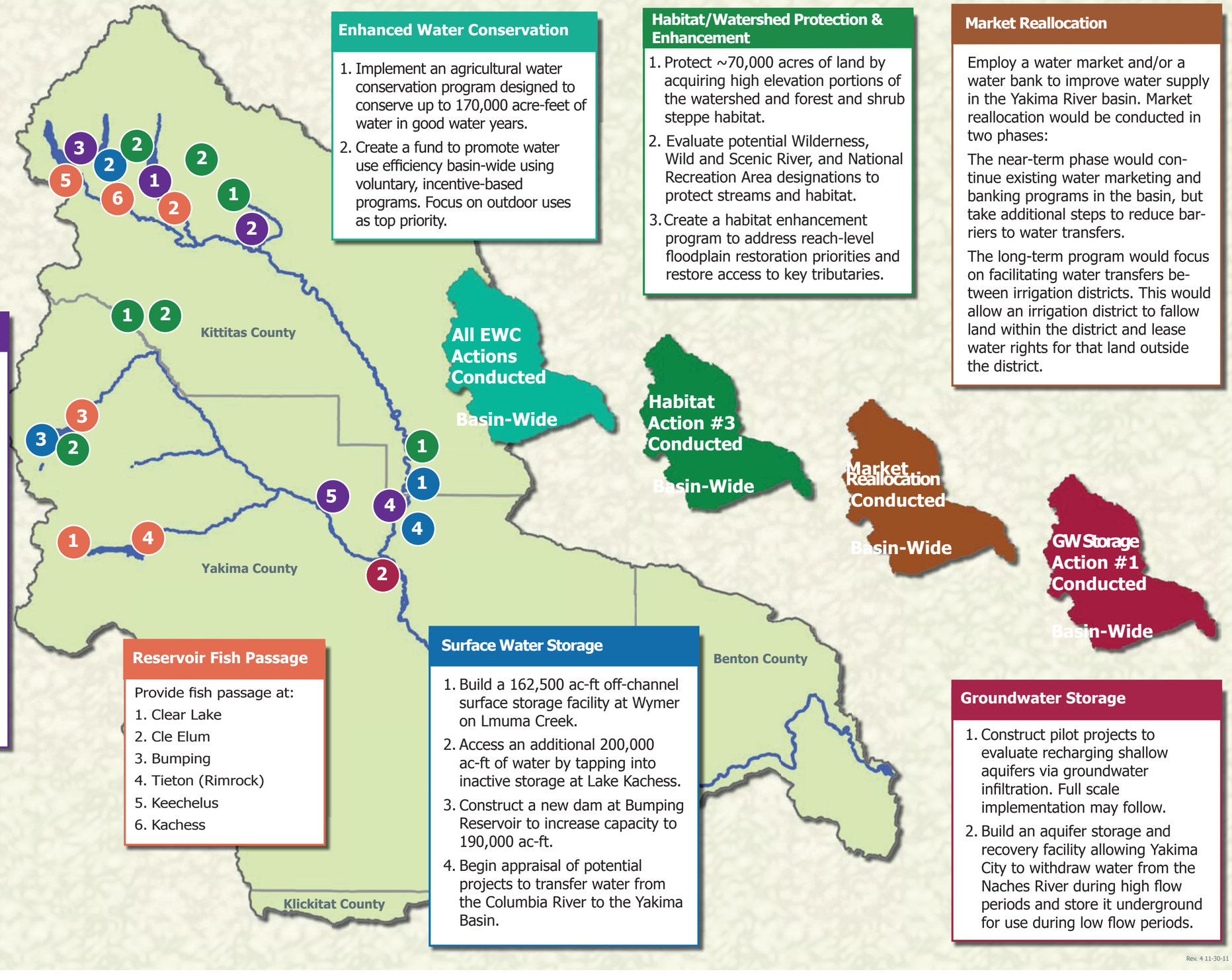
1. Protect ~70,000 acres of land by acquiring high elevation portions of the watershed and forest and shrub steppe habitat.
2. Evaluate potential Wilderness, Wild and Scenic River, and National Recreation Area designations to protect streams and habitat.
3. Create a habitat enhancement program to address reach-level floodplain restoration priorities and restore access to key tributaries.

Market Reallocation

Employ a water market and/or a water bank to improve water supply in the Yakima River basin. Market reallocation would be conducted in two phases:

The near-term phase would continue existing water marketing and banking programs in the basin, but take additional steps to reduce barriers to water transfers.

The long-term program would focus on facilitating water transfers between irrigation districts. This would allow an irrigation district to fallow land within the district and lease water rights for that land outside the district.



Reservoir Fish Passage

Provide fish passage at:

1. Clear Lake
2. Cle Elum
3. Bumping
4. Tieton (Rimrock)
5. Keechelus
6. Kachess

Surface Water Storage

1. Build a 162,500 ac-ft off-channel surface storage facility at Wymer on Lmuma Creek.
2. Access an additional 200,000 ac-ft of water by tapping into inactive storage at Lake Kachess.
3. Construct a new dam at Bumping Reservoir to increase capacity to 190,000 ac-ft.
4. Begin appraisal of potential projects to transfer water from the Columbia River to the Yakima Basin.

Groundwater Storage

1. Construct pilot projects to evaluate recharging shallow aquifers via groundwater infiltration. Full scale implementation may follow.
2. Build an aquifer storage and recovery facility allowing Yakima City to withdraw water from the Naches River during high flow periods and store it underground for use during low flow periods.

Rev. 4 11-30-11

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Managing Water in the West

DEPARTMENT OF ECOLOGY
State of Washington

Contact: Candace McKinley, (509) 575-5848, ext. 613

Derek Sandison, 509-457-7120

How Can I Provide Input?

Kachess Drought Relief Pumping Plant (Kachess Reservoir Inactive Storage) and Keechelus-to-Kachess Conveyance, and Cle Elum Pool Raise Environmental Impact Statements (EIS)

November 2013

Reclamation and Ecology are conducting scoping for the Kachess Drought Relief Pumping Plant (Kachess Reservoir Inactive Storage) and Keechelus-to-Kachess Conveyance, and the Cle Elum Pool Raise EISs. The scoping period began on October 30, 2013, and will continue through December 16, 2013. As part of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA), scoping is conducted to receive public and agency comments on the scope of an upcoming EIS, and may include comments on:

- ✓ **Purpose of and Need for** a proposed project;
- ✓ Recommendations concerning the **proposed project**, and **alternatives;**
- ✓ **Substantial issues and concerns** that should be addressed in the EIS;
- ✓ **Potential impacts** (beneficial and adverse, direct, indirect, and cumulative) and **mitigation;**
- ✓ **Other major actions** in the Yakima basin and **regulatory requirements** of Federal, State, and local agencies;
- ✓ Scope of **project-level environmental studies** to be conducted.

We are seeking comments on these documents and we would like your help! There are a variety of ways for you to participate in this process:

- ✓ **Attend** one of four public scoping meetings:
  - **Yakima – November 20, 2013; 1:30 p.m. to 3:30 p.m.; and 5 p.m. to 7 p.m. at the Yakima Arboretum**
  - **Cle Elum – November 21, 2013; 1:30 p.m. to 3:30 p.m.; and 5 p.m. to 7 p.m. at the U.S. Forest Service Cle Elum Ranger District Office**

- ✓ **Mail** written scoping comments, requests to be added to the mailing list, and/or requests for a scoping document to:

Bureau of Reclamation, Columbia-Cascades Area Office
Attention: Candace McKinley, Environmental Program Manager
1917 Marsh Road
Yakima WA 98901-2058

http://www.usbr.gov/pn/programs/eis/kdrpp/index.html
http://www.usbr.gov/pn/programs/eis/kkc/index.html
http://www.usbr.gov/pn/programs/eis/cleelumraise/index.html
http://www.usbr.gov/pn/programs/yrbwep/2011integratedplan/index.html

- ✓ **E-mail** comments to ***yrbwep@usbr.gov***

- ✓ **Fax** comments to 509-454-5650

- ✓ **Telephone** comments may be recorded at (509) 575-5848, ext. 613.

Then What Happens?

- ✓ A **Scoping Summary Document** of comments submitted through December 16, 2013, for each EIS will be made available in January 2014.

- ✓ Two **Draft EISs will be released—one for Kachess Drought Relief Pumping Plant and Keechelus-to-Kachess Conveyance, and one for the Cle Elum Pool Raise--followed by a 45-day public and agency review and comment period.** Notice of the availability of the Draft EISs and the public and agency comment period will be published in the Federal Register and local newspapers prior to release of the documents, which is anticipated for the summer of 2014.

RECLAMATION
Managing Water in the West

DEPARTMENT OF ECOLOGY
State of Washington

Contact: Candace McKinley, (509) 575-5848, ext. 613

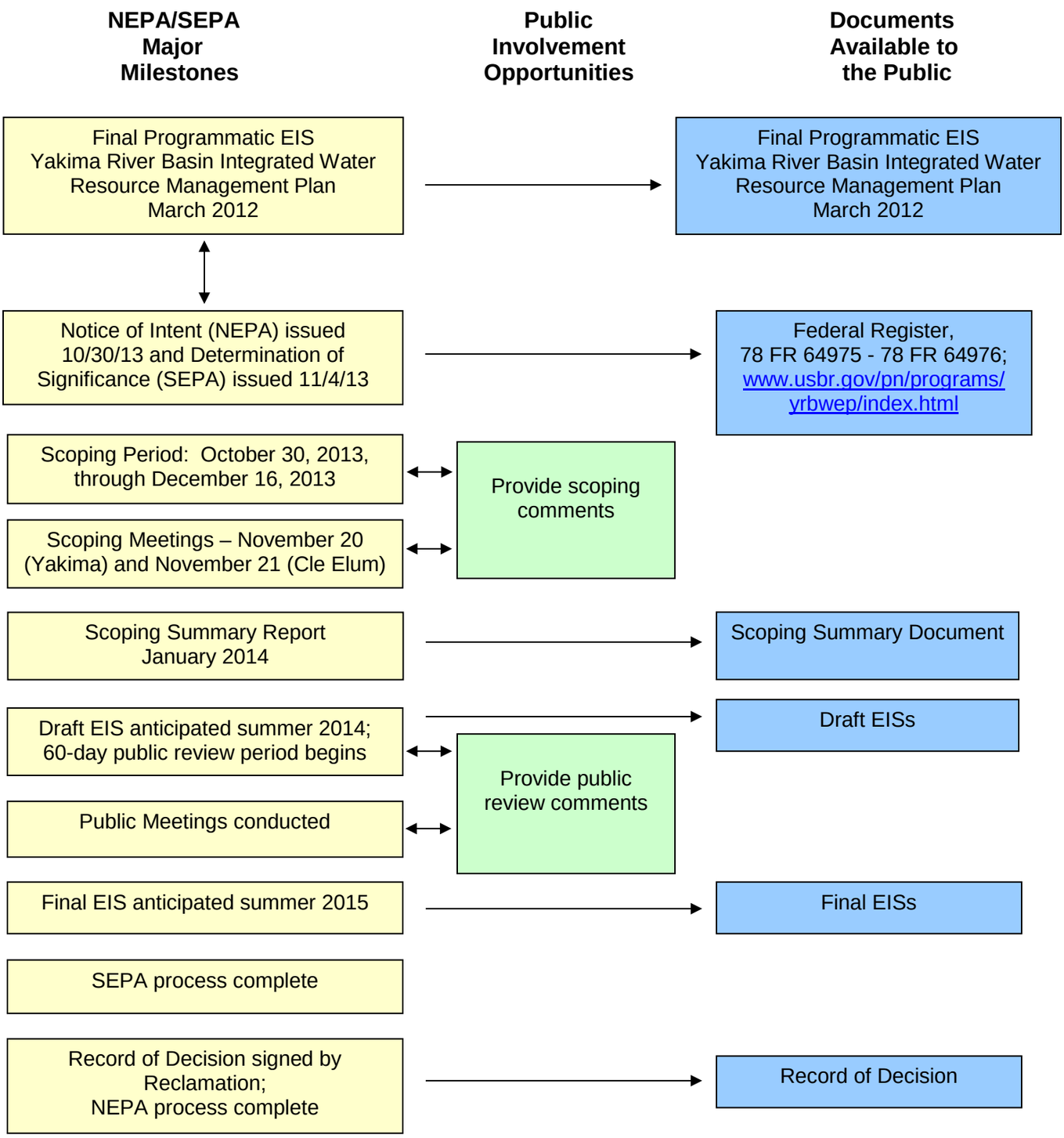
Derek Sandison, 509-457-7120

Yakima River Basin Integrated Water Resource Management Plan

NEPA/SEPA Process for:

Kachess Drought Relief Pumping Plant and Keechelus-to-Kachess Conveyance EIS and Cle Elum Pool Raise EIS

November 2013



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http://www.usbr.gov/pn/programs/yrbwep/2011integratedplan/index.html

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Managing Water in the West

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Derek Sandison, 509-457-7120

What Is the Difference Between a Programmatic and a Project-Level Environmental Impact Statement?

Yakima River Basin Integrated Water Resource Management Plan

November 2013

There are two types of environmental impact statements—"programmatic" and "project-level." These are also sometimes referred to as "planning-level" and "site-specific" based on differences in their focus and level of detail.

In March 2012, a Final Programmatic Environmental Impact Statement (PEIS) was released for the entire Yakima River Basin Integrated Water Resource Management Plan (Integrated Plan).

A *programmatic* environmental impact statement (PEIS) evaluates the effects of broad proposals or planning-level decisions that may include any or all of the following:

- A wide range of individual projects;
- Implementation over a long timeframe; and/or
- Implementation across a large geographic area.

The level of detail in a PEIS is sufficient to allow informed choice among planning-level alternatives and to develop broad mitigation strategies. Collaboration among Federal, State, and local agencies and Tribes is especially important in a PEIS process.

The PEIS does not evaluate project-level issues such as precise project footprints or specific design details that are not yet ready for decision at the planning level. Instead, a PEIS is an excellent means for examining the interaction among proposed projects or plan elements, and for assessing cumulative effects. Like a project-level EIS, a PEIS also includes a "no action alternative."

Typically, a PEIS is followed by subsequent project-level environmental reviews in the form of an EIS, Environmental Assessment, or Categorical Exclusion Checklist, for specific components of the proposal. When a project-level environmental review is undertaken for a specific component, the stepwise approach to analyses and decisionmaking is called "tiering."

http://www.usbr.gov/pn/programs/eis/kdrpp/index.html
http://www.usbr.gov/pn/programs/eis/kkc/index.html
http://www.usbr.gov/pn/programs/eis/cleelumraise/index.html
http://www.usbr.gov/pn/programs/yrbwep/2011integratedplan/index.html

The EISs being prepared for the Cle Elum Pool Raise and Keechelus-to-Kachess Conveyance and Kachess Drought Relief Pumping Plant (Kachess Inactive Storage) are *project-level*, and will *tier* off the Integrated Plan PEIS. These project-level EISs will analyze a narrower proposal related to the initial broad (*programmatic*) proposal identified in the Integrated Plan PEIS.

The intent of the tiering concept is to encourage elimination of repetitive discussions and to focus on the actual issues ready for decisions at each level of environmental review. Tiering expedites the resolution of big-picture issues so that subsequent studies can focus on project-specific impacts and issues. Those big-picture issues and analyses do not have to be repeated in subsequent tiered environmental reviews, but can simply be referenced from the programmatic document. Tiering also allows environmental analyses for each Tier 2 project to be conducted closer in time to the actual construction phase, or as funds become available for construction.

Tiering expands the opportunities for public and agency input by breaking the environmental analyses into two levels. Individuals with an interest in the overarching big-picture questions have had an opportunity to participate at the programmatic level (Tier 1), and those who are interested in localized impact and mitigation issues can focus their efforts on the current specific project-level (Tier 2) project or projects.

Cle Elum-DS and K2KKIS DS comments

Mike Hoban <mkhoban@hotmail.com> Wed, Nov 6, 2013 at 6:07 PM
To: yrbwep@usbr.gov

Hello,

I would like to show my Positive position on the three proposals to increase water storage in Upper Kittitas County; as noted in the two subject DS and as summarized below:

> The Cle Elum Pool Raise Project would raise Cle Elum Reservoir by three feet, providing an additional 14,600 ac-ft of storage capacity. The water would be put to both instream and out of stream use.
>
> The Kachess Drought Relief Pumping Plant Project would provide an additional 200,000 ac-ft of water available for drought relief by tapping into the reservoir's inactive storage (water that is store below the current outlet structure).
>
> The K to K Conveyance Project allows for additional storage by moving water from Keechelus Reservoir, which lies in a basin that catches more water than can be stored in the reservoir, to Kachess Reservoir, which has additional storage capacity.

Regardless of any possible climate change – population locally, across the country and around the world are only growing and thus, the need for additional waters for fish & farming will only be more critical in the years to come. Our leaders & government agencies need to lead the way and be ahead of any major "needs" – and water is certainly an major need.

Thanks,

Mike Hoban

2351 Pasco Road

Cle Elum, WA 98922

Scoping comments--Integrated Plan's Cle Elum Pool Raise, Keechelus-to-Kachess Conveyance and Kachess Drought Relief Pumping Plant Projects

November 20, 2013

The purpose and need statement for each of the projects should explain the role of each within the Yakima Basin Integrated Management Plan. A map/drawing of the entire Integrated Plan planning area should be set forth, and a discussion should be written that explains how each of these particular project fits within that plan. The Teanaway acquisition should be included in the plan area.

In the environmental analysis for each of the projects, the general benefit and cost analysis in the YBIP Programmatic EIS should be broken out so that the individual benefit and cost analysis for these portions of the Programmatic action can be seen. This information should be updated, taking passage of time into account. In particular, the water supply benefits, and their economic repercussions, should be individually identified as part of the Integrated Plan, so as to be able to evaluate how much of the Programmatic objectives will be accomplished with this segment of the overall Integrated Plan.

The EIS should also discuss the means by which the YBIP will be managed to ensure that all of the elements of the Integrated Plan will be developed, notwithstanding that these early project elements are under development while others have not yet be developed to the same stage. This should include a discussion of the role of the YBIP work group and YBIP Implementation Committee. The membership of these two groups should be listed and identified by affiliation.

Jim Davenport
509 969-2191

November 20, 2013

Bureau of Reclamation, Columbia-Cascade Area Office
Attn: Candace McKinley, Environmental Program Manager
1917 Marsh Road
Yakima, WA 98901-2058

There are major issues and concerns that need to be addressed when reviewing both proposed projects. The main issue is how climate change will effect both projects during drought years. Other concerns are how will the proposed increase water distributed (water rights) and who will pay for each project. When the two proposed projects are completed how will the quantity of water improve conditions for fish and agriculture during drought years? Is it prudent to spend hundreds of millions of dollars on the Kachess and Cle Elum Projects before a determination can be made that Bumping and Wymer can be built? Without all the new storage projects available water needed for the Yakima Basin will continue to be significantly short of water.

The potential impacts of the Lake Cle Elum Rise Project that needs to be answered are:

1. What happens to the Dike constructed on the south east bank of the existing lake that protects the road and private property?
2. How much of the Salmon-La-Sac Road will have to be moved or improved due to potential flooding?
3. How will the boat launches be affected?
4. What type of mitigation measures will be taken to compensate for the forest and picnic area on the shores of the upper end of Lake Cle Elum?
5. How will property owners be compensated for loss of property including sewer and water?
6. Who will benefit from the potential increase in water and who will pay for the water?
7. How will the elevation of the water in the lake affect the non-populated shoreline and the fish population?

The potential impacts of the Kachess Reservoir inactive storage project that needs to be answered are:

1. If a pipeline or tunnel is used to transfer water from Lake Keechelus to Lake Kachess what time of the year can the water be transferred?
2. When the drawdown of the lake occurs will there be fish passage between upper and lower Lake Kachess?
3. How will the increased shoreline be managed to prevent erosion?
4. Where will the pumping plant be located and who will manage and maintain it?
5. Who will benefit (a water right) from water drawn from below the natural lake level?
6. Who will pay for the Keechelus conveyance, the pumping plant, and the pipeline to move water drawn from Lake Kachess to be placed in the Yakima River?
7. How will a fish ladder built at Lake Kachess Dam be operational when the drawdown of the lake occurs?

8. What will happen to the existing fish: trout, Kokanee, and Dolly Varden that exits in the lake after drawdown?
9. Who will pay for operation and maintenance of the system when the proposed program to use the water is not possible?
10. How will the drawdown effect the public campground and private property on the shores of Lake Kachess?

Charles J Klarich

Charles Klarich

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KID
KENNEWICK IRRIGATION DISTRICT

December 3, 2013

Candace McKinley, Environmental Program Manager
Bureau of Reclamation
Columbia-Cascades Area Office
1917 Marsh Road
Yakima, WA 98901-2058

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Yakima, Washington

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RE: Scoping Comments, Cle Elum Pool Raise Environmental Impact Statement

Dear Ms. McKinley,

Staff from the Kennewick Irrigation District attended the open house/scoping meeting held on November 20, 2013 at 1:30 p.m. at the Yakima Arboretum in Yakima, Washington. After considering information obtained at this meeting, the Kennewick Irrigation District has the following comments:

1. The EIS scope should include an analysis of the impacts of the project on downstream agricultural water users, especially those below the Parker gage. Specifically, quantify the impact that this project would have on the water supply of the Kennewick Irrigation District, which has historically depended on return flows.
2. What impact would this project have on the target flows at Prosser Dam, as described in the Yakima Basin Water Enhancement Project, Title XII (October 31, 1994)?
3. What will be the total cost of this project? Any analysis of the impacts should include the cost to build, maintain, and operate the project.
4. As currently authorized by Congress under the Yakima Basin Water Enhancement Project, Title XII (October 31, 1994), the additional 14,600 acre-feet of storage water that would accrue from the Cle Elum Pool Raise is dedicated to improve instream flows for fish. The EIS scope should include an analysis of impacts that would occur if the 14,600 acre-feet of storage was included as total water supply available (TWSA) water.

Thank you for the opportunity to comment on the scope of the upcoming environmental impact statement.

Sincerely,

Gene Huffman, Board President
Kennewick Irrigation District

cc: Charles Freeman
Seth Defoe

December 11, 2013

Bureau of Reclamation, Columbia-Cascade Area Office
Attn: Candace McKinley, Environmental Program Manager
1917 Marsh Road
Yakima, WA 98901-2058

There are major issues and concerns that need to be addressed when reviewing both proposed projects. The main issue is how climate change will effect both projects during drought years. Other concerns are how will the proposed increase water distributed (water rights) and who will pay for each project. When the two proposed projects are completed how will the quantity of water improve conditions for fish and agriculture during drought years? Is it prudent to spend hundreds of millions of dollars on the Kachess and Cle Elum Projects before a determination can be made that Bumping and Wymer can be built? Without all the new storage projects available water needed for the Yakima Basin will continue to be significantly short of water.

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1. What happens to the Dike constructed on the south east bank of the existing lake that protects the road and private property?
2. How much of the Salmon-La-Sac Road will have to be moved or improved due to potential flooding?
3. How will the boat launches be affected?
4. What type of mitigation measures will be taken to compensate for the forest and picnic area on the shores of the upper end of Lake Cle Elum?
5. How will property owners be compensated for loss of property including sewer and water?
6. Who will benefit from the potential increase in water and who will pay for the water?
7. How will the elevation of the water in the lake affect the non-populated shoreline and the fish population?

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10. How will the drawdown effect the public campground and private property on the shores of Lake Kachess?

Charles J Klarich

Charles Klarich

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Edward M. Henderson, Jr.
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edhenderson57@comcast.net
(206) 283-6497

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Yakima, Washington
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December 12, 2013

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Bureau of Reclamation
Columbia-Cascades Area Office
Attention: Candace McKinley
Environmental Program Manager
1917 Marsh Road
Yakima, WA 98901
Via Email to: yrbwep@usbr.gov

RE: Cle Elum Reservoir Pool Raise, SEPA/NEPA Scoping Comments

Dear Ms. McKinley:

I am familiar with the Final Programmatic Environmental Impact Statement (FPEIS) for the Yakima River Basin Integrated Water Resource Management Plan (The Integrated Plan). I attended the public meeting in Cle Elum on November 21st and I have studied the Technical Memoranda for the Cle Elum Reservoir Pool Raise Project. As this project is a subset of the Integrated Plan, I assume the Purpose and Need remains the same. i.e. to insure a level of confidence in the water management in the Yakima River Basin to provide water for municipal, agricultural and in-stream flows for fish.

I am surprised that the Bureau of Reclamation and the Department of Ecology find that this project is a priority. If so why hasn't it been carried out over the past nearly 20 years since it was authorized in 1994?

- Why was this proposed project not evaluated as part of Ecology's 2009 Yakima River Basin Integrated Water Resource Management Alternative Final EIS?
- In the Yakima River Basin Integrated Plan FPEIS, the BuRec claims that the proposed 3-foot rise would be used to improve in-stream flows for fish and increase water supply for out-of-stream needs. How can this increased water storage do both?
- Why are irrigators seeking to claim the pool raise water for themselves?
- How can additional stored water be used to improve in-stream flows if the stored water must be dedicated to irrigators during drought years as part of the Total Available Water Supply under the 1945 Consent Decree?
- What amount of water will be diverted to out-of-stream needs?

In the FPEIS for the Integrated Plan, the impacts of many basin wide issues are glossed over to be "dealt with later in project specific EIS's." Therefore the scope of this Environmental Impact Statement (EIS) must be broad enough to address these basin wide impacts and not be limited to only local site-specific impacts. This EIS must deal with all impacts in the context of the Yakima River Basin Integrated Plan and fully consider the cumulative effects on the entire Yakima River Basin by the Integrated Plan.

In preparing the EIS for this project the alternative of a comprehensive and mandatory conservation program in the Yakima River Basin that provides the same amount, 14,600 acre-feet, of water as the proposed construction project without either the environmental impacts or financial cost should be fully presented for public examination and comment.

The EIS should fully address and evaluate the following impacts of the Cle Elum Reservoir Pool Raise:

- The extent of shoreline erosion caused by raising the level of the reservoir.
- The acreage that will be inundated by the three additional feet of reservoir, and how long and how often will this inundation occur.
- What shoreline facilities will the high reservoir level affect?

Thank you for the opportunity to study the proposed scope of the EIS for this project and to make recommendations for issues to be addressed. Please notify me when the draft EIS is published. I look forward to reviewing and commenting on it.

Sincerely,

Edward M. Henderson

Edward M. Henderson, Jr.

AMERICAN WHITEWATER

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director
3537 NE 87th St.
Seattle, WA 98115
okeefe@americanwhitewater.org

December 16th, 2013

Ms. Candace McKinley, Environmental Program Manager
Bureau of Reclamation, Columbia-Cascades Area Office
1917 Marsh Road
Yakima, WA 98901
yrbwep@usbr.gov

RE: REQUEST FOR COMMENTS ON SCOPE OF ENVIRONMENTAL IMPACT STATEMENT FOR THE CLE ELUM RESERVIOR POOL RAISE and REQUEST FOR COMMENTS ON SCOPE OF ENVIRONMENTAL IMPACT STATEMENT FOR THE KEECHELUS RESERVOIR-TO-KACHESS RESERVOIR CONVEYANCE AND KACHESS INACTIVE STORAGE PROJECTS

Dear Ms. McKinley:

We have reviewed the scoping notices for the preparation of an Environmental Impact Statement (EIS) to satisfy requirements under the National Environmental Policy Act and State Environmental Policy Act for the Keechelus to Kachess Conveyance, Kachess Inactive Storage, and Cle Elum Reservoir Pool Raise. We are providing a statement of interest and our preliminary scoping comments on these two projects.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have over 5800 members and 100 local-based affiliate clubs, representing thousands of whitewater paddlers across the nation. American Whitewater's mission is to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely. As a conservation-oriented paddling organization, American Whitewater has an interest in the Yakima River and tributaries that support whitewater recreation including Box Canyon Creek, Cle Elum River, Cooper River, Waptus River, and Yakima River. A significant percentage of American Whitewater members reside in Washington State—a short driving distance from these rivers for recreation.

Cle Elum Pool Raise Project

The scoping notice states that the proposed action would modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet capacity and raise the pool elevation by approximately 3 feet, to "provide increased seasonal releases from Cle Elum Reservoir to improve streamflows for fish." A description of this project provided in the Final Programmatic Environmental Impact Statement for the Yakima River Basin Integrated Water Resource Management Plan states that "the increased storage would be used to improve streamflows for fish and increase water supply

for out-of-stream needs."[1] We request that the EIS provide additional clarification on the purpose of the additional storage and how it will be used. Will the additional storage be used to improve streamflows for fish as implied in the scoping notice, or will it also serve additional out-of-stream needs? We request a complete description of any out-of-stream needs this pool raise will serve and the relationship between this objective and the benefits for fish.

The Cle Elum River was evaluated from the headwaters to the Cle Elum Reservoir for eligibility under the Wild and Scenic Rivers Act and recommended to Congress for designation as suitable for addition to the Wild and Scenic Rivers system due to the great deal of public support for designation".[2] In addition to the free-flowing nature of the river upstream of the reservoir, the river's outstandingly remarkable values of regional and national significance include scenery, recreation, and cultural/historical values. As noted in the Forest Service Manual, "a river found to be eligible and suitable must be protected as far as possible to the same extent as a designated study river."[3] We request that the EIS for this project include a clear description of how the pool raise will impact the currently free-flowing reach of the Cle Elum River upstream of the current reservoir. How far upstream will impacts occur and how will this impact the free-flowing nature of the river? We request an analysis of how the project will comply with agency requirements for management of a river identified as suitable for Wild and Scenic designation. Specific mitigation measures to the project may include permanent protection of the Cle Elum River and its tributaries including the Cooper and Waptus through Wild and Scenic River designation. This protection could be included in Congressional authorization for this project.

With respect to specific values, recreational river runners currently end their run on the Cle Elum River at the Forest Road 4308 Bridge.[4] The EIS needs to document any impacts associated with the access at this site that might result from a reservoir pool raise. River runners use watercraft that are designed for use in flowing current that are not efficient for flatwater paddling. If the access site at the FR 4308 Bridge will be change from a river setting to a reservoir setting, or if the bridge itself will be modified, alternatives for take-out access need to be evaluated.

Thorp Mountain Inventoried Roadless Area is adjacent to Cle Elum Reservoir, and the proposed pool raise would presumably inundate areas protected under the Roadless Area Conservation Rule.[5] We request an analysis of how the pool raise would impact the Thorp Mountain Inventoried Roadless Area, including impacts to vegetation and any need for timber cutting or removal. A discussion of how the project would comply with the provisions of the Roadless Area Conservation Rule should be provided. How long would the pool raise result in previously unflooded shoreline

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[1] At Page 2-17, Yakima River Basin Integrated Water Resource Management Plan, Final Programmatic Environmental Impact Statement, March 2012

[2] See eligibility assessment (Page E5-E7) and suitability assessment (Page E48-E53) for the Cle Elum River in Appendix E, Assessment of Rivers as to Their Eligibility and Suitability for Designation Under the Wild and Scenic Rivers Act, Land and Resource Management Plan, Wenatchee National Forest, 1990.

[3] Forest Service Manual 2354.62

[4] See American Whitewater Rivers Inventory, Cle Elum River description at http://www.americanwhitewater.org/content/River/detail/id/2094/

[5] 66 FR 3244

being inundated, would this change in different water years and would it necessitate the removal of timber?

On September 28, 2010, Free Flow Power filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Cle Elum Dam Hydroelectric Project.[6] The Federal Energy Regulatory Commission issued a Preliminary Permit and granted priority to file a license on July 29, 2011.[7] On June 4th, 2012, Free Flow Power surrendered their preliminary permit, noting the uncertainty associated with potential changes to the flow regime associated with elements of the Yakima Basin Integrated Plan.[8] We believe it would be appropriate to further consider opportunities for hydropower at Cle Elum Dam and appropriate analysis of this opportunity should be considered in the development of the EIS for the Cle Elum Pool Raise Project. At a minimum, modifications to the dam should not preclude future opportunities for hydropower development given progress towards collaborative approaches to encourage hydropower development at federally-owned facilities.[9]

Keechelus Reservoir-to-Kachess Reservoir Conveyance and Kachess Inactive Storage Project

The scoping notice identifies two alternatives for a tunnel to convey water from Keechelus watershed to Kachess Reservoir: a new outlet works at Keechelus Dam and a 3.7 mile-long gravity flow tunnel or a new diversion dam downstream of Keechelus Dam and a 3.2 mile-long gravity flow tunnel. The scoping notice also states that the objectives of this project are to increase water supply for irrigation and instream flow and to create more normal flows in the Upper Yakima River between Keechelus Dam and Easton. We understand this goal to correspond to a flow target of 450-500 cfs through different water year types, but request that the EIS include a quantitative analysis of the flow targets and corresponding fishery benefits. We question whether the option of building a new diversion dam downstream of Keechelus Dam would adequately address the issue of creating a more normal flow regime between Keechelus Dam and Easton. Approximately 1.5 miles of river habit between Keechelus Dam and the new diversion dam would continue to be impacted. Additional explanation needs to be provided in the EIS to justify the fishery benefits for this option. With regard to the option of a new outlet works at Keechelus Dam, we request an analysis of an appropriately-sized tunnel that will meet the flow targets for all water year types. Specifically, we request that a study determine whether the 10-12 foot-diameter tunnel as considered in the scoping notice will be adequate to meet the instream flow targets. If it is not, then a larger tunnel diameter should also be evaluated. All alternatives need to include an analysis of fish and wildlife habitat connectivity, and project infrastructure should be compatible with the goals and objectives of the I-90 Snoqualmie East Project to improve aquatic and terrestrial connectivity along the highway.[10]

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[6] FERC eLibrary Submittal 20100928-5277
[7] 136 FERC ¶ 62,089, FERC eLibrary, Issuance 20110729-3032
[8] FERC eLibrary, Submittal 20120604-5073
[9] Memorandum of Understanding for Hydropower Among The Department of Energy, The Department of the Interior, and The Department of The Army. March 24, 2010. <http://www.usbr.gov/power/SignedHydropowerMOU.pdf>
[10] http://www.wsdot.wa.gov/projects/i90/snoqualmiepasseast/

Opportunities for hydropower on the gravity flow tunnel should be evaluated, particularly if power generation can be used to offset energy requirements of the pump station proposed for the Kachess Inactive Storage Project.

This project also proposes to release an additional 200,000 acre-feet of water from Kahcess Reservoir by accessing the current inactive storage (i.e. below the elevation of the current outlet works). The scoping notice states that a pump station would be used. We request an annual estimate of energy requirements for pumping. We request that a siphon also be considered as an alternative.

With regard to opportunities for water conservation, "the modeling estimated that the agricultural water conservation program would conserve approximately 170,000 acre-feet of water in good water years and substantially less in drought years."[11] Please clarify the relationship between the water conservation program and the opportunity to provide access to an additional 200,000 acre-feet of water and how it varies by water year type. We also request additional explanation on whether these actions are directly linked—i.e. if funds for implementation of the Kachess Inactive Storage Project are appropriated, will similar investments be made in implementing the conservation program? We believe access to additional storage should be conditioned based on implementation of performance-based conservation measures. Please provide an overview of any legal or policy barriers to this approach in the EIS.

The full reservoir drawdown associated with accessing the currently inactive storage could impact connectivity between Box Canyon and Kachess Reservior. Box Canyon Creek is utilized by whitewater paddlers[12] and is also important for bull trout, and we request that the EIS provide a quantitative analysis of the seasonal impacts of reservoir drawdown under different water year types on these resources.

Conclusion

Thank you for the opportunity to provide scoping comments on the Keechelus to Kachess Conveyance, Kachess Inactive Storage, and Cle Elum Reservoir Pool Raise Projects in advance of the preparation of an EIS. Please include us on the mailing list for future correspondence related to this project and do not hesitate to contact us if you have any questions regarding the preliminary issues we have identified.

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director

[11] At page 2-36, Yakima River Basin Integrated Water Resource Management Plan, Final Programmatic Environmental Impact Statement, March 2012

[12] See American Whitewater Rivers Inventory, Cle Elum River description at http://www.americanwhitewater.org/content/River/detail/id/3818/

December 16, 2013

Candace McKinley
Environmental Program Manager
Bureau of Reclamation
Columbia-Cascades Area Office
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Derek Sandison
Director, Office of Columbia River
Department of Ecology
15 W. Yakima Ave., Ste 200
Yakima, WA 98902

Delivered via email to: yrbwep@usbr.gov

Re: NEPA scoping comments on Kachess Drought Relief Pumping Plant/Keechelus-to-Kachess Conveyance and Cle Elum Pool Raise

Dear Ms. McKinley and Mr. Sandison:

Please accept this letter as the comments of American Rivers, Forterra, Trout Unlimited, and the Wilderness Society on the National and State Environmental Policy Act scoping of the Kachess Drought Relief Pumping Plant (Kachess Pumping) and Keechelus-to-Kachess (K-K) Conveyance project, as well as the separate scoping concerning the Cle Elum Pool Raise. The NEPA and SEPA Determinations of Significance were warranted for these projects due to their complexity, cost, and potential impacts and we are pleased that the Environmental Impact Statements will be prepared.

Our organizations are proud to support the Yakima Basin Integrated Plan (YBIP), which thanks to early implementation actions such as the state acquisition of 50,000 acres in the Teanaway River watershed, Manastash Creek water conservation, and Cle Elum fish passage design, has already begun to demonstrate its ability to improve the environmental function of the Yakima Basin while improving out-of-stream water reliability. The Kachess Pumping Plant, K-K Conveyance, and Cle Elum Pool Raise are all appropriate to include as the central water supply elements of the first, approximately decade-long phase of the YBIP, subject to the outcome of this NEPA and SEPA analysis and compliance with the Endangered Species Act. These projects must also be accompanied by other YBIP first phase projects such as fish passage at Cle Elum Dam and another dam/reservoir to be determined, water conservation, enhanced water markets, habitat restoration, land and river protection actions, and aquifer/groundwater storage and recharge projects. Below we outline what our organizations will be looking at most closely as these projects move to the draft Environmental Impact Statements phase of analysis.

I. Kachess Drought Relief Pumping Plant/Keechelus-to-Kachess Conveyance

a. Kachess Drought Relief Pumping Plant

Our primary concern with the Kachess Drought Relief Pumping Plant is habitat connectivity for bull trout when the lake is drawn down after pumping. Specifically, the EIS should determine if it will be feasible for Endangered Species Act-threatened bull trout to access habitat in Box Canyon Creek and other Kachess Reservoir tributaries when the reservoir is drawn down. This project requires consultation with the U.S. Fish and Wildlife Service to determine whether it is compatible with bull trout survival and recovery.

b. Keechelus-to-Kachess Conveyance

The Keechelus-to-Kachess Conveyance is an important opportunity – if designed and sited correctly – to begin restoring a more natural hydrograph in the Yakima Basin, beginning with restoring a more natural flow regime in the upper 11 miles of the Yakima River. This action can benefit salmon and steelhead while also allowing more rapid refill of Kachess Reservoir after a drought. We have a strong preference for the alternative that diverts the flow directly from Keechelus Dam rather than 8,000 feet downstream. The latter alternative, which would require a new diversion dam, should be set aside, as it involves higher environmental costs and fewer benefits.

The EIS should examine an alternative that ensures the ability to meet YBIP flow targets of 450-500 cfs in the upper Yakima in dry, normal, and wet years. It is not clear to us whether the alternative proposed in the scoping documents can be relied on to accomplish this goal in wet years. If meeting that goal in wet years requires designing a conveyance system that moves more than an average of 400 cfs, that alternative should be presented given the broad environmental restoration goals of the YBIP.

We encourage your agencies to examine whether in-conduit hydropower can be part of the K-K project, perhaps to help offset reduced hydropower generation downstream from power subordination at the Roza and Chandler dams, which are YBIP actions as well. Hydro generation in the K-K Conveyance could also help power the Kachess Pumping Plant in drought years.

Finally, we encourage you to quantify the native fish production benefits of meeting flow targets in the upper 11 miles of the Yakima.

c. Combined operation of K-K Conveyance and Kachess Pumping

It is essential that K-K Conveyance is in place at or before the time that Kachess Pumping becomes operational, as the environmental and aesthetic impacts of pumping should be greatly mitigated by having the conveyance in place to speed reservoir refill. The EIS should examine the ability of the K-K Conveyance to help refill Kachess Reservoir after it is drawn down, and ensure that it is sized to maximize its reservoir refill benefits as well as its instream flow benefits. This could involve examining an additional alternative that conveys more than 500 cfs during spring run-off while also accounting for the need for channel maintenance flows in the upper Yakima River.

The EIS should also examine the instream and out-of-stream benefits of K-K conveyance in all years – wet, normal, and dry – and determine if the conveyance can be used in non-drought years to help meet downstream flow targets during any season in which it might help.

II. Cle Elum Pool Raise

We urge a full analysis of the effects of the pool raise on fish and wildlife habitat, including benefits from increased ability to meet instream flow targets and any impacts of the pool raise on fish and wildlife and their habitat. This includes salmon and steelhead species that will make greater use of the Cle Elum Reservoir and the Cle Elum River once permanent fish passage is completed through a separate but presumably concurrent YBIP project.

Thank you for considering our comments.

Sincerely,

Michael Garrity
Washington State Conservation Director
American Rivers

Lisa Pelly
Director, Washington Water Project
Trout Unlimited

Kitty Craig
North Cascades Program Manager
The Wilderness Society

Gene Duvernoy
President
Forterra

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December 16, 2013

Ms. Candace McKinley, Environmental Program Manager
Bureau of Reclamation, Columbia-Cascades Area Office
1917 Marsh Road
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Subject: Scoping comments on scope of EIS for the Cle Elum Reservoir Pool Raise and Request for Commets on scope of EIS for the Keechelus Resevoir to Kachess Resevoir Conveyance and Kachess Inactive Storage Projects

Dear Ms. McKinley,

I am writing to provide comments on the scope of issues to be considered and analyzed in the environmental review for several projects within the Yakima Integrated Plan. Our organization's mission is to protect and connect the wildlife and wild places from the Washington Coast to the BC Rockies. We recognize that the primary purpose of these two proposed projects and the Yakima Integrated Plan is to improve water storage and availability in the Yakima basin, but we also note that the proposals pose a direct impact to the fish and wildlife habitat in this landscape. Therefore, our comments will focus on the need to document, complete consultation on, and analyze those impacts for each proposal.

Since our organization's inception in 1989, we have recognized the vital importance of the Upper Yakima watershed also known as the "I-90 corridor" for its contribution to landscape scale habitat connectivity. It is the connective tissue of habitat for wildlife between the north and south Cascades. From 2000-2004, we administered a historic campaign to purchase and protect 40,000 acres of private land that was donated to the US Forest Service for maintaining habitat connectivity and public access. In 2004, we launched with partners the I-90 Wildlife Bridges Coalition that has worked closely with the Washington Department of Transportation on the design and implementation of the I-90 Snoqualmie Pass East Project which includes improving ecological connectivity in its purpose and need. In 2007, we launched with partners

the Upper Yakima Watershed Action Group who coordinates on ecological restoration throughout the watershed to ensure we leverage off of one another to have the greatest positive impact on the landscape from Snoqualmie Pass to the Manastash as possible. This watershed group is also the official collaborator on a 60,000 acre restoration project under development called the Upper Yakima Restoration Project. We signed an MOU with the Okanogan-Wenatchee National Forest allowing us to partner on restoration in our shared priorities, and have invested not only time but financial resources to see restoration occur on the landscape from native plantings to road and floodplain restoration. We therefore have a strong interest in any project that proposes a new footprint of disturbance on this valuable landscape.

In scoping the extent for analysis, we submit the following general comments for consideration:

- **Coordination and integration with ongoing efforts in the I-90 corridor including a commitment to maintaining or improving ecological connectivity in the project's purpose and need due to the location.** As stated in the introduction the proposed activities are occurring on a unique landscape with limited public lands that plays a role in regional wildlife issues. This landscape is managed for improvement of late successional habitat and habitat connectivity by policy, and significant public and private investments have occurred (and are occurring) to improve ecological connectivity. By adopting a recognition in the purpose and need that all actions should contribute to or neutrally effect ecological connectivity (aquatic and terrestrial), you ensure that all proposed designs that are analyzed will meet this vital standard. This includes impacts to both the habitat, and consistency in design features of the pipeline and infrastructure associated with the I-90 Snoqualmie Pass East Project's crossing structures over and under the highway.
- **The projects must be consistent with the management goals and policies of the national forest where they occur on that land, and close coordination with Okanogan-Wenatchee National Forest is vital.** We work closely with the national forest through their Forest Restoration Strategy to improve terrestrial and aquatic conditions on the forest with specific investments in this landscape including financial. This landscape is governed by the Northwest Forest Plan that amended their existing forest plan. The EIS must document and detail the land allocations covered by actions, consistency with existing national forest policy (including NW Forest Plan, Snoqualmie Pass Adapative Management Area Plan, Land Management Plan, Aquatic Conservation Strategy, Roadless Rule, and all species recovery plans). The Aquatic Conservation Strategy states that all actions must "maintain or enhance" watershed health with court tested reference to the need to do so in both the short and long term. Therefore, actions must include mitigation in both the immediate and long term to temporally offset impacts to the watershed health (i.e. sedimentation from roads and construction). The EIS should also seek

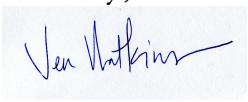
consistency towards objectives as being proposed in the Okanogan-Wenatchee National Forest Plan under revision now, as the construction will have impacts throughout the life of this plan. The EIS should also ensure close coordination with the analysis and proposed actions of the Upper Yakima Restoration Project. The Snoqualmie Pass Adaptive Management Area is already in exceedance of its stated road density standards, and this project must detail any contribution (negative and positive) it makes to meeting the standards of set for this landscape in the short and long term.

- **The Yakima Irrigation Project must complete consultation with relevant agencies including US Fish and Wildlife Service and National Marine Fisheries on the current Operations and Maintenance Plan before consultation begins on the integrated plan.** This provides them an environmental baseline to assume alterations from for actions within the integrated plan. Due to the impacts the proposals in this plan are likely to have (both positive and negative) to listed species, this is a vital step that must occur and be documented.
- **Specific to the Cle Elum Pool Raise, the analysis should document and detail the impacts of the new area to be inundated and all associated infrastructure** (i.e. roads, clearings, equipment storage,etc) including a list of all Survey and Manage species in the area to be affected, listed aquatic and terrestrial species presence or habitat impacted (i.e. spotted owl) with impacts documented for each species, and impacts to the adjacent Thorp Mountain Inventoried Roadless Area. Documentation of completed surveys for all Survey and Manage species should be included in the EIS for review or available upon request.
- **Specific to the K to K line proposal, the EIS must address the consistency of the project with the I-90 Snoqualmie Pass East Project as we have raised concerns with past conceptual designs that the appeared to interrupt the purpose of these public investments in ecological connectivity.** It must also address not only the direct species and watershed impacts of all associated infrastructure (i.e. maintenance roads, clearings, etc) but the impacts of those on ecological connectivity in the I-90 corridor where land management policy directs that we are to be improving that value on the landscape.

Informed public comments and decisions can only be made with a complete set of well-developed information. Therefore, we expect the EIS's for both of these proposals to be thorough in not only documenting their footprint but the full extent of their impact on terrestrial and aquatic habitats at a site scale and landscape scale. Strong coordination with all federal and state agencies that have policy mandates and ongoing investments in this landscape to improve its ecological function is critical, as well as partners within the landscape that invest time and resources into its conservation from NGO's to the Yakima Nation.

We look forward to a review of the EIS for these proposals and ongoing opportunity to provide public comment.

Sincerely,



Jen Watkins
Conservation Associate
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Kachess drought relief program

Andy Dulin <andy.dulin.b7wc@statefarm.com> 9:31 AM (47 minutes ago)

Images are not displayed. Display images below - Always display images from andy.dulin.b7wc@statefarm.com

I oppose both of these proposals in their entirety.

I understand that irrigation to central Washington is important to the state's economy, and for the governor's political power base, however the cost to the taxpayer, the impact on the property owners in the area, is unacceptable. If new drains need to be installed, pipes should be installed at Lake Keechelus, not lake Kachess or lake Cle Elum….both of which would be profoundly impacted if lake levels were droppe3d by 80 feet.

The argument that this would help the salmon run, is disingenuous.

Andrew L Dulin, CLU

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December 16, 2013

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

Re: Scoping Comments on the Cle Elum Reservoir Pool Raise Project (EPA Project Number: 13-0037-BOR).

Dear Ms. McKinley:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the US Environmental Protection Agency has reviewed the Bureau of Reclamation's Notice of Intent to prepare an Environmental Impact Statement for the proposed **Cle Elum Reservoir Pool Raise** in Kittitas County, Washington.

According to the Notice, the Bureau of Reclamation, in conjunction with Washington State Department of Ecology, proposes to evaluate potential environmental impacts associated with activities to raise the Cle Elum reservoir level about three feet to provide nearly 14,600 acre-feet of additional water necessary to improve downstream flows primarily for fish, but also agriculture. Project activities would include modifications of five existing reservoir spillway radial gates by fabricating and installing stiffened steel flashboards at each gate, and adding screens above the flashboards to catch debris. The project would also include measures to protect the Cle Elum lake shoreline from potential erosion caused by higher water levels, and mitigate impacts from the project. The proposed analysis tiers to the Yakima River Basin Integrated Water Resource Management Plan/EIS.

The EPA is supportive of the proposed NEPA process, including plans to involve other resource agencies and the public. Since the Notice of Intent does not identify issues and resources to evaluate in the proposed EIS analysis, we offer the attached scoping comments to highlight issues the EPA believes are important to address in the NEPA analysis. Thank you for the opportunity to provide comments at this stage of the EIS development process. If you have questions about our comments, please contact me at (206) 553-6322, or by electronically at mbabaliye.theogene@epa.gov.

Sincerely,

Theogene Mbabaliye, NEPA Reviewer,
Environmental Review and Sediment Management Unit

EPA Detailed Scoping Comments on the
Cle Elum Reservoir Pool Raise Project

Range of Alternatives

The EIS should include a range of reasonable alternatives that meet the stated purpose and need for the project and that are responsive to the issues identified during the scoping process. This will ensure that the EIS provides the public and the decision-maker with information that sharply defines the issues and identifies a clear basis for choice among alternatives as required by NEPA. The Council on Environmental Quality recommends consideration of all reasonable alternatives, even if some of them could be outside the capability of the applicant or the jurisdiction of the agency preparing the EIS for the proposed action. The EPA encourages selection of alternative(s) that will minimize environmental degradation.

Environmental Effects

The EIS should include analysis of environmental effects and measures to mitigate potential impacts. This would involve delineation and description of the affected environment, indication of impacted resources and nature of impacts, and a listing of mitigation measures for the impacts. The following topics would be of particular interest to the EPA.

Water Resources

Water quality degradation is one of the EPA's primary concerns. Section 303(d) of the Clean Water Act requires the State of Washington and Tribes with the EPA-approved water quality standards to identify water bodies that do not meet water quality standards and to develop water quality restoration plans to meet the state and tribal water quality criteria and associated beneficial uses. Therefore, the EIS should disclose waters in the analysis area and vicinity that the proposed project may impact, nature of the potential impacts, and pollutants likely to affect those waters. It should also report waters on the State's and Tribe's most current EPA-approved 303(d) list and describe any existing restoration and enhancement efforts for those waters, how the project would coordinate with on-going protection efforts, and any mitigation measures to implement to avoid further degradation of water quality within impaired waters. Please also note that anti-degradation provisions of the CWA prohibit degrading water quality standards within water bodies that are currently meeting water quality standards. Because of that, the EIS document should indicate how the project would meet those provisions.

Road Construction and Use

Within the analysis area, many road networks are near the Cle Elum reservoir e.g., SR 903/Salmon La Sac Road, FR 4330 and County Roads, such as 25010 and Bull Frog Road. Use of these roads, equipment and facilities may compact soils and change hydrology, runoff characteristics, and ecological function of sites, affecting flows and delivery of pollutants to water bodies. The EIS should include a detailed discussion of the cumulative effects that these and other projects may have on the hydrologic conditions in the vicinity of the proposed project. The document should clearly depict reasonably foreseeable direct, indirect and cumulative impacts to groundwater and surface water resources. The EIS should identify potentially affected groundwater aquifers, any potential for subsidence, as well as impacts to seeps and springs or other open water bodies and biological resources.

Roads and their use also facilitate sediment transport to waterways, increase habitat fragmentation and wildlife disturbance, as well as invasive plant infestations. Roads also interrupt the subsurface flow of water. The EIS should, therefore, include data about existing and new roads and evaluate change in road

miles and density that will occur because of the project and predicted impacts to water quality by roads. Under the CWA, any project construction that would disturb a land area of one or more acres also requires a National Pollutant Discharge Elimination System permit for discharges to waters of the U.S. The EIS should document the project's consistency with applicable storm water permitting requirements and should discuss specific mitigation measures that may be necessary or beneficial in reducing adverse impacts to water quality.

Aquatic Resources

The EIS should describe all waters of the U.S., including wetlands, that could be affected by the project, and include maps that clearly identify all waters within the analysis area. It should also include data on acreages and channel lengths, habitat types, values, and functions of these waters. If the project would result in impacts to aquatic resources, then the Bureau would need to work with the U.S. Army Corps of Engineers to determine if the project needs a CWA §404 permit.

If a permit is required, the EPA will review the project for compliance with Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230), promulgated pursuant to Section 404(b) (1) of the CWA ("404(b) (1) Guidelines"). Any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. The EIS should include an evaluation of project alternatives in this context in order to demonstrate the projects' compliance with the 404(b) (1) Guidelines. If the project would involve or cause discharge to waters of the U.S., then the EIS should include actions to reduce and mitigate resulting impacts. We understand that the proposed project would likely result in shoreline erosion, which could generate additional sediment discharge into the lake, exacerbating existing sedimentation conditions therein. The reservoir impoundment would also inundate shoreline vegetation including wetlands along the revoir shorelines and tributaries. The project, for example, anticipates inundation of up to 56 or more acres of the reservoir shoreline for up to ten weeks from April to August. In addition to that inundation impact, we recommend reclamation to analyze additional inundation impacts to the reservoir tributaries, including the Cle Elum River.

Please also note that activities affecting floodplains are also regulated under the CWA §404 and Executive Order 11988, *Floodplain Management.* Therefore, the EIS should include information explaining anticipated activities in floodplains, alternatives considered, and steps taken to reduce impacts to floodplains. Floodplains perform a vital function of conveying and dissipating the volume and energy of peak surface runoff flows downstream. Thus, periodic flood flows form and sustain specific habitat types such as wetland and riparian areas within floodplains. As such, it is important to preserve unimpaired flood flows and prevent flood-related damage to resources. It should also be noted that any floodplain mitigation requirements that are identified by the Flood Emergency Management Agency may in themselves impact waters of the US, and these impacts should be included in the overall §404 analysis of alternatives, if any are identified.

Habitat, Vegetation, and Wildlife

As proposed, the project would raise the Cle Elum reservoir by 3 feet, which would impact vegetation along the reservoir shoreline and along its tributaries due to inundation resulting from higher water levels and related impoundment. We understand that site-specific studies of vegetation were conducted at the Cle Elum Reservoir, river, and tributaries for the *Cle Elum Dam Fish Passage Facilities and Fish Reintroduction Project Final EIS.* Therefore, the EIS should describe the current quality and capacity of habitat, its use by wildlife in the analysis area, especially avian populations and fish. As the

Programmatic EIS for the project noted, for example, that the Cle Elum Reservoir and River are surrounded by forest and riparian habitat areas, which are relatively undisturbed and provide high-quality habitat for a variety of native wildlife species. The EIS should describe these habitats in more details, species that use them, impacts of the project on the habitats and species, as well as mitigation measure for the impacts. If there would be marine habitat impacts due to the proposed project, the EIS also needs to disclose those impacts and measures to take to minimize them.

The project also has the potential to disrupt important wildlife species habitat due to habitat disturbance, fragmentation and loss that may favor some species over the others. The EIS should describe the critical habitat for species; identify impacts on species and their critical habitats; and how the project will meet all requirements under the Endangered Species Act. The EIS should include a mitigation plan with detailed steps to take to reduce or eliminate adverse impacts. The project may also have impacts on native and rare plants and the EIS should include information about these plants, if any, related impacts and measures to take to mitigate potential impacts on the plants. The timing of project activities, for example, should be planned so that there would be little to no impacts to plants and animals during crucial seasons in their life cycle. The EIS should specify Best Management Practices to protect resources in the project area.

Cumulative Effects

The EIS should assess impacts over the entire area potentially affected by similar impacts (e.g., hydrology, wetlands, and habitat), and to consider the effects of other past, present and future projects together with the proposed action, including those outside the jurisdiction of the lead agency. Where adverse cumulative impacts may exist, the EIS should disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.

In determining cumulative effects, the EIS should clearly identify the resources that may be cumulatively impacted, the time over which impacts are going to occur, and the geographic area that will be impacted by the proposed project. The focus should be on resources of concern - those resources that are at risk and/or are significantly impacted by the proposed project before mitigation. In the introduction to the Cumulative Impacts Section, identify which resources are analyzed, which ones are not, and why. For each resource analyzed, the EIS should:

a. Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date.

b. Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.

c. Identify the future condition of the resource based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends. For example, what will the future condition of the watershed be?

d. Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.

e. Disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.

f. Identify opportunities to avoid and minimize impacts, including working with other entities.

Endangered Species Act
The EIS should identify the endangered, threatened, and candidate species under ESA, and other sensitive species within the project area. The EIS should describe the critical habitat for the species; identify any impacts the project would have on the species and their critical habitats; and how the project will meet all requirements under ESA, including consultations with the US Fish and Wildlife Service and National Oceanographic Atmospheric Administration.

Recreation and Impacts
The EIS should analyze and report impacts from recreation activities and access. Impacts such as those from off road vehicle use result in habitat destruction, increased sedimentation to water bodies, noise and air pollution. The EIS should disclose all impacts associated with such activities and describe actions to take to manage recreational and accessibility opportunities in the project area, particularly to protect water quality and reduce habitat degradation.

Within the analysis area, there are many recreation opportunities including the reservoir, which provides a natural landscape with developments along the shore that attracts a variety of recreationists and residents – seasonal, temporary and permanent. There are also scenic rivers (e.g., Cle Elum and Waptus rivers); fishing within the reservoir and tributaries; boating and kayaking; whitewater rafting; camping; hiking; hunting; horse riding; picnicking; wildlife viewing; cross-country skiing; snowshoeing; and snowmobiling. As these and other recreation activities have the potential to impact resources within the project area, the EIS should describe resources involved, anticipated impacts to them, and measures to take to reduce the impacts.

Easements
The proposed project would require acquisition of land or easements from property owners. For example, the project description indicates that shoreline protection measures would require construction activities in the shoreline area of the reservoir, which would require acquisition of easements from property owners. Therefore, the EIS should include data on the properties that would be involved (type of ownership, acreage, current and anticipated use), nature and extent of impacts to the properties (e.g., land use changes), and measures to minimize impacts. In cases of acquisition, the EIS should discuss the acquisition process, including compensation and methods to address the extent of necessary participation.

Climate Change Effects
Scientific evidence shows that continued increases in greenhouse gas emissions resulting from human activities contribute to climate change. Effects of climate change may include changes in hydrology, sea level, weather patterns, precipitation rates, and chemical reaction rates. Therefore, the proposed NEPA analysis should consider how resources affected by climate change could potentially influence the proposed project and vice versa, especially within sensitive areas.

In particular, the EIS should discuss climate change effects in the context of water supply and availability to meet demands within the analysis area and vicinity. This evaluation is particularly

important for this project, which is focusing on water storage and release when needed. Thus, climate change impacts on runoff, snowpack, recharge and discharge, as well as reliability may influence the project. At a minimum, the EIS should include a qualitative discussion of impacts of climate change to water supply in the local area, implications of the proposed project, and water conservation measures to implement to reduce water demands.

Coordination with Other Land Use Planning Activities
The EIS should discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the analysis area and vicinity. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. If an appropriate government body has proposed plans in writing, but the plans are not yet fully developed, address them. The EIS should address existing constraints in the analysis area and how the land uses will impact the proposed project.

Coordination with Tribes
The NEPA document should describe the process and outcome of government-to-government consultation between the Bureau and each Tribe potentially affected by the project, issues that were raised, if any, and how those issues were addressed. Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the U.S. government-to-government relationships with Indian tribes.

Environmental Justice
The EIS should include an evaluation of environmental justice populations within the geographic scope of the project. If the project area includes such populations, the EIS would need to address the potential for disproportionate adverse impacts to minority and low-income populations, and approaches used to foster public participation by these populations. Assessment of the project's impact on minority and low-income populations should reflect coordination with affected populations. One tool available to locate Environmental Justice populations is the EJView, which is online at http://epamap14.epa.gov/ejmap/entry.html.

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), directs federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process.

Monitoring
The proposed project has the potential to affect a variety of resources for an extended period. Because of that, we recommend that the project design include an environmental inspection and mitigation-monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. The EIS document should describe the monitoring program and its use as an effective feedback mechanism so that adjustments can be made to meet environmental objectives throughout the life of the project.

Comments on Cle Elum Raise, Kachess Inactive Storage, and Keechelus to Kachess Pipeline

Monk, Patrick <patrick_monk@fws.gov> 3:03 PM (19 hours ago)

Please address the following issues in the Environmental Impact Statements being prepared for these project proposals:

Cle Elum Pool Raise: Water stored from the Lake Cle Elum pool raise is to be used for instream flow purposes. How does raising the pool affect the interim fish passage facility? Will the interim fish passage facility need to be modified to accommodate the pool raise? How often (annually), and when (seasonally) will the additional water actually be available to use for instream flows?

In order to compare the costs and benefits of the Cle Elum pool raise with other projects that yield water for instream flows, such as water conservation, it would be helpful to know the total project costs and the amount of acre-feet that will be dedicated to fishery enhancement, so that a cost per acre-foot comparison can be made.

Kacheelus to Kachess Conveyance: One of the primary project purposes is to "improve ecological conditions for fish." What fish species and life-stages are being targeted for improved ecological conditions? Which conditions of the ecosystem are currently in need of improvement? How does this project improve those conditions? Again, it's helpful to have a neutral measure to evaluate projects on a cost-benefit basis. Can you estimate the amount of habitat area that will be created or improved relative to current conditions if the project is in place?

Thanks for the opportunity to comment.

Patrick A. Monk
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U.S. Fish and Wildlife Service
Yakima River Basin Water Enhancement Project
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Yakima, WA 98901
509.575.5848 xt. 325
509.421.1096 cell

Comments on scoping for Cle Elum Pool Raise

Susan Parr <sparr@drizzle.com> 10:49 PM (11 hours ago)

To: Ms. Candace McKinley
Environmental Program Manager
Bureau of Reclamation
Columbia-Cascades Area Office
1917 Marsh Rd.
Yakima, WA 98901

Dear Ms. McKinley and the Bureau of Reclamation:

Thank you for requesting comments regarding the Cle Elum Pool Raise proposed project. I am writing to offer my input on the scope of the EIS for this project.

As I wrote in my comments regarding the K-to-K Conveyance Project, information about the Yakima Basin Integrated Plan has been elusive and hard for the general public to access. Therefore, for the EIS for the Cle Elum Pool Raise project and indeed for all further projects, please consider how the Bureau of Reclamation and the Dept. of Ecology plan on effectively publicizing the EIS. Public meetings should have been offered for the recent scoping sessions in the Seattle area, and should be offered for the EIS as well.

In order to streamline these comments, I will address the areas mentioned in the brief project brochure.

1. When considering alternatives, please include an analysis of the acre-feet of water made available by the Cle Elum pool raise. How long will this amount of water last and what can it accomplish? In other words, the no-action alternative should include a discussion of how 14,600 ac-ft of water could be obtained through other means, including conservation. Also, analyze what agricultural commodities use the equivalent amount of water and over what time period.

2. Probable significant adverse impacts: The shorelines of lakes and even of reservoirs are some of the most valuable parts of the surrounding forest in terms of specialized habitat. A thorough examination of the current shoreline ecosystem, however compromised it may be by current reservoir water level changes, should be studied. The PEIS was highly sketchy and therefore the EIS for this project should include a comprehensive shoreline study which, to date, probably has not been undertaken. The reason why it should be done is because this is an extremely large amount of shoreline and it will be lost in a very short order. Every aspect of the shoreline from wetlands to plant species to invertebrates and potential erosion should be addressed. Moreover, what will the new shoreline look like? For example, will the water rise to the level of exposed rock in places, creating hot barren areas? Model the new shoreline and show how it can or cannot be a thriving aquatic ecosystem and what kinds of remediation efforts will be needed. What measures can be taken to improve the quality of shorelines that result from reservoir creation in general? How will the loss of even the current compromised shorelines along with their insect and shade species impact salmon species?

3. Discussions of historical and recreational assets are notably sketchy or missing from the PEIS analysis. For the EIS, consider: what is the history of human habitation along the current shoreline (even if only post-dating the original dam construction)? Are there historic cabins or structures? Historic roads or trails? Vistas or recreation sites? Are there documents or literature concerned with the existing shoreline? How does each private landowner feel about the project? Conduct interviews and surveys that study landowner attitudes, inheritance issues, etc.

4. Study impacts to rare plants, minerals, and fungi. Forests are too often examined on a cursory basis, and this is certainly true of the PEIS. What are the plant species and fungus species that will be impacted? A brief list of the predominant tree species would be totally inadequate. Over such a large shoreline area, there may be a high diversity of plant species and unknown fungus species along with associated insects and aquatic creatures. The EIS needs to be exceptionally detailed and thorough. The vast engineering expense of raising the pool level by three feet makes the costs of such botanical studies look utterly insignificant.

Thank you for accepting my comments on the scoping for the Cle Elum Pool Raise EIS.

Best regards,
Susan Parr
Seattle, WA 98118

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

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215 Melody Lane, Suite 103
Wenatchee, Washington 98801-8122

December 16, 2013

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MEMORANDUM

To: Candace McKinley, Environmental Program Manager
Columbia-Cascades Area Office
Bureau of Reclamation
Yakima, Washington

From: Ken S. Berg, Manager
Central Washington Field Office
Washington Fish and Wildlife Office
Lacey, Washington

Jeffrey M Krupka FOR

Subject: Scoping Comments on the Cle Elum Pool Raise, Keechelus Reservoir-to-Kachess Reservoir Conveyance, and Kachess Inactive Storage
USFWS Reference Number: 01EWFW00-2014-TA-0059

This responds to your request for scoping comments on the scope of the associated Environmental Impact Statements (EIS) for the subject projects, located in Kittitas County, Washington. Your letter requesting scoping comments was received in the U.S. Fish and Wildlife Service's (Service) Central Washington Field Office (CWFO) on November 14, 2013.

The Service (primarily the Mid-Columbia Fisheries Resource Office, with periodic CWFO involvement) has been a partner in the development of the Yakima River Basin Water Enhancement Plan, Integrated Water Resource Management Plan (IP), with the CWFO focused on implementation, consultation, and recovery planning issues surrounding the IP. In a project as complex as the IP, with dual objectives of providing a more secure water supply (for agriculture, municipal, and other uses) and advancing the conservation of species, trade-offs are inevitable. These proposed EISs support projects that are the first major actions of the IP. The Service desires an efficient and timely environmental analysis process which yields projects that are consistent with the conservation objectives of the Service and our partners. The CWFO provides these comments for your consideration in the development of these EISs, and to develop a framework for successful consultations in accordance with section 7(a)(2) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

General Comments

1. The Service's view is that the IP represents a substantial change and a potential improvement of the current Yakima Irrigation Project's (YIP) on-going operations and maintenance (O&M) with respect to fisheries resources. However, the YIP has never completed consultation on the current O&M, and as we have discussed in multiple venues, this must occur prior to consultation of major IP actions. Without consultation first occurring on the YIP O&M, we will be unable to develop a credible or defensible environmental baseline or assess on-going activities as part of our jeopardy analysis. We strongly encourage the Bureau of Reclamation (BOR) to submit a biological assessment on the YIP O&M as soon as possible, to avoid delays on early IP actions.

2. Close coordination with the Okanogan and Wenatchee National Forest (OWNF) is vital regarding the design and implementation of the proposed projects. Among the policy and guidance that directs the OWNF's land management actions is the Northwest Forest Plan (NWFP). The NWFP is the underpinning of the conservation strategy for both the northern spotted owl (*Strix occidentalis caurina*) and the bull trout (*Salvelinus confluentus*), and also provides for the conservation of other species. IP actions, which occur within and adjacent to NWFP lands, needs to be consistent with the conservation objectives of the NWFP. The Service recommends that the development of action alternatives in the EIS be coordinated with the OWNF to ensure these NWFP-based conservation strategies remain intact. The Service has devoted significant resources toward the successful implementation of the NWFP, as well as land exchanges, land purchases, habitat conservation plans, and other conservation agreements in Kittitas County. The Service wants to ensure our investments are complemented by IP actions. Please assess in your EIS, and associated biological assessments, how these existing conservation efforts will be affected by IP actions. In addition, the OWNF may require a special use permit for some aspects of your proposed action, and their early involvement would streamline the NEPA and consultation process.

3. The Service has invested heavily in conservation efforts in Kittitas County and the I-90 corridor because numerous assessments have identified this area as critical to the ecological connectivity in the Cascades. The Service is part of a diverse array of partners that has focused on maintaining, restoring, and enhancing ecological connectivity in this area. Construction and maintenance of linear features, including IP projects, have the potential to disrupt the continuity of ecological processes such as the flow of shallow groundwater and the movements of wildlife species. Because of their location in the I-90 corridor, the Service recommends that the design of the proposed projects incorporate maintenance of ecological connectivity as a primary objective (i.e., it should be a part of the purpose and need for these projects). The Service recommends close coordination with I-90 workgroups and the Washington State Department of Transportation to ensure the proposed actions are consistent with on-going efforts.

4. We recommend that each EIS also include the likely O&M activities associated with the constructed projects. The proposed projects will involve long construction periods but

even longer periods of O&M. The Service needs to understand the full spectrum of effects that may occur over the life of these structures.

5. For all projects, assess how changes in water supply will affect residential and agricultural development throughout the Yakima basin. How will these changes affect listed species, and other fish, wildlife, and plants?

Cle Elum Pool Raise

1. Please describe in the EIS how the Cle Elum Pool Raise would modify the O&M of the storage and release of water, highlighting the changes in bull trout access from the reservoir into and out of spawning tributaries such as the Cle Elum River. In addition, address the potential effects within the littoral zone and at the mouths of tributaries, which may impact foraging or rearing habitats. The potential and magnitude of effect of the proposed action to the lake's limnology, productivity, and fish communities are among key concerns. Assess these effects over drought, average, and above average water years, over short- and long-term temporal scales.

2. Assess any potential effects of the Cle Elum pool raise on non-native species in the reservoir, including lake trout (*Salvelinus namaycush*), brook trout (*S. fontinalis*), and brown trout (*Salmo trutta*). Non-native species interactions (i.e., competition and predation) are likely suppressing the native fish assemblage.

3. Describe the new area to be inundated with the Cle Elum pool raise. Include the effects to habitat for the spotted owl, designated critical habitat for the spotted owl, riparian habitat, and any infrastructure that would be impacted, such as roads, culverts, campgrounds, boat launches, and other structures. Even if the impacted infrastructure appears to be minor, the pool raise may result in the relocation of these features, which may also have effects to listed species and their habitats (e.g., road relocation may remove spotted owl habitat). There may also be shoreline areas that may experience erosion or need future erosion control. Please include these analyses in the EIS.

Keechelus Reservoir-to-Kachess Reservoir Conveyance, and Kachess Inactive Storage

1. Describe in the EIS how the Keechelus Reservoir-to-Kachess Reservoir Conveyance and Kachess Inactive Storage would modify the O&M of the storage and release of water, including changes in bull trout access from the reservoir into and out of spawning tributaries such as Box Canyon, Kachess River, and Gold Creek. When Kachess Reservoir is drawn down, it essentially forms an upper and lower pool, with conveyance between them. Assess the potential for bull trout passage though both reservoir pools and into spawning tributaries (and back) by developing a reservoir elevation frequency analysis over drought, average, and above average water years, under both current and proposed operations. Of particular interest is the potential for, and frequency of, the use of the inactive storage. Kachess reservoir has a slow refill rate, and has documented issues with the stranding of fish and inadequate spawning tributary access under current operations. The Service is concerned that access to spawning habitats may be further

compromised with a more extreme draw-down of Kachess Reservoir. The potential and magnitude of effect of the proposed action to the lake's limnology, productivity, predatory/prey interactions, entrainment rates, and impacts to fish communities are other key concerns. The Service would like to better understand these impacts and recommends a full analysis of these issues.

2. The Keechelus Reservoir-to-Kachess Reservoir Conveyance, and Kachess Inactive Storage would also change streamflow conditions in the Upper Yakima and Kachess Rivers. Please describe in detail the effects of these flow changes in both reaches over drought, average, and above average water years, over short- and long-term temporal scales.

3. The Service has been introduced to some of the aspects of the proposed Keechelus Reservoir-to-Kachess Reservoir Conveyance by BOR. Our key concerns include the potential for (1) habitat removal or degradation, (2) interruption of groundwater flow, (3) impairment of any I-90 connectivity structures, (4) road access along the conveyance route, and (5) impairment of riparian and aquatic processes at each end of the conveyance. These concerns span not just the construction of these projects, but the long-term O&M. Other potential effects may include the frequency and magnitude of maintenance activities, artificial lighting, noise, buildings or other structure required in support of the project, etc. Please include these analyses in the EISs.

Thank you for your assistance in the conservation of listed species. If you have any questions or comments regarding this letter, please contact Jeff Krupka at the Central Washington Field Office in Wenatchee at (509)665-3508, extension 2008, or via e-mail at jeff_krupka@fws.gov.

CC: Derek I. Sandison, WDOE, Yakima, WA (DSAN461@ecy.wa.gov)
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STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
Region 3 South Central Washington
1701 S. 24th Ave, Yakima WA 98902

December 16, 2013

Candace McKinley
Environmental Program Manager
U. S. Bureau of Reclamation
1917 Marsh Road
Moses Lake, WA 98823

Derek I. Sandison
Director, Office of Columbia River
Washington State Department of Ecology
303 S. Mission Street
Wenatchee, WA 98801

RE: Determination of Significance and Request for Comments on Scope of Environmental Impact Statements for the Keechelus Reservoir-to-Kachess Reservoir Conveyance and Kachess Inactive Storage Pumping, and the Cle Elum Pool Raise

Dear Ms. McKinely and Mr. Sandison,

The Washington Department of Fish and Wildlife (WDFW) appreciates the U.S. Bureau of Reclamation (Reclamation) and the Washington State Department of Ecology (Ecology) Office of Columbia River request for comments regarding the scope of Environmental Impact Statements (EIS) for the Keechelus Reservoir-to-Kachess Reservoir Conveyance and Kachess Inactive Storage and the Cle Elum Pool Raise in accordance with the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA).

The U.S. Bureau of Reclamation and the Washington State Department of Ecology Office of Columbia River are beginning preparation of Environmental Impact

Statements for the Cle Elum Pool Raise, Keechelus-to-Kachess Conveyance (K to K) and Kachess Inactive Storage (aka Kachess Drought Relief Pumping Plant) Projects. The documents will be joint National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) Environmental Impact Statements.

WDFW has been and will continue to be an active participant in implementing the Yakima River Basin Water Enhancement Project, Integrated Water Resource Water Management Plan (Integrated Plan). The Integrated Plan is comprised of seven, nondiscretionary elements that WDFW presumes will occur in a balanced manner and include (1) Reservoir fish passage, (2) Structural and operational changes, (3) Surface storage, (4) Groundwater storage, (5) Habitat/watershed protection and enhancement, (6) Enhanced water conservation, and (7) Water market reallocation of water resources. WDFW continues to support Reclamation and Ecology's approach Integrated Plan implementation and WDFW will continue to support efforts that support WDFWs is mandated to

> *"… preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters … in a manner that does not impair the resource. … consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state."*[1]

WDFW remains committed to coordinating with Reclamation and Ecology to identify information needs for EIS development and to address ecological uncertainties to avoid or mitigate significant project impacts on fish, wildlife, habitats, and the public benefits they provide. The enclosed comments provided by WDFW have been formulated with the understanding that it is a priority for the State of Washington to solve complex water issues within the Yakima River Basin and within the context of the Integrated Plan. WDFW suggests the following information be provided in and or assessed in both EISs:

Resident Fish and Fisheries

- The potential risks and benefits of the Kachess to Keechelus Pipeline and associated pumping station to resident fish and sport fisheries should be assessed and described. It is uncertain how significant drawdowns during drought years might impact existing resident trout and future anadromous fish due to entrainment through new outlet structures.
- All three upper Yakima River reservoirs host popular recreational fisheries. Kokanee, rainbow trout, cutthroat trout, mackinaw, and burbot are all popular

fishing targets in these waters. While opportunity will be altered and perhaps supplemented with anadromous opportunity, the overall level and success of recreational fishing needs to be maintained or improved. Access to the lake at various pool levels must be maintained to the extent possible.

- Impacts are expected to occur when flow rates and water level fluctuations affect aquatic communities and primary productivity. Reservoir drawdowns reduce fish habitat availability, strand benthic organisms, adversely impact water quality and congregate predators with their prey. Faster turnover of lake input/output (i.e. decreased water retention time) can cause increased entrainment of both fish and their prey and loss of nutrients.
- However, fish lost from an upstream reservoir are not managed for available harvest in a downstream reaches and fishing opportunity lost in the reservoirs cannot be recovered in other waters because fishing opportunities on those waters are managed for wild production and kokanee and burbot won't likely survive.
- The utilization of the lower Cle Elum River to be inundated by spring spawning and rearing fish life (rainbow trout and cutthroat trout) is unknown and should be reviewed. The effects of inundation should be surveyed and identified to assess the significance to spring spawning resident fish life. If the adverse impacts are significant appropriate mitigation should be identified.

Recommendations:

Several actions are needed to ensure that resident fish and recreational opportunity are maintained.

- Cutthroat trout, rainbow trout and kokanee, and future anadromous stocks, may not be able to access spawning tributaries, or current spawning and incubation areas may be inundated under the new management scenarios. The project should assess how spawning resident fish, and future anadromous fish, would be adversely impacted and how to preserve tributary access.
- Pre and post project monitoring efforts should be directed at determining the best strategies for long-term adaptive management of upper Yakima River Reservoir fish and fisheries. These include:
    - Develop a zooplankton and water quality sampling protocol during Kachess and Keechelus reservoir drawdown and subsequent refill of the reservoirs to assess impacts on primary productivity and fish production.
    - Conduct fish inventory work, with emphasis on predator/prey relationships during drawdown; and rainbow trout and cutthroat trout spawning surveys in the new reaches of the lower Cle Elum River to be inundated.

- Shoreline observations as lake levels drop in Kachess and Keechelus Reservoirs, to identify index sites for potential kokanee and sockeye spawning locations.
- Study and implement ways to minimize entrainment of fish and zooplankton from reservoirs. Consider hydroacoustic studies to assess fish concentrations in the lower reaches of the reservoirs, particularly near the proposed pumping station in Kachess Reservoir to determine which actions will help reduce entrainment into the new outlet and how to avoid trapping bull trout in lower Kachess Lake.
- Provide resources so that WDFW can adaptively manage these fisheries to maintain or enhance fisheries value. For example, increased plants of artificially propagated fish, or enhanced public fishing access facilities might be necessary in order to maintain fisheries. Adaptations can include:
  - Changing fishing regulations ;
  - Altering fish stocking species mix, numbers, timing, or sizes;
  - Providing facilities or resources that increase fish stocks' self-sustainability;
  - Enhancing fishers access to the fishery

Bull Trout

- It appears there are various outlet structure designs for the K-K pipeline project proposal. There is concern that the new outlet works may increase the incidence of entrainment and diversion of bull trout from Keechelus Reservoir, into Kachess Reservoir. It is not indicated if fish screens will be installed to preclude diversion of bull trout from Keechelus Reservoir into Kachess Reservoir and what screening methods are to be used. There are often significant challenges in designing screens for winter operation. Diverting bull trout between reservoirs should be avoided or mitigated
- The potential adverse impacts to juvenile and adult bull trout passage to and from the Kachess and Keechelus under different water year scenarios should be examined to assess potential adverse impacts on all life histories of bull trout, including migration to and from tributaries utilized for spawning and rearing. There is need to investigate how bull trout use and access to Gold Creek, Cold Creek, in Keechelus Reservoir and Box Canyon Creek, Mineral Creek, and Kachess River and other tributaries might be affected, and how access can be maintained.
- Installing a pump station in lower Lake Kachess to access dead storage could create a fish passage barrier between the upper and lower lakes. If the lakes become disconnected, bull trout would likely be unable to access spawning and rearing habitat in the upper lakes. A deep draw down in the lower lake may also start a significant head cut within the accumulated fine sediments within

the reservoir bed, which may result in water quality and sedimentation concerns within spring chinook spawning and rearing habitat below the point of discharge. The potential adverse impacts should be studied and avoided.

- Ramping criteria must also be established to avoid increased incidence of stranding of fish and wildlife along the margins of the pool during pool drawdown in lower Kachess Reservoir. This could initially be done using bathometry.
- Scoping should include discussion of alternatives to improve bull trout access into tributaries from both the Keechelus Reservoir and Kachess Reservoir, which might involve structural channel modifications or supplementing stream flows via pumping, or using pressurized pipe from the Kachess and Keechelus pipeline via multiple discharge points. Bull trout access must be maintained at equal or better efficiency.

Transfer of Disease or Aquatic/ Invasive species

The potential for transfer of existing and future transmission of diseases between fish populations in Kachess and Keechelus should be assessed. Keechelus Reservoir should be inventoried for potential aquatic/ Invasive species now and in the future. Its proximity to I-90 could result in higher risk of infestation. The potential effects and risks of aquatic species such as Quagga and Zebra mussels into Kachess and Keechelus should be discussed and a response action identified.

Habitat

Shoreline Bank Protection

Landowners living adjacent to Cle Elum Reservoir have expressed concerns regarding potential erosion associated with elevating the pool. We have concerns that this work would primarily result in the addition of heavy rock armor rather that a bio-engineered approach that also incorporates large woody material and natural vegetation. Appropriate bio-engineering techniques should be investigated or mitigative actions incorporated into the upper reservoir near the mouth of Cle Elum River. Shoreline observations should be made in Kachess and Keechelus reservoirs as pool levels drop, to identify index sites for vegetation monitoring.

Waterfowl and Shorebirds

Altered reservoir elevations, and the timing and rate of filling and drafting reservoirs have potential to adversely affect shorebird and waterfowl populations in the project area. There is need to assess habitat with respect to timing and rate of pool elevation changes within the reservoirs and their shorelines. Include an assessment of

how riverine wetlands and associated waterfowl and shorebirds will be affected by changes in flow quantity and timing of flow releases with a focus on nesting impacts.

The potential impacts associated with the Cle Elum Reservoir pool raise on nesting birds and wildlife using the vegetated shallows at the upper end of the reservoir should be investigated. The number and diversity of species utilizing this area should be reviewed. HEP or similar methodology should be applied to lower gradient shoreline areas of the pools to assess the effects of changes in pool elevation, timing, and duration or inundation on wildlife associated with shoreline and/or wetland habitats and near shore nesting species must be assessed and mitigated.

Ecological Connectivity

We have significant concerns with regard to maintaining north-south ecological connectivity for wildlife in the eastern Cascades. WDFW along with various partners and WSDOT have invested significant effort in restoring and protecting ecological connectivity as part of the I-90 project. The same overhead clearance standards used for I-90 should apply to the Kachess to Keechelus pipeline project proposal. The pipeline alignment should complement existing I-90 corridors.

Yakima River Flows

It is unknown how the Kachess to Keechelus pipeline project proposal may affect streamflow within the bypass reach of the Yakima River between Keechelus Reservoir and the mouth of the Kachess River under various water year scenarios including; low, average, and above-average water years. Stream flows and timing of changes beyond baseline conditions should be modeled and described in detail. We are concerned that stream flows within this reach of the upper Yakima River will become more regulated and suffer a less normative hydrograph and that the frequency and duration of channel forming flows, important to channel and habitat maintenance, will be reduced.

The benefits or risks to various life history stages of fish life associated with altering winter and summer instream flow within the upper Yakima River should be determined and mitigated through modeling exercises.

Off Site Changes

A review of how “Flip-flop” operations in the Tieton and Naches Rivers might be affected by storage and flow alterations in the upper Yakima River resulting from these project proposal should be examined.

WDFW encourages Ecology and Reclamation to continue to work diligently with resource agencies, tribes, and various stakeholder groups to assure that the EIS

embodies a balance of public interests between the needs of users and the needs of fish and wildlife and the local economic activity they generate. WDFW looks forward to continued coordination and consultation through EIS development. Thank you for the opportunity to comment and please contact Mike Livingston at michael.livingston@dfw.wa.gov if you have questions or concerns.

Sincerely,

Mike Livingston
Region 3 Director

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Washington State Department of Transportation

Lynn Peterson
Secretary of Transportation

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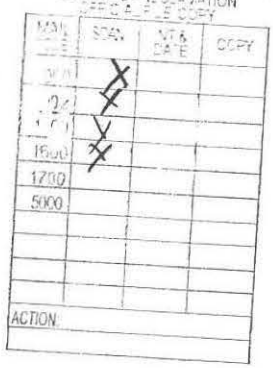


December 16, 2013

U.S. Bureau of Reclamation
Columbia-Cascades Area Office
1917 Marsh Road
Yakima, WA 98901-2058

Attention: Candace McKinley, Environmental Programs Manager

Subject: Request for Comments on Scope of Environmental Impact Statement for the Keechelus Reservoir-to-Kachess Reservoir Conveyance, Kachess Inactive Storage Projects, and Cle Elum Reservoir Pool Raise - U.S. Department of Interior, Bureau of Reclamation & Washington State Department of Ecology

Thank you for the opportunity to provide comments on the NEPA scoping process for the above-mentioned projects. As part of the I-90 Snoqualmie Pass East project, we coordinate with your office on a regular basis. We also enjoy a high degree of coordination with your staff on other projects, as state highways and Bureau infrastructure are tied closely to one another in Central Washington. We look forward to continuing with that same spirit of cooperation and collaboration as your projects move through the NEPA phase and, hopefully, into construction. Please consider the following comments when preparing your NEPA documents:

1. Ensuring protection of I-90 Snoqualmie Pass East Project Connectivity Emphasis Areas (CEAs) between Hyak and Easton (MP 55.1 to MP 70). CEAs are areas that WSDOT has invested public funds for bridges, habitat restoration, fish and wildlife connectivity, and hydraulic connectivity within the I-90 footprint. To aid in your analysis, we have attached a map of CEAs within the I-90 Snoqualmie Pass East Project limits.
2. WSDOT would like to ensure that changes to existing reservoir operations or natural drainage flows within the Upper Yakima River Watershed will not adversely affect downstream WSDOT infrastructure. Our working assumption is that any operational changes to Yakima Project reservoirs are insignificant to downstream WSDOT infrastructure.
3. Proposed construction timing and sequencing of these projects with proposed or planned construction timing of I-90 Snoqualmie Pass East (MP 55.1 to MP 70) Project phases. Currently, I-90 construction near Keechelus Lake is funded through 2021. Therefore, it's likely that overlapping Bureau and WSDOT projects will create both opportunities and constraints. We will continue to coordinate with your Yakima office to minimize traffic management conflicts during construction.
4. Stormwater and surface runoff generated by these projects must be retained and treated on site and not permitted to flow onto WSDOT rights-of-way.
5. Avoiding potential adverse effects to our managed wetland mitigation/restoration sites.

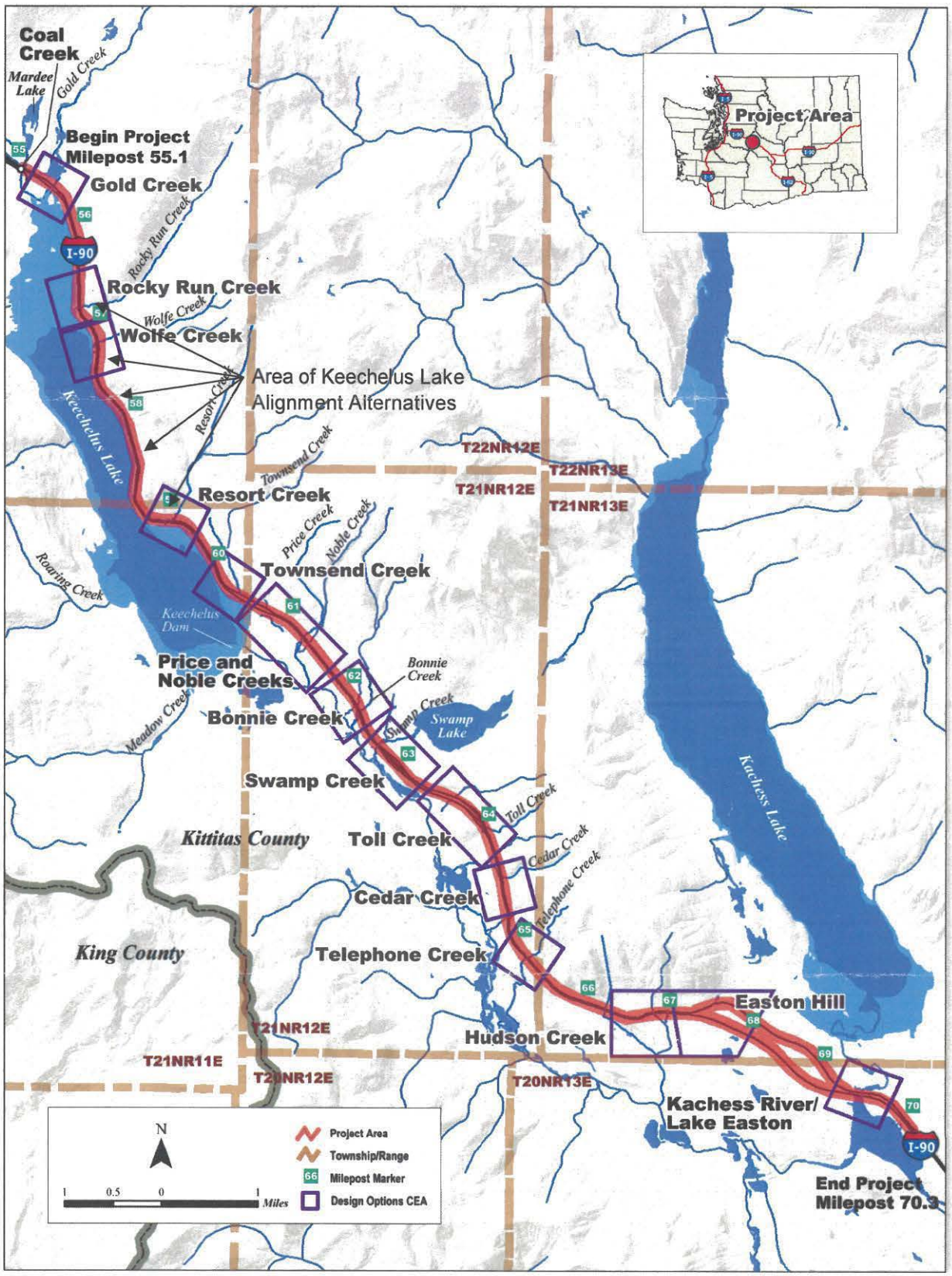
We have environmental data available from our 2005-2008 NEPA EIS process that we'd be happy to share. Please contact Mark Reynolds of my staff at (509) 577-1929 if you'd like to use it.

Sincerely,

Jason W. Smith
WSDOT South Central Region
Environmental Program Manager

LCM: mrr
Enclosures: I-90 Snoqualmie Pass East CEA Graphic

cc: Keith McGowan, US Bureau of Reclamation Environmental Protection Specialist
Brian White P.E., SCR Assistant Regional Administrator for Project Development
Paul Gonseth P.E., SCR Planning and Materials Engineer



CEA's in the I-90 Snoqualmie Pass East Project Area

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Control # 1305 3469

Washington State Department of Transportation

Lynn Peterson
Secretary of Transportation

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December 17, 2013

U.S. Bureau of Reclamation
Columbia-Cascades Area Office
1917 Marsh Road
Yakima, WA 98901-2058

Attention: Candace McKinley, Environmental Programs Manager

Subject: Comments – Scope of Environmental Impact Statement for the Keechelus Reservoir-to-Kachess Reservoir Conveyance, Kachess Inactive Storage Projects, And Cle Elum Reservoir Pool Raise

We support the proposed Yakima River Basin Water Enhancement Project, Integrated Water Resource Management Plan. WSDOT recognizes the importance of agriculture to the central Washington region. We have the following comments.

- It appears that the conveyance tunnel between Keechelus Reservoir and Kachess Reservoir is proposed to cross I-90 in the vicinity of MP 62.3, which is Phase 2b of the I-90 corridor improvement project. Phase 2b is currently in the scoping and planning phase and the profile and horizontal alignment have not been finalized. Of most concern to us is the location of the proposed tunnel crossing in relation to any wildlife crossings or other structures WSDOT has planned in this vicinity. WSDOT requests more detailed information on the location and depth of the tunnel crossing. It is imperative that the conveyance project be coordinated with Phase 2b of the highway project for construction timing and sequencing.

- WSDOT will want to ensure that Connectivity Emphases Areas (CEAs) and other existing highway structures, including bridges and drainage features, are protected. CEAs are areas within the I-90 corridor that WSDOT has invested public funds into bridges, habitat restoration, fish and wildlife connectivity, and hydraulic connectivity within the highway footprint.

- WSDOT would like more information on how changes to existing drainage flows within the Upper Yakima River Watershed may affect downstream WSDOT infrastructure. The assumption is that any changes will be insignificant to downstream infrastructure.

- WSDOT requires that the construction technique planned for the highway crossing of the tunnel be identified and that the details of this technique and alternative techniques being considered, if any, are reviewed by WSDOT. We expect the tunnel will be bored below the highway, which is the preferred method in preventing disruption to traffic on I-90.

- Interstate 90 (I-90), including the ramps, is a fully-controlled limited access highway with a posted speed limit of 65 MPH. No direct access to I-90 will be allowed. Access to either side of the highway shall be via the Stampede Pass Interchange. WSDOT has construction activities planned for the segment of I-90 between Keechelus Lake and the Cabin Creek Interchange well into 2020. These activities will include traffic control. To minimize construction activity conflicts between the highway projects and the conveyance project, we highly discourage using the existing USA Forest Service/Bureau of Reclamation access connection at Highway Engineer's Station 1507+00 for construction access. WSDOT requests that the anticipated construction site access locations for both sides of the highway be identified.

Thank you for the opportunity to review and comment on this scoping proposal. If you have any questions regarding our comments, please contact Rick Holmstrom at (509) 577-1633.

Sincerely,

Paul Gonseth, P.E.
Planning & Materials Engineer

PG: rh/mls

cc: File #4, I-90
Jamil Anabtawi, Utilities Engineer
Jeff Minnick, Construction Project Engineer
Brian White, Assistant Regional Administrator
Terry Kukes, Area 1 Maintenance Superintendent

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