

ICICLE STRATEGY
Icicle Work Group Meeting
Confluence Technology Center, Wenatchee
Thursday, November 29, 2018, 10:00 AM – 3:00 PM

Meeting Summary

Attendees

Dan Haller, Aspect Consulting; Mary Jo Sanborn, CCNRD; Dale Bambrick, NMFS; Steve Parker, Yakama Nation; Cory Kamphaus, Yakama Nation; Chuck Brushwood, Colville Tribes; Dan Church, Reclamation; Lisa Pelly, TU; Bruce Williams, ICWC; Sharon Lunz, ICWC; Jim Brown, WDFW; Jeff Dengel, WDFW; Carmen Andonaegui, WDFW; David Rice, Anchor QEA; Greg McLaughlin, WWT; Dick Rieman, ICWC; Bill Gale, USFWS; Doug England, Chelan County; Daryl Harnden, PID/Farmer; Mike Kaputa, CCNRD; Chris Reitz, Attorney General Office; Melissa Downes, Ecology OCR; Tyler Roberts, Ecology OCR; Mel Weythman, IID/Farmer; Tony Jantzer, IPID; Dave Irving, USFWS
Kitty Craig, The Wilderness Society, Sarah Walker, UCSRB

Welcome, Review Agenda

The IWG approved the September 27, 2018 Meeting Summary

2019 Icicle Strategy Meeting Schedule

Decision Item: The IWG changed the meeting schedule for 2019 to be monthly on the 2nd Thursdays. Full IWG meetings will occur quarterly, the other months will have Steering Committee or Technical Subcommittee meetings as needed.

Public Comment

None

Programmatic EIS Update

Melissa and Mike walked through a powerpoint presentation for this update. The last IWG meeting focused on comments made on the Draft PEIS. Today's discussion will focus on the alternatives and moving forward.

Review of the nature of this *Programmatic EIS*:

- Programmatic overview of goals, alternatives, and projects.
- Tailored project level input where information was available.
- Some comments made requested a supplemental Draft PEIS be prepared. The Co-Leads do not feel there is significant new information that indicates new probable significant adverse environmental impacts are likely.
- Project level SEPA review will be an option for a permitting agency if additional environmental review is appropriate.
- The PEIS will serve as a foundation for NEPA review as appropriate.

The alternatives (as shown in the table) remain the same as the Draft PEIS document. The Co-Leads are leaning toward selection of Alternative 1 (Base Package) as the preferred alternative with some additional/clarifications based on comments:

- City of Leavenworth to exercise new water supplies from the Wenatchee River instead of Icicle Creek
- Enhanced conservation actions will include a lawn buy-back program. This will require more work on exactly how this will work at the project development level to determine how it could be implemented within municipal and irrigation districts and outside those systems.
- Additional cost contingency has been added to projects within Wilderness. Every project already had a 25% cost contingency. These projects now have an additional 25%.
- In-basin land acquisitions will be prioritized if possible as part of habitat mitigation. Carmen noted that opportunities in the Icicle are low to meet mitigation requirements. Dan noted that the footprint for these projects is very small, so the disturbed area will be low. Details will be developed at the project level with the goal of being as close to the impacted area as possible.

The question came up “what if a project is flawed and cannot move forward”? The IWG will find a replacement project that meets those guiding principles. If the new project is not currently described in the PEIS, then a Supplemental EIS will be done.

Dan reviewed how Alternative 1 (Base Package) performs under drought and average flows.

The goal for the Co-Leads is to issue the Final PEIS with the comment responsiveness summary early in 2019.

Icicle Work Group members gave their indication of level of support for Alternative 1 to move forward:

Colville Tribes – Chuck noted that Tom Tebb, Keith Goehner and Mike Kaputa met with the Colville Business Council to give an update. Continued internal discussions have focused on interest in alternative 1 and gaining more understanding of technical aspects moving forward.

Yakama Nation – Steve noted that YN interests are primarily focused on preservation of the fishery and LNFH, along with an interest in bull trout and steelhead preservation throughout the Icicle. YN submitted a comment letter stating support of Alternative 1.

Daryl Harnden (PID/Farmer) – the agricultural community’s main interest is protecting infrastructure and access to water. After meeting for 6 years, he feels like Alternative 1 does what we need and he is supportive of that.

IPID – Tony indicated IPID is supportive of Alternative 1.

WDFW – Jim discussed the WDFW comment letter that explored other options like the full pumpback for IPID. Jim noted that they recognize that project won’t happen in the near term and they feel that Alternative 1 does the job (of meeting the guiding principles). There was discussion of cumulative impacts and a desire to ensure we (IWG) are looking to the future. WDFW has some lingering concerns but they don’t rise to a big issue, they have to do with monitoring, compliance regarding future domestic use and how that will be tracked. WDFW wants to ensure we continue to address climate change, and has questions on whether cumulative impacts will be addressed at the project level. Jim feels they can give qualified support for

Alternative 1. Jim supports tracking what is accomplished to be able to look back in the future and say “we did what we said we’d do”. Jim also said WDFW recognizes the importance of storage water and he realizes the storage is an issue for some.

NOAA/NMFS – Dale indicated that he supports Alternative 1. He feels it is responsive to the needs of steelhead, chinook, and bull trout. He echoes the need to track progress.

Reclamation – Dan Church noted that Reclamation generally supports Alternative 1.

Icicle Creek Watershed Coalition – Sharon noted that she has concerns that this doesn’t meet the guiding principles. She’s encouraged by the timing of lake releases for the tributaries. Right now this gives them pause, they need to think more because of restoring Eightmile to the historic level. They have concerns about cumulative impacts. Dick noted that he has reviewed a ton of climate change information and more about lakes. He is learning a lot and finds it interesting.

TU – Lisa concurs with WDFW but is still having internal discussions. She has concerns so will take more time and would like to review the comment responsiveness summary.

USFWS – Dave indicated that USFWS gives general support for Alternative 1.

COIC – Greg let the group know that lack of attendance at meetings does not indicate lack of interest by COIC. Greg gives COIC board members and shareholders regular updates; they are just not interested in coming to meetings. COIC is supportive of Alternative 1 and can provide something more formal if needed.

WWT – Greg indicated that WWT is supportive of Alternative 1.

Discussion then focused on the figures showing the flow benefits of Alternative 1. Dale noted that we should show more than just the flow benefits, we should show the link between tribal fishery and LNFH, and other benefits. Dan said that more details show the broader benefits in the PEIS but Dale is correct we need to incorporate more than just the flow benefit in outreach materials and our messaging.

Lisa said we need to continue to work on funding support to ensure funding comes here.

Public Comment

Kitty Craig noted that she has concerns and concurs with Sharon’s concerns around cumulative impacts and Eightmile Lake restoration. She is looking at the order of operations to figure out water rights litigation issues.

IWG Discussion Continued

Mike noted that in the future, can we answer the question did we do what we planned. What are the mechanisms to ensure that these things actually occur? Are they regulatory? A management approach (of flows)? The group discussed the Osoyoos example of water management. We should think of doing something similar.

Kitty – asked about the USFS and noted her concern that they were not in attendance. It’s a problem that they do not participate regularly. In Yakima, OCR pays USFS to be at the table, correct?

Melissa said that USFS is paid for their attention to projects/NEPA, not to attend meetings. Mike noted that Erik Walker had notified us that he was unable to attend today. The Co-Leads will check with Erik about his availability before setting on the 2nd Thursday meeting schedule for 2019.

Draft language for IWG endorsement of preferred alternative

Draft language had been sent out prior to the meeting for review. The intent is not necessarily to edit this line by line but discuss themes, how the IWG members could use and modify this for their own use.

Lisa said that it is too soon for this language. She would like to see the comment responsiveness summary first.

Dan responded that the comment responsiveness summary will be released with the final PEIS. Mike and Melissa wanted IWG members to have time to think about this, which is why it was distributed now. This will depend on each organization. Some need more time/more information, while others don’t and would be ready now.

Steve asked about the purpose of the endorsement language. Does it need to be a part of the Final PEIS?

Melissa responded that no, it is not a part of the EIS.

Steve noted that we have general consensus for Alternative #1. Getting a letter will be harder. How important is it to have these letters and when are they needed?

Dan responded that the benefit is to be able to declare victory and help secure funding. It helps to have clarity around support.

TU and ICWC will not do letters until they see the final EIS and comment responsiveness summary.

Conclusion: The Steering Committee will continue this discussion further. If letters can come in early January, that is great. If groups need more time, that’s fine.

COIC Update

Greg gave an update on the COIC project. The Shareholder Advisory Group met recently and a lot of consideration is going in to how construction will occur. They are sensitive to a lot of existing infrastructure, landscaping, etc. They are focused on permitting, design and final funds being secured. Final details on the pump station location are being made, which is ½ mile upstream from the Icicle/Wenatchee confluence. Cultural resources review is completed. They expect to construct the laterals in 2019.

There was discussion of COIC as a good example of how project-level review will happen. Greg is doing a lot of up front work with agencies to anticipate potential impacts. Dan noted that when you read comments (on the draft PEIS) about cumulative impacts it could seem like a big potential issue. But, he’s not sure the scale of cumulative impacts is very big or is as big as it sounds.

Chris noted that the permitting stage is the chance to optimize, that's what the agencies need to do. Chris asked the group if there is a concern regarding cumulative impacts that agencies and individuals will not have a chance to weigh in on at that stage?

Jim responded that the WDFW cumulative impacts comment was general in nature, more related to the possibility of swapping projects due to fatal flaws and new projects being added.

In this COIC example of project level review, a SEPA checklist will go to the County. The County will make a decision of whether the PEIS is sufficient or if supplemental information is needed. Mike noted that when Chelan County Community Development starts this process, they will distribute to the SEPA register, not directly to IWG members. This information is publicly available at the SEPA register.

Screens and Boulder Field Update

Screens: Jeff Dengel gave an update on the screens. IID screen design is complete and they have landowner permissions completed. The JARPA was submitted about a week ago. Cost estimates including the bridge are \$1.5 Million. The 25% cost share requirement will include \$100,000 of in-kind from IID, leaving \$175,000 to be covered by OCR. Leavenworth screen status is that a re-design has been completed and is being reviewed by the City. Once design is approved, permits will be submitted, hopefully in January.

MOU effort among the Tribes, WDFW, NMFS and USFWS is ongoing. Steve said that YN will support funding on the presumption that a signed MOU will be in place. Jim feels they are making progress.

Boulder Field: Lisa gave an update on the Boulder Field. US Army Corps is the NEPA lead. The SEPA permit is for the boulder field, City screen, and City water line. TU has secured 50% of the funding with 4 or 5 applications currently in being reviewed. They expect to know the result of these within 2 months.

Discussion focused on timelines. Current construction timelines are 2019.

Decision Item: the IWG supports OCR matching funds for IPID screen and City of Leavenworth screen come out of the current 2017-2019 budget. The Steering Committee will continue to work on the Budget Decision Support Tool for remaining allocations.

Funding Coordination

The IWG reviewed the budget decision support tool in light of the screen funding allocation decision. The IWG discussed the need for COIC design funds of \$350,000. There was general support for this. The Steering Committee will continue to discuss funding allocations for the remaining OCR budget.

Kitty asked about following the law in process and noted that doing things right in the beginning is important for all projects. This comment was made around water rights and any changes needed (for COIC or Eightmile). Tyler responded that in COIC's case the application for a water

right change will be made which triggers the process of an ROE. The process is correct, it's triggered by a water right change.

LNFH Updates

Dan Church gave updates on LNFH.

- Snow Lake valve replacement is scheduled for completion in Fall 2019.
- Circular Tanks – the purchase request has been accepted by Reclamation's regional office and they have a contracting specialist assigned to it.
- LNFH projects are rising to the top of Reclamation funding priorities.
- Reclamation is currently hiring a LNFH Project Manager
- Reclamation, USFWS, and NOAA met onsite to discuss whether the projects being developed at LNFH will meet BiOP requirements.

Steve Parker asked for a contact name in D.C. in Reclamation. YN Tribal Council members may be travelling to D.C. in the coming months so they would like to advocate for continued funding support.

Steve requested that the Tribes be included in meetings like the one at LNFH in the future. He emphasized that this is an example why the MOU is so important – to ensure that once upstream passage is made, decisions are not made without the Tribes.

Eightmile Lake

Tony showed photos of the Eightmile Lake basin showing pre and post fire conditions. He also showed photos and described the emergency work done at the dam. The original spillway was 13 ft wide, and it was widened to 60 ft. The outlet pipe was replaced. After further inspection, it was found that it was a round log pipe (not concrete), with logs collapsed throughout the pipe, clogging it. Construction was very difficult, with huge boulders on top of the pipe that were difficult to remove safely. The excavator is still at Eightmile Lake. IPID is in discussions with USFS on how to get it out. Designs for a new dam are being developed now, hoping to get 30% soon with permits being submitted in January. Tony is hoping to construct the dam replacement in 2019. The repairs in spring were temporary and the dam does not currently meet Ecology's Dam Safety requirements. The October IPID Board meeting terminated the state of emergency. Tony noted that he is working with USFS on the special warranty deed.

Kitty asked about the permitting process with USFS. Tony noted that Army Corps permits will probably trigger NEPA. Ecology is the lead agency for SEPA on all dams because it falls under Dam Safety rules.

Kitty asked when the ROE would be done?

Tony and others responded that currently there is no water right change. The ROE is done when there is a water right change. Tyler said that there is no analysis of water rights right now. If and when a transfer of water to instream flow would be done, then the examination is completed at that time.

Tony stated that as they design the replacement dam, they are trying to keep the footprint as small as possible. Tony will share the design when it's ready. All work is carefully coordinated with Ecology's Dam Safety office.

Instream Flow Committee

The instream flow committee met yesterday to discuss data collected during 2018. Chelan County presented lake temperature data for Square and Klonaqua Lakes. WDFW presented

temperature and streamflow data collected for French and Leland Creeks. Square Lake was released, however Klonaqua was not this year. Takeaways include that Klonaqua Lake is warmer than Square likely because it is fed by upper Klonaqua lake and the lake itself has more sun exposure than Square. The IWG discussed how using a tool similar to the fish-water tool could be used with the infrastructure modifications and automation to target an optimal temperature and flow for fish. There may be opportunities to extend or modify the outlet pipes to pull water from different depths, thus get different temperatures. The Instream Flow Committee discussed goals of the automation project. The committee is supportive of the alpine lakes automation project focusing on the goal of mimicking natural conditions. Long-term adaptive management will be important. The important thing to keep in mind with this project is that the starting point is an existing altered environment that is managed only for irrigation purposes. The proposed change with automation is to manage for dual purpose: irrigation and fish habitat. There are challenges with USFS for data collection, so we will continue to work with USFS. There is also still interest in a Snotel station somewhere within Icicle Creek.

Potential data collection for 2019 may include: baseline in Leland (if Square can remain closed), and augmented data for French Creek (assuming Klonaqua will be released). The committee is looking into getting spawning and/or snorkel data in Leland.

Outreach

The Co-Leads will be developing some outreach efforts, materials, etc. If any IWG members would like to participate, please let Mary Jo or Melissa know.

Melissa asked IWG members what they thought of current facilitation. Last year, with limited budget Jeff with WDFW did some facilitating and we have relied on Dan Haller as well. Several IWG members stated that things are going well now. Dan is already attending meetings so it's not a big extra lift for him to facilitate. As the Final PEIS is released, we should keep an eye on new challenges and consider a 3rd party facilitator if needed. The Steering Committee can discuss further.

Meeting Schedule

January 10th (Thursday) Steering Committee

February 14th (Thursday) Icicle Work Group

Continue on 2nd Thursday schedule with IWG meeting quarterly and Steering Committee using the other months.

Adjourn