

**American Rivers | The Mountaineers  
The Wilderness Society | The Mountaineers  
Washington Trails Association**

May 11, 2016

Tom Tebb  
Director, Office of Columbia River  
Washington Department of Ecology  
1250 Alder Street  
Union Gap, WA 98903

Mike Kaputa  
Director, Chelan County Natural Resources Department  
411 Washington Street, Suite 201  
Wenatchee, WA 98801  
*Submitted electronically on May 11, 2016*

RE: Request for Comments on the Scope of the Programmatic Environmental Impact Statement (PEIS) for the Icicle Creek Water Resource Management Strategy (Icicle Strategy)

Dear Directors Tebb and Kaputa:

Thank you for the opportunity to provide scoping comments on the Icicle Creek Water Resource Management Strategy (Icicle Strategy). The Washington State Department of Ecology (Ecology) directed the Chelan County Natural Resource Department (CCNRD) to develop a PEIS for the Icicle Strategy. Scoping comments gathered on the potential project package established by the Icicle Work Group (IWG) will be used to inform a draft State Environmental Policy Act (SEPA) PEIS for the Icicle Strategy. Our organizations appreciate the opportunity to provide feedback on the current proposal.

The project area of the Icicle Strategy proposal encompasses one of the most iconic - and treasured - wilderness areas and one of the most visited valleys in the state. Thousands of hikers and adventurers explore the Alpine Lakes Wilderness each year, and the Enchantments Lakes Region specifically. Our organizations and members have great interest in the management and stewardship of these lands, and are committed to working to ensure wilderness, recreation, and scenic values are protected into the future.

**SEPA Purpose**

The purpose of the SEPA PEIS is to address probable significant adverse impacts associated with implementation of a suite of projects within the Icicle Creek basin aimed at enhancing streamflow and habitat conditions for fisheries and other aquatic organisms, improving operational flexibility and water storage at high-alpine lakes within the Alpine Lakes Wilderness, maintaining water security and supply reliability for out-of-stream users of Icicle Creek water, and reinstating water reserves that will facilitate growth and development in Chelan County. The primary purpose of the SEPA PEIS is to help clarify resources and information that will inform programmatic environmental review for the Icicle Strategy as well as individual environmental review processes for each project.

The undersigned organizations understand that current suite of projects proposed by the IWG for public comment does not necessarily represent the final project package nor approval of individual projects in the PEIS. We do hope the concerns and comments provided below will inform further refinement of the current suite of projects.

### **Concerns and Comments**

The undersigned organizations are pleased to share the following concerns and comments that should be addressed during the SEPA review and PEIS development.

#### **1. Alpine Lakes Wilderness Area Compliance and Impacts**

Icicle Creek is a major tributary to the Wenatchee River in Chelan County, and the Icicle Creek watershed encompasses an area of approximately 212 square miles, most of which is designated as the Alpine Lakes Wilderness (ALW) and currently managed by the U.S. Forest Service. The 920,000-acre ALW was designated in 1976 to protect some of the most wild, rugged, scenic, and beloved lands in the Central Cascade Mountains.

One of the seven guiding principles cited in the Icicle Strategy is to “comply with State and Federal Law, and Wilderness Acts.” Several layers of law are relevant to the projects and actions proposed in the Icicle Strategy, and in many ways, the interpretation of those laws will determine the viability of the projects proposed at the wilderness lakes, specifically the restoration/repair at Eightmile Lake as well as automation and optimization efforts. It is our understanding that the U.S. Forest Service has participated in the IWG, but has not provided any specific guidance on the projects proposed and how such proposals comply with current management agreements with the Icicle-Peshastin Irrigation District or the suite of wilderness laws relevant in this situation, including the 1964 Wilderness Act, 1976 Alpine Lakes Area Management Act, and the 1981 Alpine Lakes Wilderness Management Plan (ALWMP). Such interpretation and guidance from the U.S. Forest Service is imperative, and should happen as a part of the SEPA process. Relevant direction from these laws is cited below and requires federal interpretation and development of guidance for federal actions in relation to the Icicle Strategy.

From the 1964 Wilderness Act, Section 4(d)(4), related to the requirement of Presidential approval of facilities, including water resources, that are not compliant with wilderness regulations:

*Within Wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest . . . upon his determination that such use or uses in the specific area will better service the interests of the United States and the people thereof than will its denial... [emphasis added]*

From the 1964 Wilderness Act, Section 4(c), related to the concept of Minimum Requirements, and applicable to activities related to special provisions mandated by the Wilderness Act such as access to inholdings and maintenance of water developments:

*Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area. [emphasis added]*

From the 1981 ALWMP, related to specific management guidance for water resources:

*Management Objective: to preserve water bodies and stream courses in a natural state with minimal modification or human-caused contaminants. . .*

*Management Direction: (1) except as provided for in Section 4(d)(4) of the Wilderness Act, watershed will not be altered or managed to provide increased water quantity, quality or timing of discharge. . . (2) . . . long-term weather modification programs producing repeated or prolonged changes in the weather during any part of success years and having substantial impacts on the Wilderness resource will not be permitted. Prior to any weather management modification activity within the Alpine Lakes Wilderness, formal application must be filed and approved by the Chief of the Forest Service. The proponents must, through an environmental analysis accompanying their applications, provide reasonable, scientifically supportable assurance that their activities will not produce permanent or substantial changes in natural conditions, nor will they include any feature that might reasonably be expected to produce conditions incompatible in appearance with the environment or reduce the values for which the Wilderness was created. [emphasis added]*

Because of the constraints related to water resource management in wilderness established by federal law, our organizations recommend the IWG explore non-Wilderness options for improving instream flows (for example, the IPID change in diversion point discussed below).

## **2. Recreation Impacts**

The Alpine Lakes Wilderness and the lands surrounding the wilderness are one of the most popular recreation destinations in the state for hikers, climbers, backcountry skiers, snowshoers and others who enjoy getting out on our public lands. The Enchantment Lakes region is considered one of Washington's most iconic areas, filled with crystal-clear blue lakes, subalpine meadows and rocky spires. Thousands of people come from all over the world to visit this area. The popularity of the Enchantment Lakes, coupled with its fragility due to higher elevation that the Forest Service instigated a backcountry camping permit system years ago, and has since expanded the season during which permits are required. Now, the Enchantment Lakes sees hundreds of people visiting for a day hike, alpine climb or week-long backpacking trip each summer, and we support our land managers in working to minimize the impact of recreation on this landscape.

We are very concerned by the potential negative impacts to recreation in the Enchantment Lakes region. These impacts should be identified through the PEIS and alternatives should be provided that avoid all negative impacts to this fragile and beloved area. Impacts to aesthetics, user experience, trails, access and camping should be included in the analysis and alternatives provided that result in no net loss of recreational access and experience.

## **3. Water Rights Issues**

Our organizations understand and appreciate the need for water to irrigate orchards and keep them productive. We do not object to the use of valid, existing water rights in the Icicle-Peshastin Irrigation District. However, we are concerned that the scope of the Icicle Strategy may extend beyond the valid, existing water rights through historic relinquishment and recorded agreements. We recommend that all water rights be analyzed for valid use.

## **4. Water Right Change**

As part of the PEIS, our organizations recommend the evaluation of improving Icicle Creek flows by moving the Icicle-Peshastin Irrigation District's point of diversion downstream to the Wenatchee River. Our organizations support the alternatives analysis provided by Trout Unlimited for moving the IPID downstream.

## **5. National Environmental Policy Act**

Our organizations understand that the National Environmental Policy (NEPA) process must be undertaken by a lead federal agency. At this time no lead agency has been identified. We recommend identification of a federal agency that will serve as the lead during NEPA processes. If any of the proposed projects cannot proceed until NEPA is completed, we recommend that these projects be identified so that interested stakeholders understand the timelines associated with project implementation.

## **6. Range of Projects**

We understand that the success of the Icicle Strategy hinges on implementation of the full suite of proposed projects. However, it is unclear what projects have been identified to replace those in the

proposed package should any one become unattainable due to logistics, lack of public support, unanticipated expenses, or other reason(s). Our organizations recommend the development of a list of proposed project alternatives that will meet the Guiding Principles established by the IWG and that are practical, feasible and implementable. In addition to identifying potential replacement projects should one of the proposed projects drop from the final package, a comprehensive list of project alternatives will also demonstrate that the final package contains projects that have the greatest conservation benefit for the most effective cost.

Thank you for the opportunity to provide scoping comments on the Icicle Strategy. Our organizations support collaborative efforts to develop innovative and sound approaches to water and natural resource management for Icicle Creek and the greater Wenatchee basin and appreciate the commitment of member organizations, tribes, agencies, and individuals to this important endeavor. As we face a certain future of increased demands on limited water resources, such collaborative efforts will be required to balance the range of competing needs. Broad-based community involvement and support as well as transparency and trust are critical ingredients for success. Please feel free to contact representatives from the organizations listed below for further comments or questions.

Sincerely,

Andrea Imler Advocacy Director Washington Trails Association	Kitty Craig Washington State Deputy Director The Wilderness Society
John Seebach Vice President for River Basin Conservation American Rivers	Katherine Hollis Conservation and Advocacy Director The Mountaineers