

**ICICLE STRATEGY**  
**ICICLE WORK GROUP MEETING**  
**JANUARY 5<sup>th</sup>, 2017, 10:00 am to 3:30 pm**  
**Meeting Summary**

Attendees:

Greg McLaughlin, WWT; Bill Gale, USFWS; Dave Irving, USFWS; Jeff Gomes, City of Cashmere; Mel Weythman, Icicle Irrigation District; Daryl Harnden, Peshastin Irrigation District; Anthony Jantzer, Icicle-Peshastin Irrigation District; Keith Goehner, Chelan County; Jeff Rivera, USFS; Mary Bean, USFS; Dale Bambrick, NMFS; Steve Parker, Yakama Nation; Jay Manning, Cascadia Law Group; Chuck Brushwood, Colville Confederated Tribe; Jim Brown, WDFW Region 2; Jeremy Cram, WDFW; Craig Gyselinck, Cascadia Conservation District; Melissa Downes, Ecology-OCR; Mike Kaputa, Chelan County; Greer Maier, UCSRB; Joy Juelson, UCSRB; Robert Granger, WDFW; Shawn Stanley, WDFW; Danny Didricksen, WDFW; Arnica Briody, City of Leavenworth; Mary Jo Sanborn, Chelan County; Jenni Novak, WDFW; Lisa Dally Wilson, Dally Environmental

Introductions/Review Agenda/Additional Agenda Topics

Keith Goehner, Chelan County Commissioner and Co-convenor of the IWG, expressed concerns about IWG member support of the process. The County and Ecology are making decisions and funding requests and need assurances that the process is valid and that there is support. Melissa Downes, WA Ecology Office of Columbia River, seconded the concern. A request for better transparency was made. Some questions have been raised on information gaps and comments made that it is difficult to keep track of all of it. If there are questions/concerns, they should be brought up here. USFWS noted that they are 100% committed to this process and see huge opportunities with all water right holders involved.

Icicle Creek Watershed Council (ICWC) Letter

The Icicle Creek Watershed Council sent a letter in December withdrawing from the IWG. The IWG and Dick Rieman (ICWC) discussed the Watershed Council's issues and how the group could move forward if the Council remained an active member. Dick expressed that they had concerns about a lack of climate change data and baseline data for the pilot flow augmentation, but he now realizes that UW-Climate Impacts Group is working on Icicle information. The Icicle Creek Watershed Council will write a follow-up letter to rejoin the group and continue participating with greater communication on key issues. Dick would like to give a presentation at some point on data he has been looking at but he could use help putting it together. Dan and Mary Jo (and others) will follow up with Dick to help him with a powerpoint presentation.

Keith emphasized that we need IWG members to act as advocates rather than passive participants. Advocacy is critical as we will be looking for support for the state budget. Keith asked if there are other concerns/reservations among other IWG members?

Aaron Penvose said that TU has had similar concerns expressed by the Council and have discussed the possible withdrawal of TU from the IWG. TU feels that they had been working with Leavenworth and WDFW on the screen project but now that Chelan County has taken the project on. Aaron also feels the flow in the reach below the IPID diversion should be a target and measured and that

has not been included. Jay said that after meeting with the ICWC it became clear that some issues stemmed from miscommunication. He recommended that TU identify key issues and then have a follow up meeting with the County and other key members to discuss them. Aaron will check with Lisa.

Tony Jantzer, IPID, expressed concern about the pace of the IWG and that the process has delayed some maintenance work which have critical timing for IPID. IPID may need to move forward with some of this maintenance work.

Discussion focused on that all IWG members need to be upfront in these meetings with questions and concerns. Dan noted that data gaps are still being filled and the PEIS is not done yet so making judgements on all projects is too early. We are still able to shape alternatives. The IWG agreed to concepts and moving through the PEIS process. Greg suggested that some projects that generate more discussion or questions get more regular updates (i.e. projects tagged “green” or “yellow”). Tony noted that questions (“yellow”) are tied to some of the goals also. For example, the target flows need projects that can meet them. Dick has concerns that the 100 cfs target flow will not be enough under climate change conditions. Dan noted that then we would need more projects, not less. We need to be able to adapt in the future and phase longer-term projects.

#### WDFW Presentation and Q&A (Jeremy Cram, Jenni Novak)

##### **Fish Passage and Survival Data (Jeremy Cram)**

Prior to the presentation, the IWG discussed perceived “reservations” of funding organizations with respect to some Icicle projects. Funding organizations want to ensure high priority biological benefit and adequately address any potential negative impacts of Icicle projects to species. This concern is shared by WDFW, Tribes and NOAA Fisheries at the table.

Jeremy Cram, WDFW, provided a presentation on fish passage and survival in the Icicle. A summary report presenting these data will be available in late spring or summer. Jeremy also identified his role in the PRCC. Jim Brown briefly discussed the many roles that WDFW has to play in performing agency duties and that this can create issues of balancing those roles, sometimes potentially in conflict with one another. Bill Gale, USFWS said they pit-tag bull trout in this area and he will reach out to his staff to see that the efforts of USFWS are coordinated with WDFW and the data shared. There is a need for better data on French and Leland Creeks. It was asked whether there are tools that will allow us to use projected flow improvement or habitat improvement to forecast number of fish we will see, based on this baseline? There are habitat models that can help forecast this. USFWS said that life history and species specific nuances make this hard to predict. Continued funding for field work to verify performance is the ultimate verification.

##### **Fish Screen Updates for Leavenworth and IPID (Design and Funding Strategy) (Jenni Novak)**

Jenni Novak, WDFW provided a presentation on screening concepts for the City and IPID. Jenni discussed several options being considered for IPID, one could be locating the screen on the left bank near the City’s intake. This would improve access but may have other challenges. The Leavenworth Fish Screen funding was discussed at length. Earlier this year TU applied for City of Leavenworth screen funding to Tributary Committee, but it was held up on several points:

1. Could City diversion on Icicle be reduced or eliminated.

2. Could City fund a portion of screen.
3. Could they subjugate flows during low flow events.

Dale commented that the City needs a redundant system and that this is a funding consideration. If using fish dollars to fund the project, consider options to switch to other sources when flows on the Icicle are low.

The PEIS is going to explore various operational changes in how Leavenworth could exercise rights. Issues that may need to be addressed include:

1. Wellfield is upstream of confluence of Icicle/Wenatchee, so if Icicle flows are intended to be diverted from wellfield, that is an upstream transfer that could require a statutory action.
2. City's rights on Wenatchee are currently interruptible, which could also create a barrier if greater reliance on them is desired in lieu of exercising senior Icicle rights. (One option is to support legislation to authorize a 1:1 conversion of interruptibility to allow greater reliance on Wenatchee river).

There is an opportunity to apply for funding from BPA for Icicle projects through the Targeted Solicitation (applications due January 20, decisions in March 2017). WDFW is working with Chelan County and both IPID and the City of Leavenworth on screen applications. Jenni noted that the construction timeline for IPID would be longer than the City's since the system is larger and more complex. For the City's application, Chelan County will submit the application with WDFW and the City as partners. For IPID, Chelan County will submit the application with WDFW, IPID and Cascadia Conservation District (CCD) as partners. CCD will have a role in implementation. Roles relating to the City's screen and TU's previous work were discussed. Per the earlier discussion about TU's concerns, it was suggested that a meeting be held to discuss this in more detail and the issue of project funding coordination which should occur at the Steering Committee. Jim Brown noted that this application for a City screen was discussed during the December Steering Committee call. Aaron Penvose offered to provide previous work products for the Leavenworth screen to the County, if requested.

#### Funding Coordination

##### **Reclamation WaterSMART Grants are open right now**

- The City of Leavenworth is submitting a Reclamation WaterSMART grant application to support their water meter installation project.
- WWT is applying for WaterSMART funding to support design and construction of the COIC project
- Drought resiliency funds are also available under WaterSMART and should be considered next year for Icicle projects.

##### **Other Funding coordination updates**

- Chelan County is preparing two applications for design and construction of Icicle Screens: City of Leavenworth and IPID
- WWT – if final location of pump station is determined, WWT will be applying for BPA funding for design and/or construction. WWT will also apply for funding from PRCC and likely SRFB.

## **Letters of Support from IWG for Funding**

Funding applications and funding support letters will continue to be coordinated by the Steering Committee. A template letter from the co-conveners was circulated to be used, with “unanimous” language withdrawn and a generic sentence describing the composition of the workgroup. The following protocol was confirmed: The Steering Committee will continue to coordinate funding and make decisions on funding support letters (like the template). If the Steering Committee doesn’t agree, has questions or concerns they will try to work it out. If that doesn’t work then the issue will be brought to the full work group for further discussion.

## Outreach and Communication

Recent Outreach Efforts and legislative engagement were discussed. Several IWG members participated on a panel presentations at a Law Conference and the Columbia River PAG. WA legislative support for OCR budget is being considered. As expected, there is a slowing of legislative activities during the transition in federal administration. This year, there is more uncertainty than normal regarding funding sources and rate of change. No trips to DC are planned at this time.

It was suggested that in late February or early March a team from Walla Walla, the Icicle and Yakima Basin jointly visit committee chairs, staff and delegation members to discuss the benefits of the OCR program. Jay suggested about two IWG members participate in this.

An OCR Budget of 33.8M is included in the Governor’s budget. However, this relies on the Carbon Pollution Reduction Account to be part of revenue stream. A two-prong approach for advocating for state funding was discussed: the panel with three watersheds (discussed above) and then an Icicle Strategy specific discussion separately – both in Olympia.

## Update on Current Lawsuits at LNFH (Frank Wilson, DOI Solicitor)

There are currently two lawsuits related to the Leavenworth National Fish Hatchery Facility. One is ESA related and the other, Water Quality (CWA) related. Frank Wilson, DOI Solicitor, participated via phone to give an update.

WFC vs. Irving et al challenging the LNFH BiOp filed September 16, 2014. The Colville and Yakama Tribes are intervenors. BiOp issued 5/29/15. Summary Judgment filed in May 2016, oral argument in September 2016, and on November 22, 2016 judge issued order. 8 issues were rejected (USFWS upheld), and one issue was upheld for WFC: the BiOp didn’t adequately explain and analyze impacts of climate change on LNFH. A new BiOp is expected to be issued in March 2017. Case is stayed until May 29, 2017 pending BiOp reissuance. The current BiOp is still valid. WFC amended complaint regarding USFWS and Bureau of Reclamation NEPA. Separate NEPA challenges are pending BiOp reissuance, and postponed until May.

CELP and WFC vs. USFWS (filed in 2015): Alleges CWA violations due to operating LNFH without an NPDES permit. Summary Judgement was filed in August 2016, oral arguments in December 2016, with

ruling pending. A draft NPDES permit was issued by EPA in December. Awaiting ruling. Expect summary judgement in late January 2017.

Request an update on NPDES Hatchery NPDES permit at next meeting.

### Leavenworth Hatchery Complex Implementation Plan Update (Bill Gale, USFWS)

Implementation Plan being developed that will bridge the comprehensive 3 hatchery planning document to design phase. Current projects being considered for LNFH include (not prioritized):

- Intake/Screen – specific NEPA, complete by 2023, screening, fish passage
- Groundwater Augmentation – shore-up groundwater supply, increase gw resources
- Water Reuse/Recirculation Tanks
- Snow/Nada Lake outlet valve improvement
- Surface water filtration and disinfection (if GW isn't feasible)
- Water chiller
- Temporary pumpback
- Spawning building
- Increased M&E (monitoring)

Critical path tied to NMFS BiOp. Engaging Tribes, Bureau of Reclamation and IWG (via PEIS). Will bring in IWG for further comment later. Outline has been prepared and comments received from the Tribes. Starting to populate the plan with a draft list of 15 projects (for all three hatcheries). NEPA strategy being coordinated and will be integrated into the PEIS work. Projects required by BiOP by 2023 will be incorporated into the plan. 10 Year Plan – Complex-wide in 2017. Effluent pump back – need to determine if consistent with NPDES permit and 401 Cert.

Steve Parker discussed that production levels at the hatchery may increase as improvements are made. Over the last 10 years, there has been significant decline in fish population (from approximately two million to 1.2 million, which is an interim number). YN would like future production levels considered as we move forward and develop the implementation plan. Bill Gale stated the USFWS is trying to get back to 1.625 million fish (U.S. v Oregon number). Bill mentioned there are two factors limiting production – water conservation and phosphorus loading (TMDL).

### Programmatic EIS Update (Dan Haller)

**Status and Timeline:** Timeline still on course (April internal draft to co-leads, June public draft, September final draft). Bring back to IWG in June to select preferred alternatives. Will give the IWG a preview of the PEIS at the next Steering Committee meeting. Ongoing coordination between IWG and the Bureau/USFWS NEPA projects.

**Data gaps and additional scoping comments (from ALPS):** Key data gap issues are being evaluated via action plans for specific entities that can help fill these gaps. These include meeting/correspondence with USFS, City of Leavenworth, LNFH, and tribal representatives. Also, a visual impact survey has been scoped and is being implemented. Climate Impacts Group work is ongoing and to be integrated as it

becomes available. ALPs provided a letter after public comment period describing that they have an issue with alternatives that were not considered.

#### Alpine Lakes Optimization, Automation Project Update (Dan Haller)

Dan Haller presented the results from the 2016 Pilot flow augmentation project, which had significant flow benefits to Icicle Creek. Discussion on whether to do this pilot again should take place around March. This will depend on funding, IPID projects and climate/snowpack. Even if augmentation doesn't occur in 2017, we may want to collect data this summer.

Discussion focused on showing flow impacts of this project with other projects and run analyses – ground truth under different scenarios, including climate change. This is the only project that can time releases and respond to what actually happening. Steve P noted that the key point is that this is Natural Resource Management – balancing pros/cons and making decisions. Showing the effect of this project is important. Discussion of this project needs to show some kind of bar graph with all of the projects so we can evaluate the importance of each one.

It was suggested that a tool applied in the Okanogan called “Fish Water Management” be used to analyze flow releases for additional work on this pilot. Jim Brown will forward the reference to the model to Dan, etc.

#### Lower Icicle Geomorphic and Hydraulic Assessment (John Soden, NSD)

John Soden provided a presentation highlighting the field work and report on the Lower Icicle Geomorphic Assessment. The assessment focused on answering key questions: the level of channel incision and floodplain connectivity, impacts of the historic Lamb-Davis Mill dam on the Wenatchee River, effects of the LNFH on sediment dynamics in lower Icicle, large wood dynamics and habitat conditions. Field surveys included channel bathymetry, water surface elevations, bed material sampling, wood inventory, and an inventory of existing streambank protection. 2D Hydraulic modeling was done to determine floodplain connectivity, sediment movement and habitat suitability. The final report will include restoration opportunities.

#### Other Updates and Next Steps/Meeting Schedule

Some maintenance work at the lakes is expected in 2017, including repair of outlet pipe at Eightmile Lake and valve replacement at Upper Snow Lake.

There will be some changes to the IWG meeting schedule due to conflicts with the Columbia River PAG. Changes will be distributed to IWG members by email.

#### Public Comment

No public comment was provided.