



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office

Central Washington Field Office
215 Melody Lane, Suite 103
Wenatchee, Washington 98801

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In Reply Refer To:

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Tom Tebb
Director, Office of Columbia River
Washington State Department of Ecology
1250 West Alder Street
Union Gap, WA 98903-0009

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

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

Dear Mr. Tebb and Mr. Kaputa:

This responds to your request for scoping comments to assist with the development of a Draft State Environmental Policy Act (SEPA) PEIS for the Icicle Creek Water Resource Management Strategy (ICWRMS). The U.S. Fish and Wildlife Service's (Service) Central Washington Field Office has participated periodically in the Icicle Work Group (IWG) meetings with a focus on implementation, consultation, and recovery planning issues surrounding the ICWRMS. The Service supports developing the PEIS to assess projects that could provide a more secure water supply for agricultural and municipal uses as well as advancing the conservation of species. The Service encourages continued coordination and collaboration with federal stakeholders as site-specific projects are developed and packaged for National Environmental Policy Act (NEPA) review, consultation in accordance with Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), and for the implementation of priority recovery actions associated with Section 7(a)(1) of the ESA.

General Comments

1. Many of these proposed actions appear to be a “water resource development” as defined by the Fish and Wildlife Coordination Act (FWCA), as amended (16 U.S.C. 661 *et seq.*). The FWCA was developed to ensure that fish and wildlife resources receive equal consideration as other aspects of a water resource development project. The FWCA requires the federal agencies involved to consult with the Service and the state fish and wildlife agency (Washington Department of Fish and Wildlife, WDFW) to request a Coordination Act Report (CAR). The CAR assesses the effects of the action, considers the fish and wildlife resources at risk, and recommends measures to protect, develop, and improve these habitats. Although not binding, the federal agency must strongly consider the recommendations of the CAR to prevent loss or damage to fish and wildlife resources and to mitigate any unavoidable impacts.

Although the ICWRMS is a non-federal effort not directly bound by the FWCA, many or perhaps all of the subsequent steps of implementation appear to have at least one federal agency involved. Rather than conducting several individual CARs for each successive step implementing the ICWRMS, the Service recommends a more comprehensive and efficient approach. The Service recommends a single CAR be produced for the entire ICWRMS in collaboration with the Department of Ecology, Chelan County Natural Resources Department, WDFW, and the Service. We look forward to future discussions regarding this possibility.

2. Please describe the sequencing and timing of projects, and how increased instream flows will be metered out among the beneficiaries of flow increases, as projects are implemented. This will ensure that all stakeholder groups have a clear understanding of project implementation timelines and associated instream benefits for each projects (i.e. when and how much water will be in Icicle Creek and over what timeframe). Similarly, develop a phased implementation schedule to facilitate Section 7(a)(2) consultation with the Service to assess individual and cumulative impacts of implementing projects under the ICWRMS.
3. To improve and expedite any Section 7(a)(2) consultation for individual ICWRMS projects, please insure appropriate coordination with the Service’s Central Washington Field Office and federal partners (especially land management agencies such as the Forest Service) occurs early in the planning and implementation schedule. Early and often coordination and engagement with the Service is the single best way to foster an efficient consultation environment.
4. The Service encourages the Department of Ecology and Chelan County Department of Natural Resources to identify a single federal agency to lead the Section 7(a)(2) consultation and NEPA processes. At the April 20, 2016, ICWRMS open house, it appeared that some individual projects could have several federal agencies involved. In these cases, we recommend that the federal agency with the higher NEPA standards be the lead action agency (i.e., so one NEPA document can meet both agencies standards).

5. We have also reviewed scoping comments prepared by the WDFW on the ICWRMS. We find the WDFW comments to be very thoughtful and detailed, and we hope they are carefully considered. Although the WDFW comments extend to areas outside of the Service's purview, we endorse the spirit and content of their comments that all reflect a clear desire to protect fish and wildlife resources.

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.

Sincerely,

A handwritten signature in cursive script that reads "Eric V. Rickerson".

Eric V. Rickerson, State Supervisor
Washington Fish and Wildlife Office

cc: Via e-mail;

Carmen Andonaegui, WDFW, Region 2 Habitat Program Manager
Charity Davidson, WDFW Environmental Planning Coordinator
Dave Irving, USFWS, Leavenworth Fisheries Complex
Jeff Rivera, OWNF, Wenatchee River Ranger District