

May 11, 2016

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

Dear Mr. Kaputa,

I am writing to express my concerns about the proposed Icicle Creek Water Resource Management Strategy.

My first concern is that this project is being segmented to avoid a full environmental review under the National Environmental Policy Act (NEPA). The proposed project will affect an immense area and will require federal approval in the form of permits such as Clean Water Act National Pollutant Discharge Elimination System and § 404 permits and a special use permit from the Forest Service. To comply with NEPA, the environmental impacts of large projects requiring federal approval or using federal funding must be analyzed before the project begins.

My second concern is with the County's approach to tiered environmental review. During the public meeting in Seattle, you explained that Chelan County is not planning to conduct a programmatic NEPA analysis because it is conducting a programmatic State Environmental Policy Act (SEPA) review. Both the federal and state laws anticipate a tiered review for large and complex proposals such as the Icicle Creek Water Resource Management Strategy. To comply with NEPA the County must conduct a programmatic environmental review in addition to project specific analysis. Analysis under state law is a separate requirement and does not substitute for NEPA analysis. To comply with SEPA the County must also conduct a programmatic environmental review and project specific analysis.

My third and final concern is that the County has not adequately considered the federally designated wilderness that would be affected by the proposed project. The Wilderness Act restricts the activities that can occur, the structures that can be built, and the tolerable impacts in wilderness areas. It is troubling that the proposal and the public presentations contained no explanation of how the County intends to comply with the Wilderness Act. The public presentations implied that the County is trying to balance the need for water with the need for wilderness when Congress struck that balance over fifty years ago and established non-negotiable limits on wilderness use. When discussing compliance with the Wilderness Act the proposal is only to "identify and engage regulators in the process." The proposal would violate the Wilderness Act because it would install permanent fixtures in a designated wilderness. Simply engaging regulators does not remedy such a blatant violation of the Wilderness Act. The lack of consideration for required wilderness protection is a fatal flaw in the proposed Icicle Creek Water Resource Management Strategy.

I urge the county to consult the applicable federal laws, including NEPA, the Wilderness Act, and the Endangered Species Act, and to reconsider the proposed project before proceeding to violate them.

Sincerely,



Kimberly Wells