



December 6, 2018

Barlow Ranger District, ATTN: Dog River Comments
780 NE Court St.
Dufur, OR 97021

Re: Comments, Preliminary Assessment Dog River Pipeline Replacement Project

Dear Barlow Ranger Station,

WaterWatch of Oregon is a river conservation group that works to protect and restore river flows statewide. We have been working to protect river flows throughout the state, including the Hood River Basin, for over three decades. We appreciate the opportunity to comment on the USFS's Preliminary Assessment of the Dog River Pipeline Replacement Project (hereinafter EA). We will first offer a few general comments and then move on to comments on the document itself.

This project is labeled a pipeline replacement project. In fact, this project is a pipeline expansion project. Under this project, the current pipeline capacity of 12.4 cfs will more than double, allowing diversions of up to 26.3 cfs. Because this proposed project will allow the more than doubling of current diversions on a stream that supports at least three fish species listed under the federal Endangered Species Act, a full Environmental Impact Statement should be undertaken.

Moreover, in undertaking this EA, it appears that the USFS did not have knowledge that the City is seeking to develop an Aquifer Storage and Recovery Program (hereinafter ASR) that would divert up to 16.7 cfs; nor does it appear that the USFS was aware that the City has a storage water right in hand that would triple the amount of water currently stored at Crow Creek Reservoir (development deadline of 2021)¹. According to the City's 2014 Water Management and Conservation Plan, the City is also planning to expand their water treatment plant capacity at Wicks Water Treatment Plant. The increased capacity that will occur in the future under these planned projects was not considered in the USFS analysis of the effects of the proposed pipeline replacement project; as such, the USFS effects analysis in this EA as to water use and associated impacts is fatally flawed.

Additionally, it is unclear why the FS is not requiring a new Special Use Permit (SUP) at this point in time, and is instead allowing the City to amend their current permit that was issued in 1964. As we understand it, amendments may only be used to effect minor changes. The proposed "replacement" will allow the doubling of diversion and is not minor in any sense of the word. A new SUP should be required. That said, if an amendment does go forward, the USFS should bring the permit and conditions of use up to modern day standards, otherwise known as

¹ Permit R-13105 and ASR Limited License attached

“acceptable standards” (see FSM 2700, 2714 Amendments). Given that the City’s original SUP was issued before the enactment of the Federal Endangered Species Act, and before salmon and steelhead were listed in the Hood River Basin, including Dog River specifically, the USFS should, at a minimum, require minimum flows year round as a condition of use.

As to specific comments on the document, our comments will follow the order of the document:

Section 1.2, Background: The background (and the EA) should be clear that this project is not simply a pipeline replacement project but a pipeline expansion project. The current capacity of the existing diversion is 12.4 cfs; the replacement will allow the diversion of 26.3 cfs. This is a critical piece of information for reviewers, including other federal agencies. The background should also set forth the listed fish found in Dog River (as is, this critical fact is not mentioned until page 63), as well as the Hood River system.

Section 1.2, Water Rights and Existing Agreements:

Water Rights: As noted, the City holds an 1870 water right for “all the water in the stream” of Dog River; however, the City has only has the capacity to use 12.4 cfs of this right for the past 100 plus years. This raises forfeiture implications under state law, which should be noted in the document.

Additionally, the PA should do a full assessment of all existing related rights to ascertain what is allowed under the Dog River surface water right noted above, the SF Mill Creek Right, the two storage rights and the ASR limited license. For instance, the storage rights are of a later priority date than the Dog River live flow right. The consequences of this vary depending on the permit; for instance, the permit to expand Crow Creek Reservoir (Permit R-13105, 1/21/1999) is junior to the state’s instream water right (IS 76267, 12/6/1991), thus any diversion from Dog River that goes to fill the new storage capacity would be subordinate to the state instream water right. Any SUP should reflect this. All in all, this section could use more detail. USFS should work with the OWRD to provide a clear explanation of all the related rights, including the state instream right, and how they interplay with one another.

Hood River Basin Plan: As to the OWRD Hood River Basin Plan noted in the document, the waters above the existing diversion point are simply “classified” for municipal uses; they are not “reserved” for this purpose as stated in the EA. This distinction is of critical importance. Reservations are a statutory designation that does not apply in this instance.² All of Oregon’s Basin Plans contain classifications; a classification only means that the waters can be used for that named purpose, not that they are in anyway “reserved” and/or guaranteed. This incorrect recitation should be removed.

Cooperative Agreement/MOU: Throughout the EA the 1912 Cooperative Agreement between the US Secretary of Agriculture and the City of the Dalles and the 1972 Memorandum of Understanding between the Mt. Hood National Forest and the City of the Dalles are relied upon as documents that direct approval of an expanded pipeline. The USFS reliance on these documents to justify approval of this SUP is misplaced. Our read of these documents is that they

² See ORS 537.249, ORS 537.356.

are aimed at protecting and maintaining the water quality of the source streams for municipal use. All in all, there is nothing in the document that would support the supposition that the USFS is somehow bound to support a project that would allow the City to double the current diversion, which could lead to full dewatering of Dog River ten months of the year. In fact, MOU explicitly states that nothing in the MOU affects the USFS rights to use of the water from the watershed (for instance, to mandate minimum flow for listed fish). Also, importantly, the existence of these agreements does not in any way negate responsibilities of the USFS under federal law, including, importantly, the federal Endangered Species Act.

Section 1.3, Purpose and Need for Action: This section notes that the purpose is to “replace” the existing pipeline. Again, the proposed project is actually a pipeline expansion project that will allow a more than doubling of existing diversions. This needs to be made clear, and importantly, it is this action that the USFS needs to fully analyze.

In a change from the scoping letter for this project, Section 1.3 now notes that part of the purpose is “the need to honor the 1972 MOU between Mt. Hood National Forest and the Dalles”. As noted previously, the USFS reliance on this document to bolster approval is misplaced. It cannot be said to create a “need” to approve a pipeline that will allow a doubling of diversions. The USFS is giving this document more accord than it is due; reference to this document should be removed from the purpose and need section.

Section 1.3.1 Management Direction: The EA management direction points to the 1972 MOU as some sort of guiding document. The MOU is not a guiding document to this decision. Not only are the terms and conditions irrelevant to this decision, but, ultimately, it is not legally binding on the USFS. Reference to it in this section should be removed. Instead, the USFS should focus attention on ESA, CWA, NEPA and other federal laws/policies that do in fact legally control USFS action.

The USFS also relies on a 1990 Land and Resource Management Plan for Mt. Hood NF. This plan was developed before Coho, steelhead and chinook salmon found in Dog River were listed as threatened under the Federal ESA. We could find no direction specific to these species in the Mt. Hood NF Land and Resource Management Plan. That said, there were general directives with regards to Threatened and Endangered Species that are relevant to the USFS analysis of the Dog River Project that should be listed out under “Management Direction” including, but not limited to, the following:

- Management activities shall contribute to the restoration and conservation of federally listed threatened or endangered species Endangered Species Act 1973 36 CFR 219.19 (FW 161).
- Threatened, endangered and sensitive plants and animals shall be identified and managed in accordance with the Endangered Species Act 1973 the Oregon Endangered Species Act 1987 and FSM 2670 (FW 174)
- Habitat for threatened endangered and sensitive plants and animals shall be protected and/or improved (FW 174).

- Consultation with the USFWS shall occur on each program activity or project that the Forest Service determines may effect threatened or endangered species Consultation shall be completed before any decision is made on the proposed project(FW -177, -178).³
- Instream Flow (FW-074) : Instream water flow on National Forest System lands (e.g. .regarding proposed water uses, diversions, transmission applications and renewal of permits) should be protected through one or more of the following procedures:
 - A) File protests with the State where water use applications are made that adversely affect National Forest resources
 - B) Assert claims for the water under Federal or State laws where applicable
 - C) Include protection measures within the requirements of special use permits
 - D) Reach formal agreements over water use
 - E) Determine minimum flow requirements in Forest Service project design
- Minimum instream flow requirements shall be determined and implemented for all hydroelectric development projects or other proposed diversions on National Forest System Land (B7-046)⁴ (emphasis added).
- All water diversions from fish bearing streams shall have Screening facilities to preclude fish access into the diverted water (FW-705).
- All resource management practices will be designed to meet established water quality goals and State water quality standards. Watersheds supplying domestic water for cities, towns, recreation sites and individuals will be managed so that water quality of the source stream is not degraded below existing or natural levels (Water Goal, pg. Four-17).

Additional Management direction: Legal overlays such as the Endangered Species Act and the Clean Water Act should be noted here. Similarly, missing from the USFS list of management documents is the NOAA Fisheries Recovery Plan for Lower Columbia Chinook, Lower Columbia Coho, Columbia River Chum and Lower Columbia Steelhead as well as the Critical Habitat designation and regulations for Lower Columbia chinook, Coho and steelhead. As noted, these three species are found in Dog River, These facts should be listed here, and directives of these documents considered in any USFS analysis of the proposed project.

Section 1.4 Proposed Action:

- This section should make clear that the pipeline replacement would allow a more than doubling of current diversions, from the current 12.4 cfs to 26.3 cfs.
- The City is not proposing to legally protect the .5 cfs of bypass flow that they state they will provide during the months of September and October. The state cannot enforce against the City absent a legal water right for this instream flow. This should be noted here, and should be factored into the analysis.
- The expansion of the project will allow the dewatering of Dog River for up to ten months of year, this should be made clear in the document and this fact should be fully analyzed by USFS and relevant federal agencies, including NOAA Fisheries.
- The proposed action notes it will remove the fish screen and passage structures in the winter. This is not in accordance with state law which would require year-round passage

³ We would assume this would apply to NOAA fisheries as well.

⁴ Note: B7 General Riparian Area Management Areas applies to riparian area inclusions within other Management Areas regardless of which category of Management Areas surrounds the riparian area. FP at four-59.

and screening. Moreover, removing fish screens in winter raises ESA issues, as there are three listed fish species in Dog River that could be entrained if screens are not present year round. It should be noted that under Oregon law, any replacement and/or construction of a diversion facility automatically triggers fish passage requirements. Moreover, the Mt. Hood NF Management Plan requires fish passage. The notion that this is a purely voluntary action is at odds with governing laws/policies.

- The proposed action should include a detailed description of the City's plans to increase storage, including the expansion of Crow Creek Reservoir and the ASR project. These new and expanded storage reservoirs will increase winter and spring diversions substantially; this should be made clear to reviewers and should be fully analyzed by the USFW and relevant federal agencies.

Section 1.7 Discussion of the concerns raised during scoping: The EA notes none of the concerns identified by the public were identified as issues for the purpose of formulating fully developed alternatives. In reviewing select comments, we would disagree. Specifically, in reviewing Oregon Wild's scoping comments of 2011 they noted that the project should be designed to ensure that the new pipe did not draw more water than the old pipe. This clearly could have and should have been an alternative analyzed by the USFS. Additionally, in Oregon Wild's 2016 comments, they urged the USFS to protect instream flows throughout the year. This also should have been included in an alternative.

Water savings, flow, fish passage and water temperature:

The EA notes that "only the amount of water needed for municipal needs is diverted from Dog River, so during the majority of the year, less water will be diverted from Dog River, leaving additional water instream. This could increase spring and early summer streamflow in Dog River up to 1.5 cubic feet per second." A few comments on this:

First, this statement ignores the fact that the City of the Dalles is planning to increase in their ability to store water via an Aquifer Storage and Recovery Project (ASR). This project received a limited license to store 1200 million gallons (4,285 acre feet) from the Oregon Water Resources Department in October 2018. There is no mention of this in the EA that we could find. Similarly, this statement also ignores the fact that the City has a permit to expand the storage at Crow Creek Reservoir by 2,100 acre feet. The current reservoir holds 955 AF; the expanded reservoir will more than triple storage space. The USFS needs to fully analyze the increase of use of Dog Creek water that the doubling of the pipe size, combined with at least two proposals to increase the City's storage capacity.

Second, the statement that this will leave additional water instream is contrary to the commitments made by the City as to instream flows, as well its plans to increase diversions for new storage. Importantly, the City is not proposing to put the project through Oregon's Conserved Water Act to protect the noted saved water instream. The only commitment that the City has made is to commit to a bypass flow of .5 for two months—September and October. The USFS is in error making statements such as "this could increase spring and summer streamflow in Dog River up to 1.5 cubic feet per second" as this is contrary to the facts provided by the City. The USFS should fully analyze the effect of a doubling of diversion on this stream, which would

allow the full dewatering of Dog River ten months of the year, with only September and October being provided a minimal, unprotected, bypass flow of .5 cfs. Conclusions based on unsubstantiated assumptions should be removed from this document.

And finally, EA should note that the City is providing municipal water to large industrial uses such as Google⁵. This trend could lead to significant increases in water use over time. The USFS is in error for assuming static demand into the future.

Chapter 2—Alternatives

Additional alternatives: Given the significant environmental impacts that will arise from a more than doubling of the diversion capacity of the pipe, the USFS should analyze additional alternatives. These include, but are not limited to:

1. The USFS should analyze an alternative that replaces the existing pipe with a pipe that would not divert more water than is taken today (maximum of 12.4 cfs).
2. The USFS should analyze an alternative that requires a minimum instream flow to be maintained year round in Dog River.

Section 2.2. Proposed Action Alternative: This section should make very clear that the project is a pipeline expansion project that will allow the more than doubling of current diversions. This section should also be very clear as to the City's intended expansion of storage capacity via a proposed ASR project and expansion of Crow Creek Reservoir, which will increase diversions significantly. Similarly, it should note that the proposed expansion would allow the full dewatering of Dog River ten months of the year, and that Dog River is home to three listed species.

2.3 Project Design Criteria/Mitigation Measures:

2.3.1 Aquatic Conservation Measures

Minimum Flows: The USFS should require year round minimum instream flows be provided in Dog River as a condition of any SUP. There are listed fish in Dog River. The proposed pipeline will allow doubling of current diversions, which could lead to dewatering ten months of the year. A .5 cfs bypass flow for only two months (September and October) is not sufficient to ensure that legal obligations under the ESA for listed fish are met year-round. The USFS cannot approve a project that will harm listed fish. Moreover, the Mt Hood Forest Plan calls for designation of minimum flows, and protective measures in SUPs. So again, the USFWS should require a year-round minimum flow based on flow numbers determined by ODFW, NOAA Fisheries and the Confederated Tribes of the Warm Springs Reservation and/or the state Instream Water Right for Dog River.

⁵ See attached Oregonian article: Google buys another 74 acres in The Dalles as data centers expand

Measurement and Reporting of water use and bypass flows: The SUP should require telemetric measuring device at the diversion point, as well as a telemetric gauges in the stream right below the diversion to ensure bypass flows are being provided. Under Oregon law, the City is required to measure and report use under each specific water right.

2.3.10 Water Quantity

Minimum Flows: As noted, the USFS should require year round minimum flows as a condition of use of any SUP.

Chapter 3: Environmental Consequences⁶

3.3.2 Effects Analysis:

Proposed Action Alternative (pg. 48):

The USFS concludes that the replacement of the Dog River Pipeline under the Proposed Action Alternative would have low potential for short and long term impacts to water quantity in the Dog River watershed. It also concludes that the only change to existing conditions would be in September and October.

We disagree with this assessment for a number of reasons, including but not limited to:

- The USFS does not account for the increase in diversion that will accompany the new and expanded storage projects that the City of the Dalles is pursuing. The City has recently received a limited license from the Oregon Water Resources Department for an Aquifer Storage and Recovery Project which will allow diversion of up to 16.7 cfs for this project. Additionally, the City has a permit in hand to expand storage at Crow Creek Reservoir which will triple current storage capacity. It appears from the effects analysis that the City has not informed the USFS of its plans to divert more water in the high flow months to support these new storage projects. This has led to a fatal flaw in the USFS analysis.
- The USFS is remiss in assuming that diversions will be static over time. The City of the Dalles is not only growing in population, but is attracting large data centers such as Google and/or otherwise expanding industrial development.
- The new pipe will allow the diversion of up to 26.3 cfs. The USFS does not account for the increase in diversion allowed by this project. The USFS must analyze what this increased diversion capacity, at full capacity, means both as far as river flows and also the effect on listed fish. The USFS cannot presume a maximum diversion of 12.4 cfs unless the pipe size is limited to this. It also cannot presume that diversions are limited by existing storage capacity.

⁶ The introduction to this section notes that the EA incorporates by reference the project record and that this record is available in the Parkdale office. The USFS should post these documents online so the public can access.

Again, the USFS conclusion is not supported by the facts of the proposed action. Unless the USFS is going to limit the pipe size so that the new pipe would prohibit diversions of greater than 12.4 cfs, then there is nothing to stop the City from diverting the full amount the pipe would allow when the water is available. The USFS needs to do a full analysis of this project as proposed, which means it needs to do a full analysis of an expanded pipe which would allow for a diversion of 26.3 cfs year-round (whenever this water is there and regardless of current storage capacity). Accounting for the two months of bypass flows, this could lead to a full dewatering Dog River at the diversion point 10 months of the year. This, clearly, would have significant effects on both quantity and quality of Dog River and downstream streams to which it is tributary (i.e. EF Hood River), as well as any fish and/or other aquatic species that depend upon flow.

3.3.3 Consistency Determination: The USFS asserts that the Dog River Pipeline project is consistent with all applicable hydrology related federal laws, plans and guidelines. We would disagree. Again, the USFS has failed to analyze the actual impacts. Until it does this, it cannot make consistency determinations, let alone conclude that it is consistent with measures. Also, as noted previously, there are other laws/guidelines/plans that the USFS should be listing here including the ESA, CWA, Recovery Plans, Critical Habitat, etc. Moreover, the specific Mt Hood FP directives with regards to ESA species, instream flows, etc. should be spelled out here and analyzed accordingly.

Desired future conditions: The doubling of the diversion does not meet the desired future conditions as noted.

3.3.4 Summary of Effects by Alternative

Proposed Action Alternative: The EA states that available flow from Dog River would usually be too low for the pipeline to convey more water than what is currently diverted and that, essentially, it would only serve to increase the pace that the Crow Creek reservoir is filled. While the USGS gage is no longer operational, historic gauge readings show multiple months in the spring where flows are higher than the existing diversion⁷. Given that the City is proposing to expand Crow Creek Reservoir by threefold and to also develop a new ASR project, the City's demand for stored water will greatly surpass the existing storage water taken today. Thus, the USFS cannot assume that increased capacity will simply speed up existing storage. Again, the USFS needs to assess diversion at the full capacity of the pipe to assess impacts on streamflow. The new diversion will allow dewatering 10 months of the year (depending on the water year); the effects of this need to be fully analyzed.

3.4 Fisheries and Aquatic Fauna

Environmental Baseline conditions: There was no discussion of "change in peak/base flows" in the environmental baseline section that we could find; aside from the notation in Table 6 that

⁷ See attached flow documents from station ID 14113400, Dog River (see: https://apps.wrd.state.or.us/apps/sw/hydro_report/data_Results.aspx?station_nbr=14113400&start_date=10/01/1960&end_date=10/31/1971&record_type=mdfMonthly_monthly_statistics_complete&tolerance=0&fdcCase=usgs&record_status=PUB&nbr_days=14&nbr_max=10)

it was “functioning at risk”. Given this is likely where the project would have the most impact, this is a critical section that should be added.

Environmental Baseline conditions—Critical Habitat PBF’s: This section notes that the spawning, rearing and migration habitat have been addressed in the habitat indicators and status of listed species/critical habitat previously. If you are referencing the discussion of the habitat indicators, it was unclear how this compared to listed fish needs. It would be helpful for this to be pulled out more prominently. Moreover, as noted above, as far as habitat indicators in Table 6, “change in peak/base flows” was not included in the narrative; this is arguably very important to spawning, rearing and migration habitat so we would request it be included. Also, as to the status of listed fish, this is not found previously but rather in the next section (assuming this is a typo but just thought I’d note).

3.4.2 Effects Analysis/Environmental Consequences

Direct and Indirect effects: Direct and/or indirect effects should include water quantity, including but not limited to change in base flows and peak flows. This should include effects on flows needed for rearing, spawning and migration. Aside from pool habitat, nothing related to direct/indirect effects on flow habitat is included on the list on pg. 68-69 that we could find. Moreover, given the city cannot operate this diversion without a SUP, the evaluation should include an evaluation of the proposed diversion of 26.3 cfs as compared to no withdrawal whatsoever to understand the full effects of the proposal.

Water Quality

5) Pipeline operations (pg. 72): The USFS analysis fails to account for full diversion of Dog River that could result ten months of the year with the new pipe. Instead, the USFS assumes static diversions in the high flow months based on the current capacity of Crow Creek Reservoir. The only changes to existing diversions that the USFS analysis takes into consideration are: (1) the .5 cfs bypass flow in September and October and (2) the quicker filling of the Crow Creek Reservoir by virtue of a larger pipe.

The USFS analysis ignores (1) the ASR project that recently received a limited license from the OWRD that would allow diversion of 16.7 cfs; (2) the existing reservoir permit that allows an additional 2100 af (tripling the current storage capacity of Crow Creek Reservoir); and (3) any future expansions in storage capacity the City might develop. The USFS analysis is insufficient and has led to unsupportable conclusions as to the effects of pipeline operations. The USFS must analyze the full build-out of the project as proposed.

Change in Peak/Base Flows (baseline: Functioning at Risk)

5) Pipeline operations (pg. 82): In this section the USFS does acknowledge the increased diversion capacity of the pipeline; however it then discounts the City’s ability to divert at the higher flows based on the lack of storage capacity at Crow Creek Reservoir. Again, this ignores (1) the ASR project that recently received a limited license from the OWRD that would allow diversion of 16.7 cfs; (2) the existing reservoir permit that allows an additional 2100 af (tripling

the current storage capacity of Crow Creek Reservoir); and (3) any future expansions in storage capacity the City might develop.

Probability/Magnitude: Again, the conclusions in these sections are based on flawed analysis. The USFS must analyze the effects on full buildout.

Indicator Summary: We disagree with the USFS assessment in the indicator summary that the potential effects on the Dog River stream channels would be low. The project already dewateres the stream six months of the year; this will allow dewatering an additional four months for a total of ten. The existing dewatering is already harming fish habitat of protected fish; the expanded pipeline will only make it worse. Providing .5 cfs by pass flows for two months of the year does not negate this. Diversions will not be “similar” to existing diversions as stated; the City is planning to triple their Crow Creek storage capacity and develop an ASR project. The USFS analysis is insufficient.

The USFS disregard of the ESA implications the fact that the City already dewateres the stream for all the low flow months is perplexing, and we would argue not in accordance with federal law (i.e. ESA) and/or the many T/E species and flow directives of the Mt Hood NF Management Plan directives. Just because a project was dewatering a stream in the past, does not mean the USFS can approve continued harmful uses. The existing dewatering, as well as the additional dewatering that will take place with the new pipeline, cannot be said to be “insignificant” as the USFS determined. Nor does it have “low potential for short or long term impacts to peak/base flows within the Dog River Watershed.” Fully dewatering a stream is a significant change to both peak and base flows; and most certainly is altering habitat of protected species.

Disturbance Regime (pg. 85): For similar/same reasons outlined in previous sections, we do not agree with the USFS determination that effects are immeasurable. Again, the USFS must analyze the project at full buildout.

Cumulative Effects, Dog River Pipeline Ongoing Operations (pg. 88): The cumulative effects of this project are supposed to include the past, present and future actions. The cumulative effects should then look at the dewatering of the stream under the existing pipe (6 months) as well the additional dewatering of the stream that will likely occur under the expanded pipe (additional 4 months, for a total of 10 months of dewatering. Instead, the USFS concludes:

The cumulative effects state’s that “the future operation of the pipeline should result in localize benefits to aquatic organisms as the additional .5 cfs should provide more water in later summer.....”. This ignores the combination of past, present and future dewatering events. The conclusions that the habitat indicators for this project were either discountable, neutral or insignificant are not supported by the facts of this project (a project that allows diversion of 26.3 cfs with a bypass provided only 2 months of the year).

Consistency determination: This section does include the Mt Hood Land and Resource Management Plan directives, but did not compare effects with the directives that we should find.

3.4.4. Summary of Effects by Alternatives: Again, because the USFS did not analyze the effects on streamflow at full buildout, the conclusions in the effects analysis on page 92-92 that relate to flow are flawed (i.e. change in peak/ecological flow).

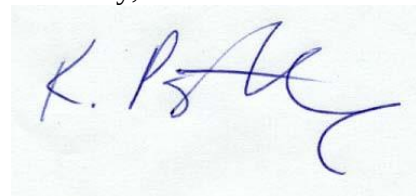
3.5. Aquatic Conservation Strategy: USFS determines that this project will “maintain” conservation indicators. Again, the USFS analysis ignores the fact that the project will allow existing diversions to increase by more than twofold, which could result in the dewatering of Dog River ten months of the year. The USFS conclusion is not supported by the facts of the project.

3.11 Cultural Resources: This section notes that the Dog River Diversion and Impoundments is comprised of two small dams on the Dog River; an upper dam and a lower dam. All reservoirs in Oregon are required to have a permit. The City of the Dalles has a live flow right from Dog River, not a reservoir right. It appears these dams are not in compliance with state law.

Conclusion: As noted at the outset, the USFS failure to assess the effects of the full amount of the diversion allowed by the proposed pipeline expansion is a fatal flaw to this EA. Given that the diversion will allow a doubling of diversion capacity on a stream that supports ESA listed species, a full EIS should be undertaken. In this EIS, the additional alternatives of limiting pipe size to that that would restrict diversion to current use and also requiring a year-round minimum flow should be studied. Moreover, given that this is not simply a small adjustment to the City’s system, a new SUP should be required, with appropriate conditions to protect minimum flows instream year-round.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Priestley", is written over a light blue rectangular background.

Kimberley Priestley
Sr. Policy Analyst

Attachments

