Gold Creek Valley Restoration-Final EA comments

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Patty Garvey Darda has my phone number; however, it can be provided on request. I don’t want my phone number published.

Name of Project and other requested information: Gold Creek Valley Restoration, Patty Garvey Darda, Project Lead for the Okanagan-Wenatchee National Forest, Cle Elum Ranger District

These comments pertain to the Forest Service’s proposal to fill in Gold Creek Pond and Heli’s Pond, I don’t have specific comments related to the in-stream proposal. There are also general comments.

**The NEPA public process was not followed-the public’s input is not being considered**:

* The Environmental Assessment (EA) comment period took place when the project design was either completed or near completion. In a phone call on August 1, 2024 (new information) with the project manager, Patty Garvey Darda, I was informed that the project was at 100% design. So, it’s likely that when the initial request for comments was solicited by the Forest Service (FS) in May 2024, the project design was complete. The intent of NEPA is to engage the public. When the design is complete (or near completion) engagement and listening to the public does not occur. In fact, when I spoke to the project manager on August 1st, I mentioned an alternative that would address bull trout habitat by raising the water level in the pond by controlling the pond’s outlet elevation such that the pond would be in equilibrium with the ground water table (**this alternative was actually presented in a white paper to the FS back in 2021 in a written comment)**. With this concept, the ponds would not have a negative effect on flows in Gold Creek. On August 1st the project manager’s response was**, “we would have to start the process over again if we considered that option”**. That is the reason that EA comments are solicited at the 25-30% design stage. First, so the public feels that their input will actually be considered, and secondly, if changes to the design are needed because of the public’s input there isn’t wasted time and money redesigning the project. (I mentioned the 25-30% timeframe to Patty Garvey Darda in 2021 when I first spoke with her and she said they would go out for comments at a much later timeframe).

I presented the alternative to raise the water level in the pond in a white paper submitted to the FS back in 2021, so to use the excuse that considering that alternative now because the environmental process would have to start over doesn’t have merit. (Note: this same white paper was also endorsed by the Snoqualmie Pass Fire Commissioners and submitted to the FS in 2021. They endorsed this alternative because water in Gold Creek Pond and Heli’s Pond could be used to fight fires in the two communities between the two ponds). Also, there was no mention in the EA under Other Alternatives Considered that this alternative was considered even though it was presented as a comment to the FS back in 2021, and it meets the purpose and need, and does not have significant impacts associated with it compared to the FS alternative. Also, after I had submitted this alternative, I had another phone call with Patty Garvey Darda in 2021 to discuss the white paper. She admitted that the project team felt this alternative had merit, and yet it wasn’t considered in the EA under Other Alternatives Considered. Raising the water level in the two ponds is cost effective ($1M vs $20M for the FS plan), doesn’t have the significant impacts of the preferred alternative, addresses the many concerns expressed at the April 24, 2024 FS presentation by the public, addresses the life/safety issue associated with fires and **has the same benefit to stream flows as the preferred alternative**. If pumping water out of the ponds is incorporated into the project (or a later date) this proposal solves the problem of Gold Creek running dry when bull trout are migrating. **This alternative needs to be addressed in the EA**. I’ll discuss more on the merits of raising the water level in the ponds later.

The last point under the NEPA public process not being followed (new information), while second hand, I was told recently by a respected member of the Snoqualmie Pass community in a discussion with a responsible member out of the FS Cle Elum office; whereby the FS official said, “that it doesn’t matter what comments you make on the project, we are going to move forward with our preferred alternative”. More information on this comment can be provided upon request.

**The preferred alternative does not meet the purpose and need of the project**

* The purpose of the project is to implement bull trout recovery actions identified in Yakima Bull Trout Action Plan. Filling in Gold Creek Pond and Heli’s Pond will result in negligible (if any) improvements to Gold Creek. If the preferred alternative is constructed whereby the ponds are filled in and wetlands are constructed over the fill, there will still be long sections where Gold Creek is dry in late summer/early fall and for long durations when bull trout are migrating. I would estimate a 0-5% improvement to stream flows and a reduction in the duration when the creek is dry with the preferred alternative. I did not see in the environmental document where there was an attempt to quantify the improvement to stream flows and the duration of the dry periods compared to the” No Build” alternative. This “improvement” should be clearly stated in the EA. With the very minimal improvement to bull trout recovery with the FS’s alternative, the **No Build Alternative** with respect to the plans for the Gold Creek Pond and Heli’s Pond should be selected if other alternatives are not going to be considered; such as raising the water level in the ponds by raising the pond’s outlet elevation and pumping water from the ponds into the dry sections of Gold Creek. The outcome of the preferred alternative where the ponds are filled in and a wetland constructed on top of the fill, will be to create a $20M playground for amphibians, while not addressing bull trout habitat. I provided a photo in my public comments to the FS in 2021. The photo was dated August 13, 1936 and it showed that Gold Creek was dry. The snowfall the previous winter (1935/1936) was about 15% higher than the last few years. **The photo was taken over 30 years before the borrow pit operations began. So, under pristine and natural conditions the creek was dry, which tells me that the groundwater table is naturally below the streambed and is not contributing to the stream flows, and it also means the ponds are not reducing stream flows**. This natural stream condition where streams run dry is referred to as a “losing” stream. The groundwater modeling should also have shown that the groundwater table is below the stream bed in late summer/early fall, with the influence of the ponds having a very negligible (if any) influence on the stream running dry. So, **if the stream was dry in 1936, trying to replicate that condition by filling in the ponds and constructing a wetland on top of the fill is not the solution to enhance bull trout habitat**. In fact, **constructing a wetland on top of the fill is not straight forward and poses risks** to the underlying groundwater table, by altering the groundwater flows if fine material and organic material leach down into the fill. This risk should have been addressed in the EA. **Since the photo was taken in 1936, there has been 90 years of climate change**. So, if the ponds had never come into existence, the natural and pristine condition at Gold Creek would be further impacted with longer sections dry and for longer durations in the present, and future because of the effects of climate change compared to the 1936 conditions. Trying to replicate the site conditions is a losing proposition when taking climate change into account with the FS’s proposal. The stream wasn’t functioning in 1936 as far as suitable habitat for migrating fish, and with climate change things have gotten worse. I have a cabin at Hyak and I have a view into the Gold Creek valley. I have tracked the snow melting out of the “bowl” of Alta Mountain (which is just above the Gold Creek Pond) for 30 years. Fifteen years ago, the snow melted out of the bowl on a regular basis in mid-August. The last 6 years the snow has melted in mid-July. The EA does not quantify the effects of climate change with regard to the preferred alternative on stream flows. In my opinion, there are two options**; if the FS is going to only focus on filling in the ponds, then the No Build Alternative should be selected since the creek will be dry for longer lengths and longer durations than exists now with their proposal because of climate change and the very, very negligible improvement (if any) to stream flows.** If the project team is willing to evaluate another alternative, whereby the ponds are not filled in, and the water in the ponds is pumped into the dry sections of Gold Creek when bull trout are migrating, then bull trout habitat is enhanced leading to the best outcome for bull trout recovery**. Once the ponds are filled in, the pumping option goes away forever**. See below for more discussion on this alternative.

**An Environmental Assessment is not the appropriate environmental document because of the significant impacts associated with the preferred alternative**

* **The environmental document for this project should be an Environmental Impact Statement (EIS) because of the significant impacts associated with the preferred alternativ**e. The EA is only applicable if there is a finding of non-significant impacts (FONSI). There are several significant impacts with the preferred alternative; the consumption of approximately 320,000 gallons of fuel associated with hauling fill material to the ponds and consumption of fuel by equipment at the site, and consumption of approximately 750,000 cubic yards of common borrow/gravel borrow to fill in the ponds (these significant impacts were previously presented as comments by me). The burning of this much fuel has a very detrimental impact on air quality and contributes to climate change, while the quantity of fill material consumes a natural resource. The project team would then have to evaluate alternatives that don’t consume this much fossil fuel and natural resources in an EIS if the FS is going to continue to carry forward their proposal. **If the FS drops the preferred alternative from consideration and instead evaluates raising the water level in the ponds with pumping pond water into Gold Creek when it is dry and fish are migrating, then the EA would be the appropriate environmental document as there are no significant impacts with this alternative**. **This alternative also meets the purpose and need of the project.**
* Another significant impact of the preferred alternative has to do with life/safety. The EA does not adequately address the life/safety issue associated with the loss of water to fight fires in the two communities between the two ponds; SkiTur and Starwater (this impact was previously presented as a public comment by me). **The impact of filling in the two ponds and the loss of water to fight fires is a major impact and is another reason why a FONSI finding is not acceptable**. Again, the proposed alternative necessitates a NEPA EIS on the basis of this life/safety issue. These communities have a community well that does not provide sufficient water volume and pressure to fight fires, and there is only one way in and out of these two communities. If a fire blocks the access into the communities, then the only option to fight a fire is with helicopters and dip buckets. Furthermore, these communities have junior water rights and the community well could be shut down when fire danger is highest. The EA suggests getting water via helicopter from Alaska Lake and Keechelus Lake. Getting water from Alaska Lake would result in a 9-mile round trip for the helicopter compared to less than half a mile round trip if the helicopter was able to utilize Gold Creek Pond and Heli’s Pond. The EA does not address the impact of the longer response time due to the longer round trip to Alaska Lake, including the time the helicopters would be out of commission due to the need for more frequent refueling. Getting water from Keechelus is also problematic and needs to be addressed in the environmental document. When fire danger is greatest the water in the reservoir is drawn down and the round-trip distance to the communities could be 5 miles or more. Since the reservoir is south of I-90, the interstate will need to be shut down while the helicopter and dip buckets are overhead. There will need to be time to coordinate with the Washington State Patrol, and with I-90 being the only evacuation route on Snoqualmie Pass a request for closure may be denied. **The effect on bull trout residing in Keechelus needs to be addressed when dip buckets are used to fight fires**. Merely throwing out other options for water sources needed to fight fires without quantitively analyzing the impacts of these water sources needs to occur because of the life/safety issues with the FS proposal. **The analysis needs to take into account the added property destruction of the two communities, destruction of wildlife habitat and potential loss of life associated with filling in the ponds**.
* **The EA does not adequately address the permanent, significant impact to the popular Gold Creek Pond recreational site**. In the summertime on weekends, the parking lot is full and there is spillover parking on the access road to the site. There isn’t any signage advertising this site, yet it is full on summer weekends. The site is just off exit 54 on I-90, is easy to get to it, which is another reason for its popularity. Many people who come to the Gold Creek Pond recreational site are elderly and young couples with children, including young children in baby strollers. For many visitors this is their first exposure to nature outside the urban environment. For the elderly and couples with strollers the walk around the pond is manageable and includes the surrounding mountains reflecting off of the surface water of the pond. When I asked the project manager in 2021 if the FS was going to do a Federal 4F assessment of the project’s impact to recreational sites, the response was **“No, we don’t have to”.** I don’t know if that’s true, but in either **case the FS should undertake the evaluation of the project’s impact on this popular recreational site because it’s the right thing to do.**
* The preferred alternative also has significant temporary impacts. Recreational activities would be prohibited for up to ten years in the Gold Creek valley while construction is ongoing at the ponds. Restricting recreational opportunities in the Gold Creek valley puts more pressure on other areas at Snoqualmie Pass and on the Snoqualmie Pass community. This impact has not been addressed in the environmental document. Again, this should be addressed in a Federal 4F document.
* Approximately 55,000 dump trucks will be hauling in fill material to the ponds. **The haul road is immediately adjacent to the newly created FS wildlife corridor.** The environmental document needs to adequately address impacts to the wildlife corridor while constructing this project, which may be up to ten years.
* **All of the above issues are significant impacts inherent in the preferred alternative, if the FS is going to carry this alternative forward the appropriate environmental document is an EIS**, which will result in other alternatives considered that may have the same benefit but without significant impacts.

**Another alternative that should be selected (and has previously been submitted as a comment to the FS).**

There is another alternative that should be selected that meets the purpose and need of the project, and it has a component (pumping water out of the ponds) that solves the problem of dry conditions in Gold Creek when bull trout are migrating, and doesn’t have significant impacts associated with it. **In addition, this alternative will provide habitat for salmon, if salmon are introduced into Keechelus at a future date as mentioned as a possibility in the EA**. This would be beneficial to the Yakama Nation, Washington State Fish and Wildlife and others.

* Briefly, this alternative raises the water level in the ponds by simply controlling the outlet elevation of water flowing out of the ponds. The outlet elevation would correspond to the ground water table. Since the ground water table varies seasonally, the outflow elevation should just be above the late summer ground water table, so that water does not flow out of the pond when the creek begins to run dry, thus the ponds would not impact flows in the creek (and would provide the same benefit that the preferred alternative provides). The other benefit is that warmer summer water in the ponds are not discharged into the stream. For the Gold Creek Pond the outlet would move to the westside of the pond so that pond water would discharge directly into Gold Creek compared to the current discharge route on the east and south side of the pond**. Access could then be** **provided for firetrucks to get water directly from the two ponds, in addition to helicopters with dip buckets getting water from the ponds to fight fires. This alternative improves the life/safety of the two communities** by allowing fire trucks and helicopters to get water from the ponds versus the preferred alternative which creates a life/safety hazard for the two communities by filling in the ponds**. Compared to the preferred alternative, there would be minimal disruption to the FS Wildlife Corridor** as there won’t be a need to bring in fill material, **there will be minimal consumption of fuel; and fill material needed at the site would not need to be trucked in**. Creating a berm on the south end of the pond to contain pond water could come from the pond as would constructing a berm at the current eastside outflow. The **work for this alternative could be accomplished within one construction season** and not ten years under the current proposal. **After one year, people could continue enjoying the beauty of this recreational site**. This site will not get the usage that it currently receives if it is turned into a wetland**. Because construction can be completed in one construction season, the impacts on the Snoqualmie Pass community is minimal**. In fact, only the area immediately adjacent to the ponds would be off limit during the one construction season. Recreation opportunities up Gold Creek valley could continue unimpeded during this time. The alternative described here has the same (negligible) benefit that the preferred alternative has on flows in Gold Creek, but without **significant** impacts. Further, **this alternative could be constructed for about $1M vs $20M, with the cost savings going to projects that would actually benefit fish.**
* **The component of this alternative that actually solves the fact that Gold Creek will continually run dry when bull trout are ready to migrate is to pump water from the ponds into the dry sections of Gold Creek when bull trout are ready to migrate**. This component meets the purpose and need by enhancing bull trout habitat whereas the preferred alternative does not. This component addresses the negative effect on Gold Creek due to climate change, where climate change will result in longer dry sections for longer durations when bull trout are migrating, **whereas with the preferred alternative, conditions will be worse than exists even now**. The concept here is similar to what the State Legislature has funded at the Springwood Ranch downstream within the Yakima basin. Both the Yakima Nation and Washington State Department of Fish and Wildlife are proponents of this project, in addition to others. The plan at the Springwood Ranch is to construct a reservoir that would hold water, and then release water into the Yakima River when fish are migrating and flows in the Yakima River are low. **When the pumping option was brought up to the project manager on August 1st, the response was she didn’t like it because it was “man made”.** The irony is that filling in the pond and constructing a wetland on top of the fill is man made. If pumping water from the ponds into the dry sections of Gold Creek solves the problem and meets the purpose and need (where the preferred alternative does not) that is a win. Apparently, at the Springwood Ranch the partners in support of that project are comfortable with a man-made solution that benefits fish.

**The FS proposal has had no peer review to determine if it is viable**. I suggested to Patty Garvey Darda in my 2021 conversation and again in a conversation on August 1, 2024, that the project should undertake a Value Engineering (VE) study**. Her response both times was, “we don’t have to do a VE study”**. VE studies are common on projects that are expensive ($20M just to fill in the ponds), complex (constructing a wetland over an aquifer), with very limited benefit to Gold Creek (large sections of Gold Creek will still run dry and run dry for long durations when bull trout are ready to migrate) and with significant impacts (life/safety related to fighting fires, consumption of fossil fuels and natural resources, loss of recreational opportunities, impacts to the Snoqualmie Pass community and impacts to the FS’s newly created wildlife corridor). I have managed projects (I was a project engineer/manager for a Washington State agency) where I wasn’t required to hold VE studies, but I did it, so that I could be assured that I was spending tax payers’ money wisely. In every instance where I managed a project that underwent a VE study, there were benefits to the project based on the VE teams’ recommendations. VE studies last about 3-4 days. Subject matter experts are brought in to evaluate a proposal and also to recommend alternative proposals. These subject matter experts have not been involved in the project and they bring an unbiased, objective perspective to goals of the project. The cost to hold the VE study is minimal compared to the cost of this project. In my personal experience the value added to the project and the cost savings of the VE study was always money well spent. My conclusion is if the FS refuses to undergo the peer review that the VE study would provide, it is for the simple reason that the **FS knows that the proposed alternative will not stand up to the scrutiny of a VE study (peer review), so let’s not hold a VE study because we have an outcome that we want to move forward**. There are so many inherent problems with the preferred alternative that a VE study should be mandated by the FS. There seems to be a pattern here, take comments on the EA **after** the design is complete, and then rush to get a construction contract underway quickly. **The EA discusses a plan to begin a construction contract in September 2024 to stockpile fill material at the ponds**. When Patty Garvey Darda contacted me on August 1, 2024, I asked to meet with her to discuss the project along with wanting to invite others in the community to meet with her. Her response was she could meet **after** the final EA comments were submitted. I said I would like to meet before comments were due as having a meeting before may have a bearing on the final comments I would be submitting. **Her response was “I’m too busy to meet now”.** Talking to other people in the community about trying to engage with the FS on this project was met with a common response, “they have been ignoring us”. I also left two voicemail messages with interim Cle Elum District Ranger Scott Robinson on June 20th and 21st, 2024. I checked to make sure he was in the office when I called and not on vacation. I left my name, phone number and a message that I wanted to discuss the Gold Creek project. **I did not hear back from Scott Robinson**.

In conclusion, the NEPA process has not been followed. Public input has been ignored for the most part, public comments on the EA were solicited after the project was designed, **the project does not meet the purpose and need of enhancing bull trout recovery and there are significant impacts associated with the preferred alternative and analysis of the impacts are incomplete**. If the “no build alternative” is not selected with regard to the two ponds, then an EIS should be conducted to address the significant impacts of the preferred alternative while at the same time evaluating other alternatives that actually provide a solution to fact the Gold Creek is a naturally losing stream and runs dry in summer. I believe that the flow control option with a pumping component is the best solution for bull trout with minimal impacts and cost.

I managed many large, complicated design projects in my career. These projects involved NEPA/SEPA EA’s and EIS’s, if I had managed a project like this project has been managed, I would have been demoted or fired. I have followed this project since 2021, in my first conversation with Patty Garvey Darda, she spoke of the design team that had been assembled, naming some of the project designers. She also told me how I could make public comments on the project. I went to the project website and came across the name of one of the designers she mentioned who had made a public comment. His comment was along the line that “the Gold Creek Pond was man made, it should be filled in, and people kept away from the area”. I think this statement sums up how the FS has got where it is with the alternative they are putting forth, because this alternative with respect to the plans for filling in the two ponds does not enhance bull trout habitat, and is a waste of $20M of the taxpayer’s money. The way this project has been managed by the Forest Service does not inspire the public’s trust and confidence and I believe that the NEPA process has not been legally followed.

Bruce Nebbitt

Bruce Nebbitt, PE