

APPENDIX A

Summary of Comments to the Preliminary Environmental Assessment

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COMMENTS to the Preliminary Environmental Assessment MVID East and West Diversion Screening Proposal

As part of its NEPA public review process for this project, BPA sent notification to a number of individuals and contacts in October 2003 informing them that BPA would prepare an environmental assessment (EA) for the proposed fish screen replacement action. BPA also invited those who were interested to request a copy of the EA for review and comment when that document became available. That same month, BPA also published a similar notice in the Methow Valley News (Twisp, Washington) and The Chronicle (Omak, Washington).

When the preliminary EA became available for comment in early December 2003, and in response to their requests, BPA sent hard copies of the document to 56 individuals and electronic copies of it were sent to 11 individuals in early December 2003. BPA requested that comments be filed by January 2, 2004. Only one comment response was officially received (Okanogan County Noxious Weed Control Board). Their comments are summarized below, along with our responses.

Also summarized below are comments raised by EarthJustice, on behalf of their client, the Okanogan Wilderness League. Their letter was received by BPA in September, 2003, and our responses are also included below.

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Commenter: Okanogan County Noxious Weed Control Board (OCNWCB)

BPA Comment Log #: MVIDFS-001

Date Received: December 24, 2003

Comments Summarized:

- * Recommends MVID remove and or treat existing noxious weed infestations before any ground disturbance and encourages MVID practice and maintain effective weed control on all property and right-of-way roads.
- * Recommends establishment of a Long Term Noxious Weed Control Plan that utilizes an integrated approach. Provide annual treatment to the project area by a licensed applicator to reduce spread of noxious weeds.
- * Suggests disturbed soil be revegetated with suitable certified grass mixture to compete with noxious weeds.
- * Suggests using an Integrated Weed Management plan.
- * OCNWCB notes infestations of Scotch Thistle, Dalmatian Toadflax, Hoary Cress, Diffuse Knapweed, and Poison Oak along the canal systems.
- * Suggests weed identification education prior to ground disturbance to establish a long-term prevention and spread of noxious weeds to adjacent properties. Suggests

preventative measures to keep the following areas weed free, treated and vegetated: paths, roads, trails, fence lines, parking lots and areas surrounding the project sites.

Response to the Comments: BPA finds that the comments by the OCNWCB are sound, warranted practices that can reasonably be incorporated with the project. However, our ability to condition (require) these recommendations and suggestions is confined to construction activities at the East and West fish screen sites. We have included the construction related measures in the Final environmental assessment, and have encouraged the MVID to follow-up on the other recommendations with the CCNWCB.

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Commenter: EarthJustice, on behalf of the Okanogan Wilderness League (OWL)

Date: letter of September 10, 2003

Comments Summarized and Response to the Comments:

* BPA must consider all reasonable alternatives to the proposed action. Reconsider elimination of the canals in favor of a pressurized pipe system and full conversion from surface water diversions to ground water withdrawals.

Response: BPA has done so. See especially section 2.2 and Table 4 in the Final 2004 EA. We included full analysis of the alternative suggested by OWL even though MVID had already rejected this alternative.

* BPA's 1997 FONSI did not encompass the installation of fish screens, and the EA did not consider the Pollution Control Hearings Board Order.

Response: The Final 2004 EA considered both these issues as part of the proposed action and its analysis throughout the document. The 2004 FONSI will encompass the installation of fish screens.

* A proper NEPA analysis must consider any new facts since the last analysis to determine whether an alternative use of funds would more likely advance the goals of preserving instream flows in the Methow and Twisp Rivers

Response: In developing the Final 2004 EA, BPA considered a host of new information, including but not limited to that provided by OWL. Studying all reasonable alternative uses of funds to advance the goal of preserving instream flows may be an admirable goal, but BPA's purpose and need for this proposed action is not so broad, and such a study is beyond the scope of the current BPA proposal. (See sections 1.1 and 1.2 of the Final EA).

* Funding the preferred alternative will waste money and make it impossible to get the MVID diversions out of the Twisp and Methow rivers permanently (personal comm. between Philip Key (BPA) and EarthJustice attorneys, Mike Mayer and John Aram, and their client, Lee Bernheisel (OWL) on September 13, 2003). Replacing screens does not resolve the problem of the diversions dewatering the rivers to the detriment of the fish.

Response: BPA notes OWL's opinion. BPA's purpose and need for the proposed action, as described in section 1.1 and 1.2 of the Final 2004 EA, does not include permanently removing the MVID diversions out of the Methow and Twisp rivers. While diversion removal may be a goal of OWL, such removal would not meet BPA's purpose

and need for the proposed action. Moreover, funding the proposed action would not preclude removing the diversions; in fact, the Bureau of Reclamation is currently working on plans for a diversion modification.

As discussed in the Final 2004 EA, replacing the screens in conjunction with the authorized diversion reductions being pursued by the Department of Ecology, would provide improved fish passage and flows with regard to MVID's irrigation withdrawals. Even if this is not the best alternative, it has been rigorously compared with the OWL proposal and is reasonable in light of the concerns the project is meant to address.

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