



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

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The Center for Environmental Law and Policy (CELP) submits these comments on the City of Airway Heights' Optional DNS regarding the SEPA Application submitted regarding its application for a new water right out of the Spokane Valley/Rathdrum Prairie Aquifer.

CELP disagrees that a DNS should be granted without a full EIS to examine the effects of the new water right on the outflow of the Spokane Valley/Rathdrum Prairie Aquifer to the Spokane River during the gap between when pumping begins in the Spokane Valley/Rathdrum Prairie Aquifer and when the water from the Airway Heights Paleochannel Aquifer recharges the Spokane Valley/Rathdrum Prairie Aquifer.

The City of Airway Heights (the City) has indicated that a Determination of Non-Significance (DNS) is likely in the Notice of SEPA application. In order to have a DNS there must be “no probable significant adverse environmental impacts from a proposal.”¹ In this case the City has laid out a detailed plan to cease pumping at its current wells and to begin pumping at new wells down gradient which it has determined will be water budget neutral and thus meets the DNS standard. CELP cautions that the plan, while water budget neutral in the long run, could have impacts on the Spokane River for the next several years, which could be devastating for fish, recreation, and other aspects of the river. CELP believes that the potential impact on the Spokane River means that a DNS is inappropriate in this case and a full EIS should be done.

The City currently pumps from several smaller aquifers the Airway Heights Paleochannel Aquifer, the Wanapum Unit and the Grande Ronde Unit. The City would like to begin pumping from the Spokane Valley/Rathdrum Prairie Aquifer (SVRP Aquifer). The City plans to use its current water rights to mitigate impacts to flows in the Spokane river that result from withdrawals of the new well.² To support this mitigation strategy the City submitted the Alternative Groundwater Supply Assessment (the Report). The Report details how the smaller aquifers recharge the SVRP Aquifer.³ Each of the three smaller aquifers, have different flow paths to the SVRP Aquifer and different flow rates.⁴ The

¹ WAC § 197-11-340 (1)

² Technical Memorandum submitted by City of Airway Heights

³ See, Alternative Groundwater Supply Assessment submitted by City of Airway Heights, Section 9-10

⁴ *Id.*, See also, Figures 5 -10

report explains how the new wells will draw from the SVRP Aquifer down-gradient of where it's current water rights will recharge the SVRP Aquifer once the City ceases pumping.⁵

Both the Report and the Technical Memorandum submitted by the City conclude that while, in the long term, the SVRP Aquifer will be water budget neutral there is a delay between when the City will begin using the new pumps and when the mitigation water will reach the SVRP Aquifer.⁶ The report also lays out that the Department of Ecology requested the City to develop an operation scenario that accounts for this lag time.⁷ The operational scenario allows the City to pump 1,205.4 acre-feet per year beginning in 2021, plus additional water in 2025 and 2029. The City applied for a new water right on June 21, 2021 for the specified amount of water out of the SVRP Aquifer.⁸ The 1205.4 acre-feet of water is the amount of water that is in the SVRP Aquifer that is a result of the City's current water rights. The City stopped pumping from the Wanapum Unit in 2003 and there is a estimated 10-year lag period for that aquifer so the 1205.4 acre-feet of water was in the SVRP Aquifer rather than being pumped out starting in 2013.

While this means that there is water in the SVRP that could mitigate the new water right, CELP cautions against an automatic finding of DNS because of the potential impact to flows in the Spokane River if the new water right is approved. If the City begins to immediately pump from the SVRP Aquifer and shuts down its remaining pumping from the Airway Heights Paleochannel and the Grande Ronde Unit there will be about a four-year lag for the water in the Airway Heights Paleochannel and about a 15-year lag for the water in the Grande Ronde Unit.

There would therefore be a gap in time between when the water that the City hasn't been using starts getting pumped out of the SVRP Aquifer and when the water it has been using will reach the SVRP Aquifer and thus support the surface flows of the Spokane River. This gap and its potential effects on the outflow of the SVRP Aquifer to the Spokane River is not addressed in the Report. This gap which would likely be at least four years and four years of damaged or lower flows in the Spokane River could cause irrevocable harm to the fish populations and other wildlife along the river.

In theory, the City could restart pumping from the Wanapum Unit and have the same effect on the river flows with no consequence however, the process of applying for a new water right means that the environmental impacts must be reconsidered.⁹ In this case, a full EIS should be done to ensure that the 4 year gap between when the Wanapum Unit water is pumped out of the SVRP Aquifer and when the Airway Heights Paleochannel Aquifer Water reaches the SVRP Aquifer would cause irrevocable harm to the Spokane River fish.

⁵ *Id.* at Section 11

⁶ *Id.*, see also Technical Memorandum submitted by City of Airway Heights

⁷ Alternative Groundwater Supply Assessment submitted by City of Airway Heights, page 1

⁸ Water Right Application G3-30921 – This application fails to include any indication of mitigation or the SEPA process.

⁹ WAC § 197-11-340