



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

January 26, 2006



Your address
is in the
**Lower
Yakima**
watershed

Michael Shuttleworth
Benton County Planning
P.O. Box 910
Prosser, WA 99350

Dear Mr. Shuttleworth:

Thank you for the opportunity to comment on the pre-threshold determination for the organic dairy, proposed by Watts Brother Dairy, LLC [SP6-01/EA6-02]. We have reviewed the environmental checklist and have the following comment.

Water Resources

As stated in the checklist, the water use described is exempt from the permitting process. However, exempt uses may not legally impair senior water rights. Ecology typically invests considerable time and effort analyzing water right permit applications to determine whether the proposed new use of water will impair any existing water rights or reduce an aquifer's "safe sustaining yield". Because a water right permit application will not be filed here, no such analysis will be conducted by Ecology. We suggest the applicant investigate the potential for impairment of other water rights and the safe sustaining yield of the aquifer prior to making significant investments in this project.

Ecology has information indicating declining groundwater levels in some of the deep wells in the area. The complex geology of the area creates uncertainty regarding the degree of hydraulic continuity that exists between the proposed well and the Columbia River. As a year-round use, the proposed use has the potential to reduce, by a small increment, the flow in the Columbia River in critical flow periods, typically in April through August. In 2004, the National Academy of Sciences found that reducing streamflow in the Columbia River in this period of the year will likely increase risk for endangered salmon and other fish species. We are concerned that the proposed water use may cause adverse environmental impacts and suggest that further environmental review of these issues is warranted.

If you have any questions concerning the above Water Resources comments, please contact Phil Crane at (509) 454-7647.

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Additional comments:

Item A. 10, governmental permits needed for this proposal; regarding water runoff, page 9 of the checklist:

Under the provisions of RCW 90.03.350 and Chapter 173-175 WAC, if the pond could store 10 acre-feet or more of water, the impoundment will require a Dam Construction Permit. Please note that any storage below the elevation of the lowest ground level at the exterior toe of the impounding dam is excluded from the 10 acre-foot threshold.

If you have any questions concerning the above Water Resources comments, please contact **Jerald LaVassar** at (360) 407-6625.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012

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