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City of Airway Heights  
Planning Department  
1208 S. Lundstrom  
Airway Heights, WA 99001

December 1st, 2021

RE: City of Airway Heights; New Water Rights in Spokane Valley/Rathdrum Prairie Aquifer (SVRPA), SEPA # 202105936

Dear Heather Trautman, City of Airway Heights Planning Department,

I am making these comments as the Spokane Riverkeeper on behalf of the public who uses and values the Spokane River. The Spokane Riverkeeper is an organization that works for a fishable and swimmable Spokane River. We use education, outreach, collaboration and litigation to further policy goals that are a benefit to the public and to protect the values afforded the public and nature, by the Spokane River.

We are requesting that the City of Airway Heights (AH) cease the request - under the optional DNS process described in Ch. 197-11-355 WAC - to 1) SEPA # 202105936 *transfer water rights from wells on the West Plains to the Spokane Valley Rathdrum Prairie Aquifer (SVRPA) and/or to 2) acquire new water rights from the SVRPA*. Without a full Environmental Impact Statement we cannot fully understand the consequences of the actions and plans proposed by the City of Airway Heights. The potential environmental impacts posed by the proposal could affect aquatic ecosystems and impair the public's ability to access and enjoy their designated uses.

As background, the Spokane River has a state instream flow rule (Chapter 173-557 WAC) that mandates the summer flow should be no lower than 850 CFS in the critical low-flow season, between June 16 and September 30. The Spokane River has not consistently met its summer instream flow 4 years (143 individual days) in the last decade (USGS, 2021) and is a river that is under stress from consumptive use and a changing climate. The Spokane River relies on consistent, steady inputs of cold water from the SVRPA for critical flows in the summer season. Consumptive water use of SVRPA has had a profound and negative impact on the ability for the Spokane River to meet its instream flows and to provide the designated uses to the public who is entitled

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to those uses. Under the instream flow rule for the Spokane River, no new water rights are to be drawn from the SVRPA in Washington State if they are not fully mitigated. While the City of AH purports that the water right being applied for is mitigated, that is a questionable assertion and certainly not well established in the documents submitted (Airway Heights Alternative Groundwater Supply Report, Technical memorandum – Water Rights Application Mitigation Plan). In the documents provided, the claim for mitigated water is made by building the case that the AH municipal wells in the paleo channels through miocene basalt channels actually contribute significant amounts of groundwater to the SVRPA to the North. Further, it is proposed that the cessation of pumping on these wells would provide the needed mitigation for the City of AH to pump from the SVRPA. We find this proposal flawed in several ways.

**1) The request is not clear.**

On the SEPA environmental checklist, the “name of the proposed project” is called: “*City of Airway Heights; **New Water Rights in Spokane Valley/Rathdrum Prairie Aquifer (SVRPA).***” (See ODNIS for CAWH Water Rights Transfer-COMMENT DEADLINE EXTENDED to Dec 1 on SEPA website - SEPA # 202105936)

However, in email communications this project is being called a “transfer.” Alternatively, the Notice of SEPA Application lists the proposal as a “New/Transfer Water Rights in the Spokane Valley/Rathdrum Prairie Aquifer.”

We remain confused as to whether this is an actual application for a new right or if this is a transfer of existing water rights. If so, what are the implications under SEPA or other state law such as the Municipal Water Law of 2003 for the transfer of water rights. This remains unclear.

**2) Request lacks Information on potential impacts**

While the technical document attributes a withdrawal from the SVRPA of up to 2328 acre feet per year of water there is no clear background on what this withdrawal will ultimately mean for the Spokane River aquatic ecosystems in the near term nor in the long term. In fact, the request was made under the optional Determination of Nonsignificance (DNS). This precludes any actual scoping of possible issues of significant impacts and or an actual Environmental Impact Statement (EIS) as per SEPA. This is problematic given multiple variables that have not been accounted for. Actual adequate water to maintain ecosystem services in the Lower Spokane River were not addressed. Nor was any consideration given to increasing concentrations of pollution loads under the higher concentrations that the descending flows in the Spokane River are incurring as critical low-flows intensify with the trend towards lower flows over the last several decades.

Putting a new well in the lower end of the SVRPA (near the 7 Mile Bridge) was not examined nor evaluated in terms of its impacts to aquatic biota nor to the values of recreation in the lower Spokane River. It will take an EIS to understand the impacts of any proposed action such as this.

3) **Mitigation for requested SVRP water is unclear.**

The Mitigation for SVRPA withdrawals are described as groundwater inputs to the SVRPA that would be available when the pumping on these paleo channel wells ceased under the terms of the request. This seems uncertain and protracted. Nor does it take into account climate change impacts as a recharge variable. Spokane County has experienced moderate to exceptional drought conditions eight of the last ten years (National Integrated Drought Information System, 2021). Reduced precipitation and warming average temperatures will reduce recharge to the groundwater in the West Plains that the City of Airway Heights intends to use as mitigation for SVRPA withdrawals, a groundwater system already subject to 85% loss of potential precipitation recharge to evaporation, evapotranspiration, and runoff (GeoEngineers, 2021). On page 17 of the study Hydrogeologic Study Report and Alternate Well Location Evaluation Revised Draft Airway Heights, WA August 2020, it is stated “ *The primary source of recharge for the CRBG in the Study Area is from precipitation*”. Further, on page 18 the same study states that, “*Groundwater levels in the CRBG aquifer system have declined over recent years in some places within the Study Area... Hydrographs for the Four Lakes and Parkwest wells (Figure 2-18) show a significant decline of about 200 feet, coincident with Parkwest pumping. The water level declines illustrate the limited nature of recharge for the CRBG in the Study Area.*” This finding, in combination with what we know about a changing climate, would call into question the assertion that the paleo-channel waters would or could be a consistent source of mitigation water reliable enough to replace SVRPA water withdrawn from a new well (under a new or transferred right).


Airway Heights’ hydrogeological study also estimates it takes anywhere from 3.7 to 66 years for this groundwater to reach the aquifer (GeoEngineers, 2021). Such an indefinite time frame emphasizes the need for more information to ensure this recharge will fully mitigate additional pumping in the aquifer and subsequent loss of river flow. The mitigation proposal does not provide the detail to evaluate ultimate contributions to instream flows in the Spokane River.

In short, the proposition that there is existing mitigation for a new right is questionable. Without robust mitigation, significant impacts could occur.

In closing I would simply like to state that there is a danger we are now mining the SVRP Aquifer through unplanned, frenetic and imprudent urban growth. We know that the Spokane and Coeur d' Alene Tribes are in the process of recovering anadromous fish populations which require cold water refuges. We know that the Redband Trout, a species of concern, are in dire need of cold, clean water and are negatively impacted by inadequate river flows. Further, we know that the changing climate is certain to diminish flows to the Spokane River, diminish recharge to paleo-aquifers in the West Plains and we know that more consumptive use of water is only intensifying. All of this points to the need for well planned, comprehensive growth strategies that protect our water resources. These strategies need to be backed up by strong use of regulatory sideboards and judicious interpretations of established law to protect the public interest. Without this we are compromising the future of the Spokane River and the Spokane community who are entitled to the designated uses of the River.

Therefore the Spokane Riverkeeper finds this proposal inadequate in addressing the potential impacts to the SVRPA, the Spokane River, and the public uses of that river and asks that this proposal be abandoned.

Thanks for the opportunity to comment.

A handwritten signature in cursive script that reads "Jerry White, Jr." The signature is written in black ink and is positioned above the typed name.

Jerry White, Jr

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References

GeoEngineers. (2021, March 1). *Alternative groundwater supply assessment: City of Airway Heights Water System, Airway Heights, Washington.*

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=124107>

National Integrated Drought Information System. (2021). *Drought Conditions for Spokane County: Historical Conditions for Spokane County.*

<https://www.drought.gov/states/washington/county/spokane>

United States Geological Survey. (2021, November 30). *USGS Surface-Water Daily Data for Washington* (USGS 12422500 Spokane River at Spokane, WA). United States Department of the Interior. [https://waterdata.usgs.gov/wa/nwis/uv?site\\_no=12422500](https://waterdata.usgs.gov/wa/nwis/uv?site_no=12422500)

*Hydrogeologic Study Report and Alternate Well Location Evaluation Revised Draft City of Airway Heights Airway Heights, Washington.* Prepared for: Brice-AECOM JV1 3800 Centerpoint Drive, Suite 400 Anchorage, Alaska 99503. Prepared by: NewFields Government Services, LLC 608 Mabry Hood Road, Suite 209 Knoxville, Tennessee 37932