



CITY OF SPOKANE  
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March 17, 2022

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Re: Amended SEPA Checklist for  
City of Airway Heights New Water Rights in the Spokane Valley/Rathdrum Prairie  
Aquifer

To Whom It May Concern:

The City of Spokane (Spokane) submits these comments on the City of Airway Heights' (AWH) Amended SEPA Checklist, dated February 16, 2022, regarding its application for New Water Rights in the Spokane Valley/Rathdrum Prairie (SVRP) Aquifer. While there is more detail in the Amended SEPA Checklist, there are inconsistencies, and it lacks details necessary for full consideration of the impacts on the environment. The City of Spokane requests a threshold determination that will provide a full environmental assessment to examine the environmental impacts to both the SVRP Aquifer and the Spokane River. Additionally, the assessment should include studies to accurately demonstrate the level of connectivity of the paleochannels between the two aquifers and the proposed mitigation plan.

The SEPA threshold determination should evaluate potential impacts and consequences of the additional water demand to the SVRP Aquifer, other users, and to the Spokane River instream flow levels. Washington State Department of Ecology has established an Instream Flow for the Spokane River effective 2020<sup>1</sup>. It is well established that the Spokane River and the SVRP Aquifer are interconnected. (See chapter 173-557 WAC). Based on the proposed point of withdrawal, there appears to be a strong correlation or impacts to river flow rates. New or additional water usage or withdrawals since adoption of the Spokane River Instream Flow Rule should have an impairment analysis on River flows and other more senior water right holders<sup>2</sup>.

A more detailed study, to include field data, needs to be conducted regarding the proposal and proposed mitigation plan. The GeoEngineers Alternative Groundwater Supply Assessment Report states the existing water rights certificates located within a different water source that *may be* hydraulically connected to the Spokane River appear intended to be used as mitigation. The Report relies on a conceptual model and pathway of a hypothetical production well. For example, Figure 5, Conceptual Groundwater Pathways within Paleochannel Aquifer: This

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<sup>1</sup> Instream Flow Rule for summer and winter flows was established on February 27, 2015. Final adjudication of the summer flow number was affirmed by the Washington State Supreme Court on August 6, 2020. See, *CELP v. Ecology*, 196 Wn.2d 17, 468 P.3d 1064 (2020).

<sup>2</sup> See, *Foster v. Ecology*, 184 Wn.2d 465, 362 P.3d 959 (2015)

schematic diagram shows a hypothetical production well screened within an upgradient portion of a West Plains paleochannel. Existing [AWH] wells that roughly correlate with this well setting are Wells 1, 3, 4 and 11. The upgradient portion of the paleochannel is recharged by the adjacent [Columbia River Basalt Group] CRBG formation and, seasonally, infiltration of precipitation and snowmelt. As shown in Figure 5, groundwater originating at these well locations flows under unconfined conditions before discharging to the SVRP Aquifer. Section 13 also references conceptual models and calls out the need for further exploration and testing to verify the proposal.

Another concern is in Section 12.4 which states in Table 9, that pumping was terminated in 2020. However, it is our understanding that a filter has been installed on well #9 and it has been in use to augment summer demand, pursuant to AWH water rights. The impacts of this inconsistency also need to be addressed.

The proposed new water demand from the SVRP Aquifer involves a substantial volume of water. There are inconsistencies in the quantity of water being requested. For example, AWH has total water rights of 2,315 gpm instantaneous and 2,328 acre-ft annual. The SEPA checklist indicates the current first phase request is for a portion of the water rights annual quantity (i.e. 1,205.4 acre-ft) and an instantaneous flow at 2,500 gpm which exceeds the instantaneous water right of 2,315 gpm. It is unclear what the impacts will be to the SVRP Aquifer and Spokane River, in totality and over time, regarding how AWH will utilize instantaneous flow water rights in excess of their current rights. It is also unclear if the instantaneous flow will increase beyond the proposed 2,500 gpm when AWH is fully able to exercise their maximum 2,328 acre-ft annual amount and again, what those impacts to the SVRP Aquifer and Spokane River will be.

New applications for water require mitigation within the same water source, in-time and in-kind under statute, caselaw and Ecology policy. The proposed mitigation is only theoretically verified, but the mitigation is proposing water replenishment from a source known to be contaminated with PFOA/PFOS and allows for migration to the SVRP Aquifer.

The SEPA checklist provides for the current water rights from the CRBG Aquifer to offset or mitigate the water drawn from the SVRP Aquifer. However, there is no evaluation or data to confirm that ceasing use of water in the CRBG Aquifer will result in available water (1x1) in the SVRP Aquifer within the proposed time frame as contained in the Amended SEPA checklist and supporting documentation. Furthermore, the proposed mitigation plan does not take into account the proffered mitigation water drawn from a source known to have contamination. The amended SEPA checklist and supporting materials are inconsistent and do not provide any data to support the mitigation through migration and protection of the water resource. Encouraging increased assumed migration between the water basins has the potential to introduce contamination into the SVRP Aquifer. As such there needs to be a hydrogeologic evaluation to address the environmental, social, and economic impacts of migration of contaminated water through the

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paleochannel to the SVRP Aquifer. The proposed mitigation measures are contrary to statute, caselaw and Ecology's policy<sup>3</sup>.

A full Environmental Impact Statement (EIS) should be conducted to address the issues raised herein. The EIS should include details and supporting data that the paleochannels contribute to the SVRP Aquifer, where the new proposed well field is planned and how AWH proposed plan will not impact or accelerate the PFOA/PFOS from migrating to the SVRP Aquifer. Additionally, the EIS should include seasonal use and seasonal environmental impacts including climate change on the SVRP Aquifer and the Spokane River.

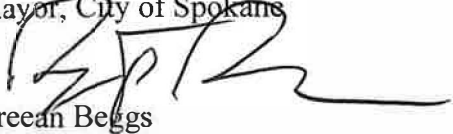
Both Spokane and Airway Heights work together under the Coordinated Water System Plan for Spokane County. Spokane and Airway Heights have had an interlocal agreement for water service for over 30 years, whereby Spokane provides supplemental and emergency water to Airway Heights. We anticipate continued partnering in an effort to effectively and efficiently address Airway Heights' water needs. However, based on the documents submitted regarding the SEPA Checklist, there needs to be a more comprehensive evaluation. As such, Spokane requests a threshold determination that will address a full evaluation of the environmental impacts as a result of new water usage and demand on the Aquifer.

Thank you for review and consideration of the City of Spokane's comments.

Sincerely,



Nadine Woodward  
Mayor, City of Spokane



Breean Beggs  
Council President, City of Spokane

cc: Members of City Council  
Johnnie Perkins, City Administrator  
Michael C. Ormsby, City Attorney  
Marlene Feist, Public Works Director  
Katherine Miller, Integrated Capital Management Director  
Raylene Gennett, Wastewater Director  
Loren Searl, Water Superintendent  
Albert Tripp, Airway Heights City Administrator

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<sup>3</sup> See, Department of Ecology Publications 20-11-083 & 98-1802-WR; Chapter 90.54 RCW; Chapter 90.03; Foster v. Ecology, 184 Wn.2d 465, 362 P.3d 959 (2015).