

November 17, 2015

SEPA/NEPA Coordinator  
WDFW Regulatory Services Section  
600 Capitol Way North  
Olympia, WA 98501-1091

RE: Comments on DNS 15-058  
WDFW's Wenner Lakes Dam Proposal  
HPA Application 5944

Dear Dan Doty;

This letter offers comments in response to the SEPA application for WDFW's proposed activities to repair, remove, and/or modify the Wenner Lakes dams on their property in Okanogan County, WA per the above referenced DNS and HPA application.

We are two of the four owners of Wenner Lakes Private Reserve, LLC., an entity formed by four avid fishermen that owns 113 Acres (including two of the Wenner Lakes) immediately downstream of the work WDFW is proposing on the two lakes they own and manage for habitat. While we are grateful that the WDFW is finally proceeding with critical safety repairs to the dam on Lake #3, we have reviewed their application and are concerned with the work at Lake #5 and are compelled to offer comment.

WDFW's application states they intend to "stabilize the breach area at Wenner Lake #5 to restore the access road across this point". In reality, they are proposing to permanently drain and destroy a 3.1 acre lake and associated aquatic life and habitat. WDFW's inadequate spillway on the dam of Wenner Lake #5 contributed to the breach during a post-fire rain event, and is repairable by restoring a proper spillway. This is the action that will have the least environmental impact. We are questioning allowing them to permanently drain a body of water that has value, function, and purpose in an ecosystem without adequate environmental review of the impacts to the ecosystem and downstream water users of such a drastic planned action.

We request they should be required to address the question on the application that they left blank: "Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment".

More specifically, as the adjacent downstream property owner most likely to be adversely impacted by their actions, we request consideration of the following:

- Habitat Destruction: Lake #5 is 3.1 Acres in size and was purchased by WDFW for the quality of habitat, which includes rainbow trout, naturalized brown trout, turtles, and many waterfowl. Shouldn't a biologist consider impacts during an applicant's request to permanently destroy it?
- Sediment Transport: Lake #5 is a relatively shallow lake that settles sediments prior to releasing water into the rest of the Wenner Creek and Wenner Lake system. Demonstrate the computed volume of silt and sediments that will be transported onto our property and the impact to water quality in our lakes if the function of lake #5 from the ecosystem is removed. What construction and post-construction water quality monitoring results are they required to achieve?
- Emergency Response Ingress/Egress to Wenner Lake #3 / Chalfa Dam: Per their DOE Dam Safety permit, WDFW must restore a storm-worthy road crossing into the upper Lake Wenner Lake #3 for heavy equipment and service vehicles to respond during future storm events. The proposed "drivable dip" across Wenner Lake #5 will not provide emergency access during a high flow event, and the location of their currently planned spillway for Wenner Lake #3 will interfere with equipment access to Chalfa dam during high flows. If they want to eliminate road crossings of the spillways, a potential solution would be to relocate the access road to the east of Lake #5.
- Design of "drivable dip": The hydraulic design for the "drivable dip" appears adequate to withstand an expected storm event (constructed as a road rather than a spillway), and could cause the entire manmade fill of the Lake #5 dam to wash downstream during a storm, and further deposit sediment throughout Wenner Creek, and more specifically compromise the water clarity and storage volume of our downstream lakes.
- Placing 250 CY of material in a lakebed/wetland: They propose to dump 250 CY of dirt from the breach of Wenner Lake #5 dam and place it upslope of the dam in the existing lakebed. This material should also be modeled for potential sediment transport in the above requested computation, as it is proposed to be placed in an area with potential to erode downstream and into our lakes during another storm event.
- Water Rights: We have been told the rights to the water in the WDFW's Wenner Lakes were established in 1898 for irrigation use in Benson Creek, and are now controlled by the Benson Creek Irrigation Water User Association. Removal of a 10 acre foot lake will certainly have an impact to their water supply equation, and increased silt may foul their lines.
- Construction Hauling: What additional adverse impacts will occur if they proceed with work in November to haul in approximately 706 CY of imported Rock from a local quarry, across easements on private driveways that are usually unused from November 1<sup>st</sup> to April 1<sup>st</sup> each year to avoid adverse impact to the road subgrade during freeze thaw season? What mitigation for road and haul impacts are being considered?
- Mitigation Plan: They should be required to remove invasive weed species from all areas disturbed by their activities and by last year's fire and storm prior to reseeding, and again in each spring and summer until weeds are eradicated.

Of note, we became interested in the permitting for WDFW dam repairs as in October they siphoned and sluiced almost all of the water in Wenner Lake #3 in a manner that deposited massive quantities of untreated silt, sediment and debris to Wenner Creek and therefore onto our property. The clarity in our 11 acre foot lake was significantly impaired and equally importantly, they muddied the creek during the

height of the brown trout spawning season. The fish in this ecosystem have just barely survived the sediment transport of the post-fire floods and it was heartbreaking to see such WDFW demonstrate such blatant disregard for the environment in and downslope of Lake #3.

We would not question a DNS determination to replace the spillway on Wenner Lake #5 as part of a dam repair project. It is the wholesale destruction of the lake that we believe is not adequately disclosed in their application nor considered in the environmental assessment of their proposed actions.

Thank you for allowing adjacent property owners the opportunity to comment.

Sincerely,



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