



**Lower Columbia Basin Audubon Society**  
A CHAPTER OF THE NATIONAL AUDUBON SOCIETY

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P.O. Box 1900 • Richland, WA 99352

July 22, 2019

David Reeploeg  
Vice President, Federal Programs  
TRIDEC  
7130 W. Grandridge Blvd. Suite A  
Kennewick, WA 99336

Dear Mr. Reeploeg:

Thank you for coming to the Lower Columbia Basin Audubon Society's (LCBAS) membership meeting on May 28, to share TRIDEC's draft land conveyance legislation (document dated April 22, 2019). We appreciate the opportunity to comment on this proposed legislation. As you heard from our members at that meeting and from our Conservation Committee when we met with you at TRIDEC's office on May 3, LCBAS has a number of concerns about the reconveyance and the draft legislation. Per your request at our meetings to provide changes to TRIDEC's draft legislation, we submit the following items:

1. **A NEPA EIS should be completed prior to any legislation being submitted to Congress.** The proposed legislation would significantly affect the quality of the human environment as well as the natural environment of fish and wildlife (which in its turn impacts the human environment). It is our understanding that the proposed federal action would thus require preparation of an Environmental Impact Statement (EIS) by the Corps to be in compliance with Sec. 102(c) (i) thru (v) of the National Environmental Policy Act of 1969. The NEPA prescribes public input that allows for a range of issues and alternatives. It also assures that a response from the jurisdictions be given to substantive public comments. The process should include a multidisciplinary study with input from experts in relevant fields.
2. **Deed restrictions should be included in any legislation.** We were told at our May 3<sup>rd</sup> meeting that there "will be a change in ownership, but not a change in use." However, the draft legislation removes the deed restrictions that are currently in place under the 1996 Water Resources and Development Act (WRDA), which means that cities could at any time in the future, sell parts (or even all) of their parks as the pressure to commercialize increases. The cities and county could also sell shoreline lands, which currently function as buffers, to adjacent residential or agricultural owners,

thus privatizing more of the shoreline. All lands included in any reconveyance should carry deed restrictions that would guarantee their continued use for public parks, riparian fish and wildlife habitat, shoreline stabilization by native vegetation, as well as for historic and native-American heritage preservation.

3. **Legislation should require that consideration be given to and mitigation required for the ecological impacts to endangered and threatened salmon species and other fish and wildlife.**

- a. The ~25 miles of shoreline proposed for reconveyance are directly downstream from the Hanford Reach, an area that supports some of the most productive salmon spawning areas in the Northwest. Salmon recovery efforts – on which substantial amounts of money have been spent - could be impacted on the Franklin County side of the river by increased agricultural and residential uses, resulting in deterioration of shoreline buffers, decreased water quality, and increased sloughing of steep bluffs along this section of shoreline.
- b. The section of the Columbia River adjacent to the Tri-Cities also includes the confluence of two important tributaries, the Yakima and Snake Rivers, creating rich and diverse habitats and supporting important ecological functions covering an extensive region. The associated biodiversity is crucial to environmental sustainability.
- c. One of the selling points to residents in Franklin County and Pasco has been that they can remove shrubs and trees and put in grass so they can have a river view – actions that would be detrimental to both fish and wildlife habitat (snags, shade, cover, food sources) as well as water quality (fertilizer/pesticide runoff). The Corps has provided regular enforcement of these buffer strips but it is not clear that this would continue if the land on the Franklin County side of the river is privatized.

4. **Legislation should require that cumulative effects be considered prior to any land conveyance.**

The local cities, counties, and ports do not have the resources, skills, or expertise that the Corps has to properly manage these lands with a river system-wide view. It is also not clear to what extent flowage easement areas and flood control issues will be affected by the renegotiation of the Columbia River Treaty or as climate change worsens; again a river system-wide management as provided by the Corps is needed.

5. **The economic benefits of keeping parks and natural areas along the river should be considered prior to any land conveyance.**

This long-term benefit could easily be lost in the rush to gain the short-term benefit of selling off these areas. Yet, our robust economy is due in part to the quality of life provided by these public spaces, an attribute that is beneficial to residents and tourists alike. Each of the jurisdictions already has portions of their shorelines that are available for commercial, residential, industrial development. These areas could be sources of revenue to support the maintenance of the parks.

6. **Legislation should consider an assessment of the impacts of land transfer on the rights of Native Americans.**

We believe the proposed legislation would seriously impact Native American cultural, religious and food resources and access. However, we respectfully defer to the wisdom of the Native American Tribes to articulate their specific concerns to you.

Many of these concerns have been expressed in the three public meetings held by TRIDEC in each of the cities. Despite your reassurances, we see no evidence that these concerns have been significantly addressed. These issues lead us to continue to oppose the transfer of the shoreline from the Army Corps of Engineers to the five local jurisdictions. We would welcome the chance to discuss these proposed changes.

Sincerely,

Rick Leumont  
Conservation Chair  
Lower Columbia Basin Audubon Society

Cc: Senator Patty Murray  
Senator Maria Cantwell  
Representative Dan Newhouse