



February 27, 2019

Ms. Becca Conklin  
Washington State Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

**RE: Comments on Draft Environmental Impact Statement for Short-Term Modification of Total Dissolved Gas Criteria in the Snake and Columbia Rivers**

Dear Ms. Conklin:

Thank you for the opportunity to comment on behalf of Northwest RiverPartners (“RiverPartners”) regarding the Draft Environmental Impact Statement (“DEIS”) for Short-Term Modification of Total Dissolved Gas (“TDG”) Criteria in the Snake and Columbia Rivers. Given the significance of this regulatory proceeding as well as subsequent related proceedings, we urge Ecology to move forward thoughtfully and prioritize scientific integrity over desire to enable a politically conceived operational agreement (regardless of its merits). This is a consequential environmental review process with potential knock-on effects that will have outsized impact on the diverse RiverPartners membership including farmers, utilities, ports and businesses throughout the Columbia River Basin including 4 million electric utility customers, 40,000 farmers, thousands of port employees and large and small businesses that provide hundreds of thousands of Northwest jobs.

**Purpose of the DEIS**

As described in the DEIS’s preamble, the “Washington State Department of Ecology (“Ecology”) is considering a short-term modification to the total dissolved gas (“TDG”) criteria in the Water Quality Standards for Surface Waters of the State of Washington for areas on the lower Snake and lower Columbia Rivers . . . Modifying the TDG criteria using a short-term modification could facilitate more spill at dams to help juvenile salmonids migrate downstream to the ocean.”<sup>1</sup> “The purpose of the environmental impact statement is to evaluate the impacts of adjusting the TDG criteria for the Snake and Columbia Rivers.”<sup>2</sup>

**Significance of Modifying TDG Criteria as Contemplated in the DEIS**

While the incremental nature of the modification under consideration appears innocuous, the long-term implications, depending on the outcome, could be significant. Indeed, at a high-level, this environmental

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<sup>1</sup> Department of Ecology, State of Washington, Draft Environmental Impact Statement. Short-term modification of total dissolved gas criteria in the Snake and Columbia Rivers. January 2019, Publication 19-10-013. State of Washington, Department of Ecology cover letter.

<sup>2</sup> DEIS (Page 14).

review process is evaluating the risks of adjusting current water quality standards put in place explicitly for the protection of aquatic life and human health in surface waters as required by the Clean Water Act.<sup>3</sup> Given the significance of this regulatory proceeding as well as subsequent related proceedings (specifically, the upcoming evaluation of raising TDG standards to 125% for the 2020 and 2021 migration season),<sup>4</sup> we urge Ecology to proceed carefully and prioritize science over political expediency.

We are highlighting this tradeoff, because this regulatory proceeding although separate and distinct, is an enabling mechanism for a Flexible Spill Agreement (“Spill Agreement”/“Agreement”) formally announced on December 18, and signed by the states of Washington and Oregon, the Nez Perce Tribe, the Bonneville Power Administration, U.S. Army Corps of Engineers, and the Bureau of Reclamation (“the Parties”). As the narrative in the DEIS’s Executive Summary aptly points out, “The Spill Agreement is contingent on Washington, through the process described in this document . . .”<sup>5</sup>

The symbiotic relationship between the Spill Agreement and the potential modification of state water quality standards being evaluated in this DEIS is noteworthy. While RiverPartners greatly appreciates the spirit of collaboration that led to the Agreement and wants to see it succeed, we are mindful of the considerable pressure that exists on the Parties to execute on the Agreement’s terms and “deliver the deal.” With sympathy toward this challenging dynamic, we urge Ecology to approach this EIS and subsequent related regulatory processes independent of the merits of the Spill Agreement, with a steadfast commitment to well supported science.

Consistent with this approach, we were pleased to see a commitment by Ecology to a two-step regulatory process that includes independent examination of the following: 1) “Raising TDG standards on the lower Snake and Columbia rivers to match Oregon’s 120% standard as measured in the dam tailrace for the 2019 salmon migration season;” and 2) “For the 2020 and 2021 migration season, the Spill Agreement is contingent on both Washington and Oregon raising TDG standards to 125%. The short-term modification of TDG standards considered in this draft EIS would, if adopted only apply to 2019 operations, and match Oregon’s current TDG standards. A Separate process will begin this summer to address a potential rule change.”<sup>6</sup> Clear delineation and distinctly separate review of each water quality modification signals Ecology’s grasp of the consequential nature of any and all changes to existing standards.

Although our comments in this document make a determined point of procedurally separating Ecology’s environmental review process from the implementation of the Spill Agreement, we cannot ignore the tangential relationship and Washington State’s role in both undertakings. Therefore, we would like to take the opportunity within this set of comments to reiterate RiverPartners’ strong support for the three objectives committed to by the Parties at the outset of the Spill Agreement. Specifically, “the Agreement calls for flexible spill operations that meet three objectives: provide additional fish benefits by increasing

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<sup>3</sup> DEIS (Page 10).

<sup>4</sup> DEIS (Page 2).

<sup>5</sup> DEIS (Page 2).

<sup>6</sup> DEIS (Page 2).

spill; manage power system costs and preserve hydro system flexibility; and retain operational feasibility.”<sup>7</sup>

As beneficiaries of the multipurpose federal hydropower system, RiverPartners’ members take the Parties’ commitment to these principles seriously. As such, throughout the Spill Agreement’s implementation process, we will be working hard to ensure that these policy objectives remain intact. We view our oversight responsibilities as even more critical in the out-years of the Agreement (2020 and 2021) when the implementation roadmap is decidedly more opaque.

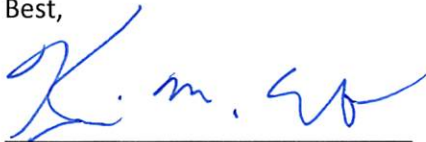
**Position on Alternatives and Conclusion**

RiverPartners appreciates Ecology’s consideration of our December 7, 2018 scoping comments as well as the agency’s work to develop and evaluate a suite of “reasonable alternatives.” RiverPartners will not be taking a position on Ecology’s preliminary decision to remove the 115% forebay criterion for a period of up to three years (Alternative 2).<sup>8</sup> However we appreciate Ecology’s commitment to continued monitoring based on the following passage in the “Conclusions” section of the DEIS that states, “Given that dam and salmon managers have not previously provided voluntary spill to 120% due to the potential for higher TDG levels to increase symptoms of gas bubble trauma in juvenile salmon, steelhead, and non-listed aquatic species, continued monitoring for gas bubble trauma will occur.”<sup>9</sup> Indeed, a rigorous monitoring program is necessary to ensure compliance with any and all water quality adjustments.

Additionally, per our scoping comments, we would like to reiterate our desire to see a more robust evaluation of the impacts of increased spill on carbon emissions and climate change. Governor Inslee has been a national leader in advancing climate solutions and has set ambitious emission reduction goals for the State. Consistent with the Governor’s carbon policy objectives, we believe it is important for Ecology to analyze the growth in carbon emissions associated with the increased spill set to accompany the short-term modification being contemplated in this EIS.

Thank you again for the opportunity to comment. RiverPartners looks forward to working with Ecology throughout this and other key regulatory processes.

Best,



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Kevin Nordt  
Chairman of the Board  
Northwest RiverPartners

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<sup>7</sup> BPA.gov: <https://www.bpa.gov/efw/FishWildlife/SpillOperationAgreement/doc/Spill-Operation-Joint-Statement.pdf>

<sup>8</sup> DEIS (Page 51).

<sup>9</sup> DEIS (Page 51).