



Oregon

Kate Brown, Governor

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Heather Bartlett, Water Quality Program Manager
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600



Re: Comments on the Environmental Impact Statement scoping on the proposed amendment of the Total Dissolved Gas (TDG) criteria in the Snake and Columbia rivers

Dear Program Manager Bartlett:

On behalf of the Oregon Department of Fish and Wildlife (ODFW), I submit the following comments on the scope of the State of Washington's proposed rulemaking related to amending the TDG criteria for the lower Snake and lower Columbia rivers. Thank you for taking on this important process. This amendment by Ecology is vital for the successful full implementation the Columbia River Flexible Spill and Power Agreement (Agreement) supported by all regional state, tribal, and federal management partners.

The State of Oregon has long championed the documented benefits to outmigrating juvenile salmon of increased voluntary spill up to 125% TDG, as measured at the tailrace of the eight dams in the lower Snake and Columbia rivers. As spill increases, the number of powerhouses experienced by juvenile outmigrating salmon decreases as does the amount of time it takes to navigate the river, which leads to increased life-cycle survival. Even during periods of involuntary spill, empirical evidence gathered over the last 20+ years has not documented deleterious population level effects or exceedances of Gas Bubble Trauma criteria, at the 125% TDG levels under consideration by Ecology.

Oregon recognizes the importance of increased spill to improved salmon smolt-to-adult return rates (SARs) and is committed to the full implementation of the Agreement, which recognizes the importance of balancing fish and power benefits. In the first year of the Agreement, modeled fish benefits needed to be at least as good as those experienced during court ordered 2018 hydro-system operations. In the out-years of the agreement (2020-2021), modeled fish benefits need to be *greater* than the court ordered 2018 operations. For the Agreement to achieve those necessary fish benefits, increased tailrace TDG limits (to 125%) must be allowed; however, the agreement does not contemplate spill to 125% TDG 24-hours per day, 7-days per week at all 8 dams to achieve these benefits.

ODFW recognizes that Washington is evaluating many factors as it considers this rule change—e.g., increasing the forage base for critically endangered southern resident killer whales as well

allowing for implementation of the Agreement—but we are also keenly interested in being able to increase spill up to 125% TDG in time for the 2020 spill season as laid out in the Agreement. To the extent that the permanent rule change process being considered by Ecology includes Environmental Protection Agency review, and may require additional coordination and consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, please consider this additional federal regulatory agency coordination when planning approval timelines, and use an appropriate scope to avoid any timing setbacks that could occur as a result of this additional coordination and approval. ODFW would also support short-term rulemaking or a separate process to ensure that the parties can continue to implement the Agreement.

Thank you for the opportunity to provide these comments, and for undertaking this important endeavor. As always, Oregon looks forward to working with Washington to help restore the iconic species and natural resources that define our region.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tucker A. Jones', with a large, sweeping flourish extending to the right.

Tucker A. Jones
Ocean Salmon and Columbia River Program Manager
Oregon Department of Fish and Wildlife

Attachments

c: Jason Miner, Natural Resources Policy Manager, Governor's Office
Richard Whitman, Director, Oregon Department of Environmental Quality
Curt Melcher, Director, Oregon Department of Fish and Wildlife