

Attachment II



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND, OR 97208-2870

May 29, 2019

SUBJECT: Environmental Impact Statement scoping comments on the proposal to amend the Numeric Criteria for total dissolved gas (TDG) in the Snake and Columbia Rivers

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

Dear Ms. Bartlett:

On behalf of the U.S. Army Corps of Engineers, Bureau of Reclamation, and Bonneville Power Administration, collectively referred to as the Action Agencies (AAs), I submit the following comments on the scope of the State of Washington's (Washington) proposed rulemaking related to amending the numeric criteria for total dissolved gas (TDG) in the lower Snake and lower Columbia rivers. The AAs believe that Washington should align the proposed rulemaking with the scope of the 2019-2021 Spill Operation Agreement (Agreement) (attached), to ensure that the parties to the Agreement can continue to implement the Agreement through the 2020 spring fish passage spill season. The Agreement, signed and endorsed by the AAs, the states of Oregon and Washington, and the Nez Perce Tribe, represents an innovative approach to managing the Columbia River System that balances and optimizes multiple important regional values. The AAs are committed to the principles underlying the Agreement – implementation of a flexible approach to providing spill intended to benefit salmonids while managing the Columbia River System for multiple congressionally-authorized purposes, including hydropower generation – and appreciate Washington's efforts to facilitate continued implementation of the Agreement. The Agreement expires upon the signature of the AAs Record of Decision on the Columbia River System Operations (CRSO) Environmental Impact Statement (EIS).

In December 2018, the states of Washington and Oregon, the AAs, and the Nez Perce Tribe collaboratively developed the Agreement with the following objectives in mind:

1. Provide fish benefits, with the understanding that (i) in 2019, overall juvenile fish benefits associated with dam and reservoir passage through the lower Snake and Columbia rivers during the spring fish passage season must be at least equal to 2018 spring fish passage spill operations ordered by the Court, and (ii) in 2020 and 2021,

these fish benefits are improved further (as estimated through indices listed in the Agreement);

2. Provide federal power system benefits as determined by Bonneville, with the understanding that Bonneville must, at a minimum, be no worse financially compared to the 2018 spring fish passage spill operations ordered by the Court; and

3. Provide operational feasibility for the Corps implementation that will allow the Corps to make appropriate modifications to planned spring fish passage spill operations.

The Agreement contemplates incorporating “spill up to and including 125% TDG as a tool for spring fish passage spill season” into 2020 operations, subject to state TDG water quality standard changes. See Agreement Section VI.C.1. However, the Agreement does not contemplate 125% TDG spill on a 24-hour, 7-day basis simultaneously at all lower Columbia River projects and lower Snake River projects. “Such an operation would be inconsistent with the flexible spill and power objectives that are central to this Agreement.” See Agreement Section VI.C.1. To avoid this result, the Agreement utilizes flexible periods of spill, with the daily cumulative duration of spill to the state TDG water quality standard limited to 16 hours per day. See Agreement Attachment Table 1.1 Key points and Tables 1.3a and b. For consistency with the Agreement and its underlying objectives, Washington should align the proposed rulemaking to be limited to a change for only the spring fish passage spill season (generally April 3-June 20) and to limit any potential increase in the TDG criteria up to 16 hours per day.

Additionally, Washington should limit the duration of the proposed rulemaking to be consistent with the duration of the Agreement, which expires upon the signature of the AAs’ Records of Decision on the CRSO EIS. Three main reasons support this point. First, the AAs – in conjunction with Washington, as a cooperating agency – are currently analyzing the impacts to affected resources from varying levels of spill. This analysis will help identify a long-term strategy for Columbia River System operations. Given the uncertainty surrounding future Columbia River System operations, making a change to Washington’s TDG water quality standard that will continue to apply following the conclusion of the CRSO EIS process is premature. In particular, the AAs are concerned with making assumptions about future Columbia River System operations before the CRSO EIS analysis is complete. Second, a limited duration would enable lessons learned from implementation of higher levels of spring fish passage spill to be incorporated into a longer term rule change, if warranted. This factor is particularly important given the potential adverse effects of high TDG levels on aquatic species. Third, the AAs are concerned that Washington’s proposed process for a permanent rule change – including required EPA reviews and associated coordination with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service – realistically may not be completed in time to allow for federal implementation of the Agreement in 2020. Consistent with the Agreement, we request that Washington coordinate closely with the federal regulatory agencies to achieve the principles outlined in the Agreement.

The AAs have greatly appreciated Washington's participation in the CRSO EIS process as a cooperating agency, as well as our collaborations on many different issues impacting the Columbia River System. We look forward to continuing to work closely with Washington as we each complete our respective EIS processes.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Helmlinger', with a long horizontal flourish extending to the right.

D. Peter Helmlinger, P.E.
Brigadier General, USA
Division Commander

Encls:
2019-2021 Spill Operation Agreement

cc:
Guy Norman, State of Washington Representative, Northwest Power and Conservation Council
Maia Bellon, Director, Washington Department of Ecology
Michael Garrity, Columbia River Water Policy Manager, Washington Department of Fish & Wildlife