



Confederated Tribes of the Colville Reservation

Natural Resources Department - Office of Environmental Trust
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21 May 2021

Attn: Marla Koberstein
Water Quality Standards Project Manager
Washington State Department of Ecology
Water Quality Program

RE: CTCR ETD & F&W Comments – Water Quality Standards for Surface Waters of the State of Washington Rulemaking

Pursuant to the notice dated March 25, 2021, the Confederated Tribes of the Colville Reservation (“Colville Tribes” or “CTCR”) Environmental Trust Department (ETD) and Fish and Wildlife Department (F&W) submit these initial comments concerning Chelan Public Utility Department submitting a proposal for a Use Attainability Analysis (UAA) for the aquatic life designated use on the Chelan River.

Chelan River is in the Traditional Territories of CTCR, specifically the Chelan Tribe. The Colville Tribes have been the caretakers of our lands and waters since time immemorial, and now share the responsibility of management and stewardship with multiple jurisdictions, including Ecology.

Water resources are critical to the Colville Tribes’ way of life. Water is an essential resource for the Tribes’ culture, traditions, and subsistence, indispensable for the fish, wildlife, and other foods and medicines upon which the Tribes and its members rely daily. Water scarcity, land development, and climate change will continue to have a significant impact upon our shared water resources for generations to come.

In light of these overarching and critical concerns, CTCR ETD provides the following comments regarding the rulemaking process to updated the water quality standards for the Chelan River, specifically related to:

Changing temperature and dissolved oxygen criteria, to align with the highest achievable water quality.

Site-specific water quality criteria development is centered on temperature because it is the primary water quality parameter that does not meet the existing temperature criteria and also poses a limitation on aquatic habitat suitability. Other parameters, such as Dissolved Oxygen (DO) can be affected by temperature, but in general, the observed data have shown that there are no critical water quality issues that preclude the existing default designated aquatic life use in the River [Chelan] besides temperature. The proposed water quality criteria, however, included an alternative site-specific DO saturation criterion to the extent that temperature and atmospheric pressure preclude achievement of the DO concentration criterion.

The overall approach for developing the site-specific temperature criteria centers on maintaining the existing conditions that support the highest attainable aquatic life use in

the River [Chelan]. The warmest temperature conditions occur from mid-May through mid-October when the lower portions of the Lake (Wapato Basin and the forebay) reach temperatures that are harmful to salmonids. Because the high temperature originates in the Lake [Chelan] and the extent of solar heating controls further increases within the River [Chelan], the site-specific criterion is developed on the basis of these two factors. Finally, the proposed criterion also considers the warming within the River [Chelan] in response to long-term air temperature changes projected for the region as a result of climate change.¹

It's important to acknowledge that anthropogenic development on Lake Chelan and the surrounding lake edge shoreline have negatively affected water quality. Development in the shoreline has reduced or extinguished lake shoreline habit features. The negative impacts have contributed to increased water temperatures. Continued, un-mitigated lake/shoreline development will decrease lake and river water quality. ETD agrees that, "No anthropogenic heat source inputs are allowed downstream of the Lake Chelan Dam outlet to the Chelan River confluence with the Columbia River". Additionally, consideration is needed for all future development on Lake Chelan (e.g., boat docks), and on the lake shoreline.

Apparently this UAA is the first for Ecology. There is concern that if this proposal is approved, then a precedent will be set to further downgrade water quality standards.

CTCR water quality standards maintain a primary interest in the protection, control, conservation, and utilization of the water resources important to the Chelan Tribe, CTCR, and the collective regional tribal relatives.

Bret Nine, Resident Fish Manager from CTCR F&W provides the following comments related to:

Changing the aquatic life designated use in the Chelan River from "salmon spawning, rearing, and migration," which currently applies to all sections of the river, to "migration for naturally limited waters" in the upper reaches of the river, and to "salmonid spawning, rearing, and migration for naturally limited waters" to the lower part of the river.

The Chelan River is a unique river with year round flows provided via a dam at the outlet of Chelan Lake. Previous to any dam, the river would have had annual flows in the spring, becoming dry by late summer and fall. Currently, the river is fed by the warmer surface waters from Lake Chelan and although flows are provided year round, elevated water temperatures in the summer are above salmonid tolerance levels which would limit salmonid survival and production in the river.

The river is divided in to 4 reaches; reach 1 at the dam and reach 4 flowing into Columbia River. Reaches 1-3 provide flows and limited habitat for entrained fish, mainly Cutthroat trout, but any production would be limited due to elevated water temperatures in the summer. Reach 3 has a series of obstacles that limit fish passage upstream which would be a barrier to steelhead and salmon migration, spawning and incubation from occurring in the first three reaches. Chelan PUD has constructed a spawning channel in reach 4 that supports both steelhead and chinook spawning and incubation.

Due to elevated water temperatures and migration barriers and the addition of the spawning channel in reach 4, I would support the proposed change in the aquatic life designated use in the Chelan River. Specifically, reaches 1-3 would change from "salmonid spawning, rearing, and

¹ Chelan River Use Attainability Analysis and Site-Specific Criteria Development. Four Peaks Environmental Science & Data Solutions. December 2019

migration,” to “migration for naturally limited waters,” and to “salmonid spawning, rearing, and migration for naturally limited waters” in the lower river where steelhead and salmon spawning habitat is available. By definition the main change acknowledges limitations with the physical, biological and chemical aspects of the river which is not fixable in my opinion due to the extenuating circumstance with this water system (i.e. without the dam no water would be present in the summer and fall).

CTCR ETD & F&W appreciate the opportunity to comment on this proposal.

Respectfully,

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

Douglas R. Marconi Jr.
Watershed Program Manager
Environmental Trust Department