



PUBLIC UTILITY DISTRICT NO. 1 of CHELAN COUNTY

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May 21, 2021

Comments Filed Online

Ms. Marla Koberstein
Washington State Department of Ecology
Water Quality Program
300 Desmond Drive SE
Lacey, WA 98503

Re: Letter of Support and Comments on Proposed Rule Making (CR-102) for Changing the Designated Use and Water Quality Criteria for the Chelan River in WAC 173-201A-602

Dear Ms. Koberstein:

The Public Utility District No. 1 of Chelan County (Chelan PUD) respectfully submits this comment letter on the above-referenced proposed rulemaking for the Chelan River. Chelan PUD appreciates Washington State Department of Ecology's (Ecology) responsiveness to the request for modifying the aquatic life designated use and the associated temperature and dissolved oxygen (DO) criteria for the Chelan River based on the Use Attainability Analysis¹ (UAA) submitted to Ecology in December 2019.

Chelan PUD has reviewed the rule proposal documents that were provided with the CR-102 announcement². Chelan PUD is supportive of the rule change proposal and largely concurs with the documents provided in support of the proposal. During the review of the proposed rule language and supporting documents we identified a few areas that were ambiguous for which we request clarifications. These are discussed below.

1. Clarification on the use designation and criteria that apply to the tailrace and the high-flow sections of Reach 4 in Table 602.

From the latitudes and longitudes provided in the last row of the proposed changes to Table 602³, the geographical extent between the two points (i.e., between 47.8117, -119.9848 and

¹ Mugunthan, P., Miller, J., and Stachura, M., 2019. Chelan River Use Attainability Analysis and Site-Specific Criteria Development. Prepared for Public Utility District No. 1 of Chelan County. Prepared by Four Peaks Environmental Science & Data Solutions. Wenatchee, WA. December. Available at: <https://fortress.wa.gov/ecy/ezshare/wq/standards/ChelanUAA.pdf>

² Available at: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-Chelan-UAA>

³ Ecology, 2021a. Water Quality Standards for Surface Waters of the State of Washington Chapter 173-201A-WAC: Overview of Proposed Changes to Current Rule, Publication 21-10-009, Water Quality Program, Washington Department of Ecology, Olympia, WA. March. Available at: <https://apps.ecology.wa.gov/publications/documents/2110009.pdf>

47.8044, -119.9842) encompasses the habitat channel, the high-flow channel and the tailrace. The geographical extent defined by these coordinates is consistent with how Reach 4 is defined in Chelan PUD's UAA. However, neither the proposed rule change language nor the supporting documents provided with the CR-102 announcement explicitly define Reach 4 to include all three sections. We request clarification from Ecology that the proposed change to the aquatic life uses in the last row of Table 602 and the corresponding temperature and DO criteria in footnote 3, apply to the habitat channel, high-flow channel and the powerhouse tailrace.

2. Interpretation of anthropogenic sources in the proposed changes to Table 602.

Footnote 4 of the proposed changes to Table 602 would provide that "*No anthropogenic heat source inputs are allowed downstream of the Lake Chelan Dam outlet to the Chelan River confluence with the Columbia River*"⁴. As stated in the Technical Support Document and other supporting documents, the purpose of this provision is to ensure that "*the highest attainable use is not degraded by future anthropogenic heat sources*"⁵. Chelan PUD is concerned, however, that the existing powerhouse flows to the tailrace and the supplemental pump back flows from the tailrace to the habitat channel to support spawning might be considered anthropogenic sources prohibited by footnote 4, even though these existing flows are authorized or required under the existing FERC license and Clean Water Act Section 401 Certification. We request clarification that the reference to "*anthropogenic heat source inputs*" in Footnote 4 does not include these existing sources.

3. DO Saturation Criteria for Reach 4 Habitat Channel.

Footnotes 1 and 3 in the proposed changes to Table 602 include DO criteria of 8 mg/L or 90 percent saturation for Reaches 1 to 3 and 8 mg/L or 95 percent saturation for Reach 4, respectively. Page 51 of the UAA Technical Support Document discusses why oxygen saturation is appropriate at high temperature, but neither this document nor the footnotes in proposed changes to Table 602 indicate whether such saturation criteria apply even when the DO is greater than 8 mg/L. It is possible that when temperature is low or barometric pressure is high the 90 or 95 percent saturation levels for DO may be higher than 8 mg/L. We request clarification that the saturation criteria proposed in Table 602 apply only when DO is lower than 8 mg/L.

4. Chelan River Flow Rate.

Chapter 4 (Page 26) of the Preliminary Regulatory Analyses⁶ document indicates that "*During the federal relicensing, Chelan PUD addressed the potential impacts of various methods to*

⁴ Ecology, 2021a. Water Quality Standards for Surface Waters of the State of Washington Chapter 173-201A-WAC: Overview of Proposed Changes to Current Rule, Publication 21-10-009, Water Quality Program, Washington Department of Ecology, Olympia, WA. March. Available at: <https://apps.ecology.wa.gov/publications/documents/2110009.pdf>

⁵ Ecology, 2021b. Draft Chelan River Use Attainability Analysis and Site Specific Criteria: Technical Support Document, Publication 21-10-008, Water Quality Program, Washington State Department of Ecology, Olympia, WA. March. Available at: <https://apps.ecology.wa.gov/publications/documents/2110008.pdf>

⁶ Ecology, 2021c. Preliminary Regulatory Analyses, Publication 21-10-005, Water Quality Program, Washington State Department of Ecology, Olympia, WA. March. Available at: <https://apps.ecology.wa.gov/publications/documents/2110005.pdf>

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increase river flows and indicated they would be too costly relative to potential beneficial impact...". As listed in the first bullet that follows this statement in the document, cost was not the primary reason the higher flows were eliminated. Rather, the higher flows were shown to hinder the attainment of the biological objectives because of the reduction in useable biological habitat. The current flows were determined to be optimal during the 10-year adaptive management studies that were overseen by the Chelan River Fishery Forum, which included representatives from Ecology, Washington State Department of Fish and Wildlife, federal fish agencies, Tribes, and other stakeholders. We request that Ecology include a clarification so that the statement cited above is not misconstrued as cost being the driver for eliminating higher flows.

Chelan PUD appreciates the opportunity to submit comments and believes the clarifications requested above would reduce ambiguity and avoid misinterpretations of the proposed rule change and facts presented in the supporting documents. Our team looks forward to working with Ecology through the next phases of the rule making and subsequent implementation.

Please contact me if there are any questions on these requests for clarifications at (509) 661-4186 or by email at marcie.clement@chelanpud.org.

Sincerely,



D. Marcie Clement
Water Resources Program Manager
Public Utility District No. 1 of Chelan County

cc: Damon Roberts, Mark Peterschmidt and Breean Zimmerman, Washington State Department of Ecology, Central Region – ***Sent via Email***
Melissa Gildersleeve, Chad Brown, Bryson Finch, Washington State Department of Ecology, Headquarters - ***Sent via Email***

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