



Public Utility District No. 1 of Douglas County

1151 Valley Mall Parkway • East Wenatchee, Washington 98802-4497 • 509/884-7191 • FAX 509/884-0553 • www.douglaspubd.org

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Robbie O'Donnell
Columbia & Lower Snake Rivers Temperature TMDL Implementation Lead
robbie.odonnell@ecy.wa.gov
(564) 250-0850

On behalf of Public Utility District No. 1 of Douglas County (Douglas PUD), we appreciate the opportunity to provide input regarding Washington State's implementation of the U.S. Environmental Protection Agency's (EPA) Columbia and Lower Snake River Temperature Total Maximum Daily Load (TMDL) finalized in 2021. Douglas PUD recognizes the Department of Ecology's (Ecology) responsibility to protect water quality and aquatic resources and shares the common objective of supporting healthy river systems for fish, wildlife, and communities throughout the Columbia Basin. Douglas PUD and Ecology have a long history of working together and meeting state water quality criteria, standards, and vital Designated Uses.

Douglas PUD's Regional Role and Public Benefits

The Wells Hydroelectric Project (Wells Project) is owned and operated by Douglas PUD, a public utility district serving approximately 17,000 customer-owners located in North-Central Washington. The Wells Project has an installed nameplate capacity of 867 MW of carbon-free energy, directly supporting regional economic vitality, grid reliability, and responsible population and industrial growth. Notably, the Wells Project's generation displaces electricity that would otherwise be produced by fossil-fuel-based resources, thereby reducing carbon dioxide emissions and contributing meaningfully to regional decarbonization goals.

As a locally governed public utility district, Douglas PUD's mission is inseparable from the long-term environmental, economic, and social well-being of the communities we serve. Douglas PUD is a small, rural public utility that provides power to its customer-owners on a not-for-profit basis. As not-for-profit utility, Douglas PUD does not pay shareholders or dividends through the sale of power. This model is critical to preserve at a time when Washington-area consumers are feeling the effects of rapidly rising costs for everyday activities. Any TMDL implementation framework needs to recognize and preserve the significant public benefits provided by hydroelectric generation in the Columbia River Basin, especially those associated with Public Power.

Fish and Wildlife Mitigation and Protection of Designated Uses

Douglas PUD has made and continues to make substantial, long-term investments in fish and wildlife mitigation, directly supporting the protection and enhancement of anadromous and native resident fish recognized as critical Designated Uses by the State of Washington. Central to this commitment is Douglas PUD's Anadromous Fish Agreement and Habitat Conservation Plan (Wells HCP), which was developed in coordination with state, federal, and tribal co-managers and is expressly designed to achieve "No Net Impact" for all five anadromous salmonid species interacting with the Wells Project. The Wells HCP reflects decades of collaborative, scientific study, adaptive management, and significant financial and operational investment toward ensuring that hydropower operations are compatible with the conservation and enhancement of both Endangered Species Act (ESA)- listed and non-listed anadromous salmon and steelhead.

The Wells HCP is designed to accurately measure and fully mitigate any impacts on HCP Plan Species resulting from the operations of the Wells Project. In addition, Douglas PUD's Aquatic Settlement Agreement (ASA) and related natural resource management plans provide enduring benefits to native, resident fish, aquatic resources, and water quality throughout the project area. Collectively, these agreements deliver measurable ecological gains that directly advance Ecology's designated uses, including the protection of aquatic life, fisheries, and downstream beneficial uses, while reinforcing Douglas PUD's role as a responsible steward of the Columbia River system.

Douglas PUD is concerned that Ecology's push to expedite the implementation of the TMDL may have unintended consequences to previously established and well-functioning settlement agreements. Douglas PUD offers the following comments to help Ecology avoid adverse impacts on aquatic resources and local communities during the development and finalization of the proposed TMDL implementation process.

1) Need for Project-Specific and Proportional TMDL Implementation

The EPA's 2021 TMDL clearly establishes that temperature contributions and exceedances must be evaluated within a context of project-related impacts (see Tables 6-6 through 6-10 in EPA's 2021 TMDL). Douglas PUD strongly emphasizes that Ecology's implementation plan must recognize this principle by evaluating each hydroelectric project's discrete and measurable contribution to temperature exceedances, rather than relying on generalized, basin-wide assumptions and mitigation obligations.

Mitigation obligations should be assigned in direct proportion to demonstrated, project-specific thermal impacts attributable to each project or facility. In the case of the Wells Project, it is a low-head, run-of-river project with no thermal stratification. Due to the Project's limited active storage, the thermal impacts of the Wells Project are very small and based on detailed modeling appear to be confined to the month of June, a month where exceedances of Ecology's 17.5°C 7-day average of the daily maximum (7-DADMax) criteria do not occur.

Failure to design mitigation and Water Quality Assurance Plans (WQAPs) that can be traced to project-specific impacts will result in the misallocation of responsibility and divert implementation and mitigation efforts away from the locations where they could create the greatest environmental benefit. A scientifically defensible, project-specific approach is essential to maintaining regulatory credibility and ensuring effective implementation of the TMDL. Ecology's implementation requirements must recognize project-specific impacts instead of basin-wide impacts.

2) Climate Change Considerations and Temperature Performance Metrics

The EPA's TMDL expressly acknowledges the dominant and increasing influence of climate change on mainstem river temperatures. As documented in the TMDL, "*a synthesis of available scientific evidence indicates that climate change has increased summer water temperature in the Columbia and Snake Rivers by approximately 1.5°C since the 1960s*" (pg. 2). This finding is fundamental and must be meaningfully incorporated into Ecology's implementation framework.

Douglas PUD asserts that compliance evaluation relative to Ecology's 17.5°C 7-DADMax during the June through October action period should only occur after accounting for, and subtracting, the temperature exceedances attributable to climate change. Hydroelectric projects cannot reasonably be expected to mitigate temperature increases driven by global atmospheric changes beyond their operational control.

Consideration of the impacts of climate change on Columbia River water temperature is especially warranted, given that hydroelectric generation already provides a critical climate mitigation service by avoiding greenhouse gas emissions that would otherwise result from carbon-emitting electricity generation. Requiring hydropower projects such as the Wells Project to compensate for climate-driven warming, while simultaneously delivering emissions-free energy, would effectively impose a double burden and run counter to the TMDL's scientific findings and broader climate policy objectives.

3) Designated-Use-Focused Mitigation

Ecology's TMDL implementation approach should, at a minimum, give full and meaningful consideration to mitigation strategies that demonstrably protect and enhance Designated Uses, even where those strategies are not explicitly designed to achieve compliance with the 17.5°C 7-DADMax numeric criterion. This consideration is especially important considering the EPA's own findings in the TMDL that climate change has materially increased summer river temperatures and that, "*EPA recognizes that there are limited additional opportunities to improve river temperatures through operational changes at the...dams*" (pg. 2). Under these conditions, strict reliance on numeric criteria as the sole measure of WQAP success risks prioritizing actions that will result in limited biological benefit while overlooking mitigation measures known to meaningfully improve aquatic life uses.

In particular, the establishment, enhancement, and long-term protection of cold-water refugia are widely recognized as critical to the survival and migration success of summer-migrating salmonids, providing localized thermal relief during periods of elevated mainstem water temperatures. TMDL implementation plans should emphasize biologically effective, designated-use-focused mitigation that aligns more closely with Clean Water Act objectives and the TMDL's

scientific record instead of an approach focused narrowly on numeric compliance that may be increasingly unattainable under current and future climate realities.

4) Recognition of Tributary Enhancement and Project Impact

The TMDL implementation framework should explicitly recognize and account for the substantial financial investments (millions of dollars) already made, and that continue to be made, in tributary habitat restoration by Bonneville Power Administration, federal hydropower operators, and the mid-Columbia public utility districts. These investments are strategically directed to tributaries and off-channel habitats where background water temperatures are not influenced by hydropower operations but are elevated well above the 7-DAD Max criteria during peak summer months.

Douglas PUD and other hydropower operators are meaningfully enhancing Designated Uses outside their project areas. Habitat enhancement activities are aimed at protecting and restoring riparian cover, enhancing off-channel habitat, increasing instream water storage and flows, and providing access to previously passage limited headwater habitats. Ecology's TMDL implementation must recognize existing and future habitat programs funded by hydroelectric operators serve Designated Uses in such a meaningful way. In many cases, tributary systems exert a far greater influence on the survival and productivity of salmon and steelhead, given the relatively short exposure most migrating fish experience in the mainstem Columbia River. Due to their demonstrated effectiveness and targeted design, these ongoing tributary restoration actions should be considered a legitimate and integral component of TMDL implementation through WQAPs. Recognizing both existing and future tributary enhancement investments as compliance tools would better align regulatory expectations with ecological outcomes, avoid duplicative or inefficient mitigation, and ensure that implementation efforts focus on actions most likely to protect and restore designated aquatic life uses under current and future climate conditions.

5) Recognition of the Lack of Natural Condition Information in the Columbia River

On page 15 of the EPA's 2021 Columbia and Lower Snake River Temperature TMDL, the EPA acknowledges that unlike many other temperature TMDLs, the analysis did not rely on Washington State's "natural conditions" provision within the water quality standards. This omission materially weakens the TMDL by leaving unresolved the fundamental question of what portion of observed mainstem Columbia River temperatures are attributable to background natural conditions versus anthropogenic sources. That uncertainty is further compounded by the TMDL's own documentation of climate-driven warming, which has significantly elevated baseline river temperatures independent of hydroelectric operations.

In the absence of a natural conditions framework and given the acknowledged uncertainty surrounding the relative contribution of hydroelectric projects compared to background river temperatures, an implementation strategy narrowly focused on achieving numeric criteria is neither scientifically robust nor environmentally effective. Instead, these circumstances strongly support an approach that emphasizes the deployment of mitigation tools with demonstrated benefits to Designated Uses and evaluates success based on the implementation and performance of those tools, rather than strict attainment of numeric temperature targets that may be increasingly disconnected from controllable project influences under the current climate reality.

6) Douglas Support of Northwest Public Power Association Comments

As a member of the Northwest Public Power Association (“NWPPA”), Douglas PUD fully supports and endorses the comments submitted by the NWPPA.

7) Douglas PUD Support of Northwest River Partners Comments

As a member of the Northwest River Partners (NWRP), Douglas PUD fully supports and endorses the comments submitted to Ecology by the NWRP. Especially those that are:

- A) Specific to incoming water temperatures that were not fully considered outside the TMDL domain (e.g., Canadian contributions to water temperatures)
- B) Comments related to the positive temperature benefits realized by headwater storage projects, including Grand Coulee and Dworshak dams during critical migration periods coincidental with peak summer-time temperature periods.

Ecology must consider that without headwater storage, tributary habitat improvements, and the addition of hatchery and hydropower related coldwater refugia, water temperatures would be warmer in some reaches of the mainstem Columbia River.

Douglas PUD looks forward to continued coordination with Ecology to ensure that TMDL implementation is grounded in sound science, project-specific contributions, provides credit for tributary habitat improvements that benefit water temperatures and Designated Uses, recognizes the reduction in carbon emissions provided by NW hydropower, and considers the uncertainty around natural background conditions, and quantitatively accounts for the influence of climate change in the modeled results. Addressing these concerns through reasonable and thoughtful WQAPs is the key to useful TMDL implementation. Douglas PUD remains committed to collaborative solutions that protect water quality while sustaining the clean energy foundation upon which the region depends.

Sincerely,



Shane Bickford
Assistant Manager – Natural Resources and Dam Safety

CC/
Andrew Gingerich - Douglas PUD
Mariah Mayfield – Douglas PUD
Shiloh Burgess – Douglas PUD
Melissa Peterson – Ecology
Chad Brown – Ecology
Thomas Starkey-Owens - Ecology