



March 6, 2023

U.S. Army Corps of Engineers
Walla Walla District
201 N 3rd Ave
Walla Walla, WA 99362-1876

Sent via email to: cenww-pa@usace.army.mil

Re: Water Quality Attainment Plans for Lower Snake River Reservoirs

Dear U.S. Army Corps of Engineers:

Columbia Riverkeeper, The Conservation Angler, Idaho Rivers United, Institute for Fisheries Resources, Northwest Environmental Defense Center, Northwest Sportfishing Industry Association, Pacific Coast Federation of Fishermen’s Associations, Save Our wild Salmon Coalition, Sierra Club, and Snake River Waterkeeper write in anticipation of the U.S. Army Corps of Engineers (Corps) taking action to address heat pollution from the four Lower Snake River dams and reservoirs. The dams’ heat pollution violates Washington’s water quality standards for temperature and exceeds the pollution load allocations in EPA’s Columbia and Lower Snake Rivers Temperature Total Maximum Daily Load (TMDL). **As a first step, we ask the Corps to formally solicit public input on the scope of the Water Quality Attainment Plans for the four Lower Snake River reservoirs.** These Water Quality Attainment Plans must evaluate and implement combinations of operational and structural changes—including reservoir

drawdown—to meet the TMDL load allocations and significantly reduce the dams’ heat pollution.

Salmon need cool water to survive, and the Corps’ dams are a main contributor to the hot water crisis threatening Snake River salmon with extinction. Specifically, the four dams on the Lower Snake raise the river temperature by an average of 0.7, 1.7, 2.2 and 3.7 °C in July, August, September, and October respectively.¹ The devastating impact of hot water pollution on salmon is not hypothetical. Warm water in 2015 killed more than 277,000 adult sockeye salmon.² In 2021, PIT tag data showed a 70% mortality rate for Endangered Snake River sockeye through the hydrosystem.³ Without significant changes to the status quo, federal scientists predict that hot water from dams, exacerbated by climate change, will cause the extinction of Snake River sockeye and, potentially, spring Chinook.⁴ Clearly, the Corps’ dams make the Snake River too hot to support healthy native fish populations.

After decades of delay, the Corps should—and, legally, must—address the heat pollution caused by the four Lower Snake River dams and reservoirs. The Corps has long sought to avoid responsibility for its dams’ heat pollution. Twenty years ago, the Corps prevailed upon EPA and the White House to bury the temperature TMDL for the Columbia and Lower Snake. When EPA revisited that TMDL several years later, the Corps pressed EPA to pretend that the dams’ heat pollution was a natural part of the river⁵ and asked the State of Oregon to eliminate salmon and steelhead as Clean Water Act-protected uses of the river.⁶ After EPA issued the TMDL over the Corps’ objections in 2022, the Corps attempted to invalidate the State of Washington’s 401 Certifications, which make the TMDL’s load allocations for dams legally enforceable against the Corps.⁷ Now that the TMDL, the Clean Water Act permits, and the 401 Certifications for the Lower Snake River dams are final and in effect, we sincerely hope that the Corps is ready to fulfill its legal obligation to “implement temperature control strategies and meet the load allocations in the Columbia and Lower Snake Rivers Temperature TMDL.”⁸

¹ EPA, *Columbia and Snake River Temperature TMDL*, pp. 58–59 (2021).

² *Columbia Riverkeeper v. Pruitt*, Case No. 2:17-cv-00289-RSM, Defendants’ Answer, ¶ 3 (May 15, 2017) (EPA admits that the 2015 fish kill was “attributable primarily to warm water.”).

³ See [DART Conversion Rate webpage](#) (Note: DART’s conversion data are not corrected for harvest or straying).

⁴ Crozier et al., *Snake River Sockeye and Chinook Salmon in a Changing Climate: Implications for Upstream Migration Survival During Recent Extreme and Future Climates*, PLoS ONE 15(9), (2020).

⁵ Army Corps, *Comments to EPA on the Preliminary Draft Columbia/Snake River Mainstem Temperature Total Maximum Daily Loads*, p. 4 (Nov. 6, 2002) (“The Corps recommends that the thermal effects due to the existence of the dams be included in the baseline”).

⁶ See, e.g., *Letter from Army Corps, Bureau of Reclamation, and EPA to Oregon Department of Environmental Quality encouraging Use Attainability Analyses for the Columbia and Snake Rivers* (May 9, 2005).

⁷ See Army Corps, *Notice of Appeal to the Washington Pollution Control Hearings Board re Ecology Order No. 18146 Granting Water Quality Certification for the Bonneville Project* (June 8, 2020).

⁸ See, e.g., NPDES Permit No. WA0026816 (Ice Harbor Dam), p. 20 (April 1, 2022).

Water Quality Attainment Plans⁹ are the regulatory tool that the Corps must use to identify, study, and implement temperature control strategies to reduce the Lower Snake River dams' heat pollution. By April 1, 2023, the Corps must submit a scope for each Water Quality Attainment Plan to the Washington Department of Ecology (Ecology) for review.¹⁰ The scopes of the Water Quality Attainment Plans must commit to evaluating a comprehensive suite of operational strategies and structural alterations—including reservoir drawdown—to meet the TMDL load allocations and eliminate the dams' contributions to violations of Washington's temperature water quality standards.

To obtain the most comprehensive and helpful suite of potential strategies to address the dams' heat pollution, and avoid future conflicts, we ask the Corps to formally seek public comment about the appropriate scope of the Water Quality Attainment Plans. Failure to provide the scopes of the Water Quality Attainment Plan to Ecology for review by April 1, 2023, would violate the conditions of the Clean Water Act permits and 401 Certifications for the four Lower Snake River dams.

Sincerely,



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On behalf of the following organizations:

Columbia Riverkeeper

The Conservation Angler

Idaho Rivers United

Institute for Fisheries Resources

Northwest Environmental Defense Center

Northwest Sportfishing Industry Association

Pacific Coast Federation of Fishermen's Associations

Save Our wild Salmon Coalition

Sierra Club

Snake River Waterkeeper

⁹ WAC 173-201A-510(5)(b).

¹⁰ See, e.g., NPDES Permit No. WA0026816 (Ice Harbor Dam), p. 20 (April 1, 2022).

cc:

- Jenny Wu, U.S. Environmental Protection Agency
- Mike Connor, U.S. Army Corps of Engineers
- Sara Gonzalez-Rothi and Justin Pidot, Council on Environmental Quality
- Kate Marckworth, Yakama Nation
- Brent Hall, Confederated Tribes of the Umatilla Indian Reservation
- Dave Cummings, Nez Perce Tribe
- Dianne Barton, Columbia River Inter-tribal Fish Commission
- Ritchie Graves, National Marine Fisheries Service
- Melissa Gildersleeve, Washington Department of Ecology
- Michael Garrity, Washington Department of Fish and Wildlife
- David Gruen, Oregon Department of Environmental Quality
- Art Martin, Oregon Department of Fish and Wildlife