



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 27, 2011

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

**RE: Draft Environmental Impact Statement (DEIS)
Wells Hydroelectric Project No. 2149-152**

Dear Secretary Bose:

Washington State Department of Ecology (Ecology) submits its comments on the Wells Draft Environmental Impact Statement for Hydropower License (DEIS).

- 1) Washington amended its water quality standards in November, 2006. Most of those changes are accurately reflected in the DEIS. However, there are a couple of instances where the DEIS refers to the older language that is no longer in effect. The most important is that we no longer have the “Class A” standard. We now classify by uses. So, the numeric criteria shown in Table 8 (page 50) are related to the Aquatic Life Use of “salmonid spawning, rearing and migration”, to protect the most sensitive use in the area.
- 2) Other corrections to Table 8:
 - a) In footnote a, starting with “Human-caused variation [insert: *within the above range*]...”. This is a small, technical change.
 - b) In footnote b, include “*or that condition is due to natural conditions.*”
 - c) For footnote d, insert at the beginning of the sentence, “When approved,”
- 3) In the discussion of total dissolved gas (TDG), please include a discussion of the study by Politano, Arenas, and Weber¹ (IIHR, University Iowa) and how it affects the optimum operation to minimize TDG. Some very important new information was discovered in this study and would impact the Project’s ability to improve TDG levels below the dam.
- 4) In Table 17 (page 88), Summary of compliance with water quality studies, Ecology agrees that the Project itself does not cause an increase of more than 0.3°C. However, the 0.3°C standard applies to “human actions considered cumulatively” over the water body (i.e., Columbia River), not just a single project. When a temperature evaluation is completed for all human action on the Columbia River, each project may face more rigorous requirements in order for the water body to meet the standard. This is why the Water Quality

¹ Politano, M and A. Arenas Amado, and Duncan Hays, July 2009, Total Dissolved Gas Modeling and Compliance Evaluations for Wells.



Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
May 27, 2011
Page 2 of 2

Management Plan includes provisions for implementing any measures that may be required as a result of the Columbia River temperature TMDL or that may be necessary to address future instances of non-compliance with state water quality standards. Ecology will be carrying forward this requirement in the 401 certification.

- 5) In any discussion of fish facilities (e.g., hatcheries, net pens, acclimation ponds) (e.g., page 69), the impact on water quality should be addressed. This includes the ability to obtain an NPDES permit, plus meeting the requirements of a TMDL, as applicable.
- 6) The DEIS did not include the entire Aquatic Settlement Agreement as part of the staff recommendations. Ecology was a signatory to that agreement, as were other federal, state and tribal aquatic resource management agencies. We will be putting these components in the 401 certification, so, as mandatory conditions, we expect these will be included in the next and/or final EIS. Two items, in particular, have been consistently supported by Ecology on the mid-Columbia River projects: 1) adaptive management and 2) the formation and maintenance of workgroups to coordinate efforts among the agencies to share information and respond to new information as it becomes available. Adaptive management is necessary to determine next steps as new information becomes available. And, each of the agencies has different responsibilities under different federal laws, so that a workgroup is a necessary to coordinate these responsibilities.
- 7) Another part of the settlement agreement is the six aquatic resource management plans. Ecology supports the plans, as written, as they were developed using the collective local expertise of experts from federal, state and tribal agencies.
- 8) Land Use Policy (page 193). Under the state's Shoreline Management Act, Ecology is directed to represent the State's interests before federal initiatives and proceedings, with regard to activities or uses of shorelines of the state. See RCW 90.58.260. As recognized by the DEIS, the current Land Use Policy was adopted in part to ensure compliance with state laws, and requires state permits for projects within the project boundary. As the state agency charged with regulating uses of the state's shorelines, and in order to promote efficiency and consistency, we recommend that Ecology be consulted as part of development or updates of the Shoreline Management Plan, a Land Use Policy, a Recreation Resource Development Plan, Recreation Management Plan or a Wildlife Habitat Monitoring and Information and Education Plan.

If you have any questions, please contact Pat Irle of my staff at (509) 454-7864 or me at (509) 457-7107.

Sincerely,



Charles McKinney
Water Quality Section Manager