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**Comments of Joyce Cohen – Water Quality Coordinator
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As the Governor's Water Quality Coordinator for the Columbia River, I am here to present general comments about the "Conservation of Columbia Basin Fish" and some specific comments regarding the appendices to that document as they attempt to address water quality. Because the "Conservation of Columbia Basin Fish" appendices were only recently posted on the Federal Caucus web site, the state will review the Corps' draft Environmental Impact Statement on the Lower Snake and will provide comments on those documents at a later time.

First, some general observations on "Conservation of Columbia Basin Fish."

The document states that the intent was to "develop a conceptual recovery plan." The region has operated under a "conceptual" recovery plan for five years – one that has never graduated from a "draft" status. What the region requires is an actual recovery plan, one that will provide the necessary biological benefit for the fish. Time is running out.

The region must have a comprehensive strategy that results in actual recovery of fish populations. This document will not provide the region with the information to conduct a constructive debate.

"Conservation of Columbia Basin Fish" lays out several broad goals and objectives. While in concept these goals appear to be acceptable, the paper lacks any quantifiable figures to inform the region when it would have reached the goal of recovery.

The region would have a far more productive debate, and a far better idea of the nature of the choice, if the document included analysis of all the considerations posed by the Federal Caucus.

General concerns over the inclusion of the Clean Water Act in your document stem from our concern over the lack of urgency on behalf of the federal government in meeting its own Clean Water Act obligations for the Columbia River.

The Clean Water Act requires not just an accumulation of measures, but a process to determine the total maximum daily load of listed pollutants that exceed Clean Water Act standards. It also encompasses developing a management plan with milestones, from which responsible parties will deliver measures projected to meet water quality standards, enforceable by the appropriate designated entities -- the states and tribes.

The federal government, through its management of the mainstem Columbia River habitat, has an obligation to assume its responsibilities under the Clean Water Act. We do not find those intentions anywhere within the "Conservation of Columbia Basin Fish" document.

The states, tribes, private and public entities are, at considerable expense, on track with timelines for accomplishing their Clean Water Act responsibilities in the Columbia Basin's tributaries. The federal government must step up with funding and a similar commitment to achieve the Clean Water Act standards in the mainstem.

Specific comments on the appendices to the "Conservation of Columbia Basin Fish" are as follows:

For the Habitat Appendix, on pages 6-47 there is not mention of Bonneville's or the other operating agencies' responsibility to improve mainstem habitat as part of the Clean Water Act or Endangered Species Act (beyond managing incidental take).

Pages 49-59 contain no mention of the federal lands as mainstem habitat. Each federal agency must acknowledge and articulate its responsibilities and funding sources under the Clean Water Act to integrate federal efforts with those of the states and tribes. Mainstem Total Maximum Daily Load schedules should be included to develop TMDL implementation plans between the federal agencies, the states and the tribes to improve mainstem habitat.

Page 63: We support the Corps' commitment to modifying the McKenzie River's Cougar Dam to address temperature problems and would encourage that those modifications take place as soon as possible.

Regarding the Hydro Appendix, pages 31-39, the discussion does not include the development of performance standards for meeting Clean Water Act requirements. In fact, on page 38, the document states "it may not be possible to achieve water quality standards in the highly modified Columbia River system." The federal government is required to abide by the law, and that law includes the Clean Water Act. It is not sufficient to attempt to meet ESA requirements and ignore the standards of the Clean Water Act.

In the Options and Analysis section, page 40, the document states "optimize water quality conditions where consistent with overall objectives and other strategies." The statement fails to meet the conditions of the Clean Water Act. It should read "to assure consistency with the Clean Water Act."

Under Water Quality Plan Development on page 50, the water quality plan as described is insufficient to meet the Clean Water Act. Facilities must comply with existing water quality criteria and must meet any other reduction needed to address pollution loads once a TMDL is established. The states and EPA establish load allocations as part of their Section 303 process. Load allocations must be established in conjunction with the overall TMDL – not on an ad hoc basis for each facility.

The characterization of Regulatory Mechanisms pertaining to federal dams, on page 50, has two shortcomings. First, the states have direct regulatory authority under the Clean Water Act statutes. Second, regulations addressing water quality under the Endangered Species Act are not comparable to authorities embodied within the Clean Water Act.

Finally, the Corps of Engineers' budget on page 144 fails to include any mention of an obligation to include Clean Water Act compliance as a budget category.

I thank you for the opportunity to provide these comments.

Additional Comments:

Scope of Plan- The plan needs to include an explicit analysis of recovery options at FERC licensed projects (i.e. mid-Columbia PUD dams and Hells Canyon Complex) since operations of these projects will significantly affect outcomes of recovery efforts at FCRPS projects. The plan needs to include analyses of other ESU's including upper Willamette spring chinook and winter steelhead, Lower Columbia chinook, and Columbia River chum. The plan also needs to include analyses of results from John Day drawdown feasibility studies that the Corps has recommended to discontinue based on unsupported biological analyses that to date have not been regionally reviewed.

Scientific Tools- The plan needs to include results of CRI/PATH model comparisons, an effort that has recently initiated which will help in identifying strengths/weakness of alternative model hypotheses and help in selection of alternative actions to meet survival and recovery goals.

Analysis of Options/Alternatives- We are concerned with the CRI analysis that is based on theoretical survival improvements with no attempt to evaluate the feasibility of options, some of which will be evaluated by the ongoing CRI/PATH model comparison. Survival improvements in habitat and hatcheries are untested and should not be considered viable options until their feasibility has been demonstrated. Options regarding harvest reductions in ocean and Columbia River fisheries simply are not politically feasible and not consistent with our nations' trust responsibility to the tribes