February 21st, 2025

Oregon Environmental Quality Commission
700 NE Multnomah St., STE 600
Portland, OR 97232
Via email to lindsay.trapp@deq.oregon.gov

Re: **Trout Unlimited Supports a Permanent 401 Certification and Adaptive Management for the Pelton Round Butte Project**

Dear Chair Donegan and Members of the Oregon Environmental Quality Commission (EQC),

Trout Unlimited (TU) is a non-profit organization dedicated to conserving coldwater fish (such as trout, salmon, and steelhead) and their habitats. We have more than 350,000 members and supporters nationwide, including thousands of members in Oregon. TU and its members are committed to caring for Oregon rivers and streams so future generations can experience the joy of wild and native trout and salmon.

TU has been engaged in the Deschutes River basin for many years. We are writing to provide our perspective on matters related to the health of the lower Deschutes River which are subject to Oregon Department of Environmental Quality (DEQ) jurisdiction or involvement, especially the status of a 401 certification for the Pelton Round Butte Project:

Our understanding is that DEQ's Water Quality Program intends to resume work on the Pelton Round Butte hydroelectric project's permanent 401 certification in calendar year 2025. TU supports that effort, and we respectfully request that the EQC ensure it remains on the agency's workplan for this year.

Background: TU in the Deschutes Basin

TU has staff and programs based in the Deschutes basin, and we are deeply invested in collaboratively protecting and restoring the basin's native fish, including anadromous species upstream of the Pelton Round Butte dam complex.[1] Our portfolio of work in the basin includes habitat restoration, youth education, policy advocacy, and studies of water quality issues and opportunities.[2]

In recent years, TU has worked closely with the Crooked River Water Quality Partnership to identify and prioritize projects to address harmful algal blooms and pH conditions in Lake Billy Chinook and the

[1] Trout Unlimited Oregon Priority Waters (available at: https://prioritywaters.tu.org/oregon/).
[2] Studies currently underway in the Lower Deschutes that TU supports, and has engaged upon to varying degrees, include: (1) Water quality modeling of alternative Pelton Round Butte water release scenarios (Purpose: determine if releasing more bottom water from Lake Billy Chinook throughout the year decreases nutrients, algae, and pH in the lower Deschutes River while meeting existing license requirements, including fish reintroduction efforts); (2) *C. Shasta* exposure risk study (Purpose: determine if increased algae and spring water temperature in the lower Deschutes River is increasing *C. Shasta* levels and disease risk in juvenile spring Chinook); and (3) Juvenile steelhead and juvenile spring Chinook growth rate study (Purpose: determine if increased spring water temperature in the lower Deschutes River increases food availability and growth rates for juvenile spring Chinook and steelhead).

lower Deschutes River. In addition, TU has completed numerous high-priority stream restoration projects in the Upper Deschutes basin working collaboratively with the US Forest Service. We also engage with local communities in the Deschutes watershed by providing educational programming for schools and youth programs.[3] Further, TU is working on several restoration projects that will improve passage and habitat for wild steelhead in important spawning tributary streams of the lower Deschutes River.

Regulatory Context for the Pelton Project

Section 401 of the Clean Water Act[4] plays a critical role in regulating water quality impacts from hydropower projects by requiring state and tribal certification before federal licenses are issued. This certification ensures that hydropower projects comply with water quality standards and helps protect aquatic ecosystems, safeguard drinking water, and preserve the recreational and economic value of water resources.

TU is a signatory of the 2004 Pelton Round Butte Hydroelectric Project (hereafter "Project") settlement agreement. We are also a member of the Fish Committee for the Project, whose responsibilities include "…commenting and making recommendations on study plans, reports, facility designs, and operating and implementation plans [of the Project]." [5] As an engaged member of the Fish Committee since its establishment, TU has advocated for adaptive management of the Project including actions designed to accelerate progress on two major ecological goals of the settlement agreement: (1) restoration of self-sustaining and harvestable runs of summer steelhead and spring Chinook above the Project,[6] and (2) restoration of water quality in the lower Deschutes River to conditions modeled to exist without the dams in place and that meet legal standards.

To help achieve the two goals stated above, a Selective Water Withdrawal (SWW) tower was constructed in the forebay of Lake Billy Chinook.[7] The SWW tower is designed to release a mixture of warmer surface water and cooler bottom water from Lake Billy Chinook to the lower Deschutes River by: (1) creating a surface attractant current which facilitates the collection of out-migrating juvenile salmonids as part of the fish reintroduction effort, and (2) blending water to more closely match pre-Project water quality conditions considering incoming water from Lake Billy Chinook's three main tributaries (Crooked River, Deschutes River, and Metolius River). Before the SWW was constructed, the collection of out-migrating anadromous juveniles was not feasible at scale and 100% bottom water was released to the lower Deschutes which resulted in artificially cold temperatures in the spring and warmer temperatures in the early fall.[8]

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[3] During 2024, TU served 1,521 public school students and provided classroom lessons and field trips to local river sections for 7 communities, 11 schools, and 39 classes with hands-on, project-based field trip learning. Our afterschool programming also reached 143 youth from the Warm Springs Reservation, rural communities Madras and Metolius, the Migrant Education Program in Redmond, and the bi-lingual program Camp Chica.

[4] *See* https://www.epa.gov/cwa-401

[5] Pelton Round Butte Relicensing Settlement Agreement (available at: https://lowimpacthydro.org/wp-content/uploads/2020/07/3PRBSettlementAgreement7-16-04FINAL.pdf).

[6] *See* "Anadromous Fish In the Upper Deschutes River Sub-basin, Oregon Edition 1: Spring Chinook Salmon and Summer Steelhead" October 2008; authored by ODFW and the Confederated Tribes of the Warm Springs Reservation of Oregon.

[7] *See* Pelton Round Butte Project Water Quality Management And Monitoring Plan (available at: https://www.ifish.net/attachments/research-water-quality-mgmt-conftribes-pge-1-pdf.41218/).

[8] A detailed analysis of changes in water quality post-SWW installation in the lower Deschutes River and Lake Billy Chinook can be found in the "Water Quality Study for the Pelton Round Butte Project and the Lower Deschutes River: Monitoring & Modeling" authored by Eilers and Vache (available at: https://downloads.ctfassets.net/416ywc1laqmd/2rp2G0qHmVomiXoCzdSxzJ/aa198aeabd147e0596b0b99ab8b87310/pge-ctwsro-water-quality-study-2021.pdf).

Status of Lower Deschutes and its Fisheries

To date, the ambitious goals of the settlement agreement to restore healthier, natural water quality conditions and self-sustaining runs of anadromous salmonids above the dams have not been fully realized. A significant part of the issue—over which DEQ and EQC have jurisdiction—is the lack of a permanent 401 certification for the Project.

Over the past twenty years, water quality conditions downstream of the Project have returned to more "natural" conditions (i.e., conditions that would exist if not for the Project), including warmer spring temperatures and cooler fall temperatures. Unfortunately, there has also been a documented increase in algae, nutrients, and pH in the lower Deschutes River[8] over the same period, frequently in exceedance of state standards.

In addition to water quality changes over the past two decades, *Ceratonova shasta (*a highly lethal pathogen to spring Chinook salmon juveniles), has recently been measured above safe levels.[9] The SWW's blending of warmer, nutrient-rich water from the top of Lake Billy Chinook has likely contributed to these documented changes in water quality and *C. Shasta* levels, though TU also acknowledges the significant impact that prolonged drought conditions and record summer air temperatures are having on these same parameters across the mid-Columbia Basin.[10]

TU is concerned about these water quality and pathogen issues in the lower Deschutes River, as well as the mostly poor metrics of the fish reintroduction effort. The fish reintroduction effort set a preliminary escapement goal of around 1,000 annually returning adult summer steelhead and spring Chinook, and it has not been met. To date, adult returns are, on average, an order of magnitude or more below that target.[11] (The 2024/2025 run of summer steelhead has been a notable exception with over 600 reintroduction adults collected at the Pelton trap as of the end of January 2025, but those figures are an exception to the sub-par numbers for all other years post-SWW implementation.[12])

TU Perspective on Fish Reintroduction and 401 Certification

TU acknowledges the ecological and cultural importance of establishing anadromous runs into the Upper Deschutes Basin. In our view, the reintroduction program is an important and long-term effort—especially given population trends in other mid-Columbia anadromous runs.[13] Nevertheless, we believe it's worth exploring changes within the terms of the controlling Project license that might improve performance of the fish reintroduction effort and water quality conditions in the lower river.

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[9] *See* "Spatiotemporal Distribution of Ceratonova shasta and its Genotypes in the Deschutes River Basin" (available at: https://ir.library.oregonstate.edu/concern/graduate_thesis_or_dissertations/rj430966n); *see also* Figure 5 in the Project's "Fish Health Management Program 2023 Annual Report" available at: https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20240430-5384

[10] "Historical and Projected Future Drought in Oregon" (available at: https://www.oregon.gov/owrd/Documents/OWRD_drought_summary_Dec_2023%20(Siler%20Comment).pdf).

[11] *See* Figure 18 and Table 11 in Pelton Round Butte Project (FERC No. 2030) 2023 Fish Passage Annual Report (available at: https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240529-5212&optimized=false).

[12] *See* Portland General Electric Jan 2025 newsletter (available at: https://pge-customerconnect.us.newsweaver.com/6c6jvigy2b/1cqc4925syd143ocm8unoz?email=true&lang=en&a=6&p=16075003&t=1382317).

[13] *See* "Interior Columbia and Snake River Salmon and Steelhead Maintain Listing Status" (2022) (available at: https://www.fisheries.noaa.gov/feature-story/interior-columbia-and-snake-river-salmon-and-steelhead-maintain-listing-status?utm_source=chatgpt.com).

TU is committed to working collaboratively and pragmatically to advocate for science-based adaptive management strategies of the Project and restoring habitat and water quality across the Deschutes Basin to accomplish settlement agreement goals.

Trout Unlimited supports and encourages a permanent Clean Water Act 401 certification for the Project. Since the SWW tower came online, the Project has operated under interim 401 modifications which allowed flexible management actions while the Project licensees studied how operation of the SWW affected downstream water quality. Fifteen years after the SWW tower began operation, and following the recently approved Aquatic Life Use water quality standards update (where TU served on the rulemaking advisory committee), it is time to develop a permanent 401 that allows for public comment and protective water quality requirements for native salmonids in the lower Deschutes River.

Conclusion

The Deschutes River has many advocates, and the lower river has received much attention in recent years. DEQ has a key role to play in addressing water quality impairments in the lower Deschutes—and thereby, conditions for native trout, steelhead, and salmon, including components of the reintroduction effort—by moving forward on a 401 certification for the Project in 2025. The lower Deschutes River and the role it plays in the health of fisheries in the greater Columbia River Basin is too special to wait any longer.

We respectfully ask the EQC to support and prioritize DEQ's completion of a permanent 401 certification for the Pelton Round Butte hydroelectric project, including resumption of efforts toward that end in calendar year 2025.

Thank you for considering these comments, and please let me know if you have any questions.

Sincerely,

James Fraser
Oregon Policy Director
Trout Unlimited
james.fraser@tu.org

Cc: Debbie Colbert, Director of Oregon Department of Fish & Wildlife
Cc: Leah Feldon, Director of Oregon Department of Environmental Quality
Cc: Chandra Ferrari, Natural Resources Advisor for Governor Kotek