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FISHING AND CONSERVATION GROUPS BACK STATE OF WASHINGTON'S MOVE TO PROTECT SALMON FROM HOT WATER CAUSED BY FEDERAL DAMS

Olympia, WA (July 29, 2020)—The Northwest Sportfishing Industry Association (NSIA), NRDC (Natural Resources Defense Council), and Columbia Riverkeeper have moved to intervene in a case to support the State of Washington's new Clean Water Act limits on heat pollution from Columbia and Lower Snake river dams and reservoirs operated by the U.S. Army Corps of Engineers (Army Corps).

"The Trump administration and Army Corps continue attacking states' efforts to protect clean water and sustainable fisheries," explained Brett VandenHeuvel, executive director of Columbia Riverkeeper. "The Trump administration's appeal shows that the federal agencies are blocking progress. We need Northwest elected leaders to develop inclusive solutions to protect salmon and reinvest in river communities."

The federal government's own studies show that the large, shallow reservoirs on the Lower Snake and Columbia rivers soak up the sun's energy and make the water too hot for endangered salmon and steelhead. In recent years, dwindling fish populations have closed important fisheries and led to fears that some Columbia and Snake River salmon, and the Southern Resident orcas that depend on them, may soon go extinct. In response, Washington—for the first time ever—placed legal limits on the dams' heat pollution to ensure that the rivers will meet water quality standards and remain cool enough for salmon to recover.

"For weeks and sometimes months at a time, the water behind the Lower Snake River dams is too hot for salmon, and summers in the Pacific Northwest are only getting hotter," warned Giulia Good Stefani, Senior Attorney at NRDC. "The Army Corps must manage the dams to reduce water temperatures. If they don't, we are all cooked: the fish, plus everything and everyone in the region that depends on salmon."

Rather than taking steps to reduce the dams' temperature pollution, the Trump administration's Army Corps appealed the temperature limits imposed by Washington regulators to the Washington Pollution Control Hearings Board. The fishing and conservation organizations, represented by the law firm Earthjustice, intervened to defend Washington's limits on temperature pollution.

"Our industry is still reeling from the legacy of the 2015 drought, when hot water in the Columbia basin killed hundreds of thousands of adult salmon" said Liz Hamilton, executive director of NSIA. "Our region's elected leaders need to support inclusive solutions that bring river temperatures down to levels that are not lethal to salmon and our industry. Thousands of jobs in the Northwest and beyond depend on our success."

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BACKGROUND

Historic Action to Protect Salmon and Water Quality:

- On May 7, 2020, the Washington Dept. of Ecology exercised the state's authority under Clean Water Act Section 401 to help ensure that the Columbia Basin's federal dam operators address rising water temperatures to protect salmon.
- Before now, the federal dams on the Columbia and Snake rivers had never been required to obtain water quality certifications under Section 401—leaving Washington without authority to protect its own water quality and fisheries.
- Additionally, for the four Lower Columbia River dams—Bonneville, The Dalles, John Day, and McNary—the [State of Oregon issued an "objection letter"](#) based on its authority as a downstream state. In the letter, the Oregon Dept. of Environmental Quality (DEQ): (1) determined that discharges from the dams violate state water quality standards, including temperature and total dissolved oxygen, and (2) requested a public hearing.

Why Washington's Decision Matters for Salmon, Orcas, and Fishing:

- [Southern Resident orcas are on the brink of extinction](#), partly because they cannot find enough Chinook salmon to eat. Orca scientists point to the steep losses of once-plentiful Columbia and Snake river spring Chinook as being particularly harmful to the survival and reproduction of the orcas. Despite these declines, salmon biologists also view the Columbia-Snake Basin as among the best Chinook salmon restoration opportunities anywhere on the West Coast.
- The federal dams create large reservoirs of slow-moving water that frequently get too hot for salmon to survive. As our climate warms, so do rivers. Climate change and dams combine to warm the Columbia and Snake rivers to unsafe levels. During the summer, the rivers are frequently so warm that salmon are unable to migrate upriver to spawn. When river temperatures exceed 20 °C for several days at a time—as happens more

often due to the dams and climate change—salmon have difficulty migrating upstream and begin succumbing to stress and disease. According to the Fish Passage Center, an independent government agency, “under a climate change scenario, the long-recognized and largely unaddressed problem of high water temperatures in the [Columbia and Snake rivers] becomes an ever-increasing threat to the survival of salmon.”

- Last month [EPA issued a temperature pollution budget](#), known as a Total Maximum Daily Load (TMDL), for the Columbia and Lower Snake rivers. Washington's action under appeal by the Army Corps requires the dams to comply with the TMDL's limits on temperature pollution.

Next Steps:

- The Army Corps' appeals will be heard by the Washington State Pollution Control Hearings Board, an administrative court that specializes in issues of environmental law and the Clean Water Act. The Pollution Control Hearings Board will decide whether Washington's requirements that the Army Corps protect water quality and endangered salmon comply with the Clean Water Act. A trial-like hearing is scheduled for August 2021.

RESOURCES

- [Motion to Intervene](#)
- [Affiliated Tribes of Northwest Indians Resolution 2020-25 Supporting Ecology's Temperature Limits on Federal Dams to Protect Salmon](#)
- [Washington Dept. of Ecology 401 Certifications for Eight Federal Columbia and Snake River Dams](#)
- [Public Comments on Ecology 401 Certifications](#)
- [Army Corps' Notice of Appeal for 401 Certification of Bonneville Dam](#)