



**Confederated Tribes of the Warm Springs
Reservation of Oregon**

P. O. Box 960 • Warm Springs, OR 97761



Portland General Electric Company

121 S.W. Salmon Street • Portland, OR 97204

November 19, 2015

Dr. Michael J. Sale
Low Impact Hydropower Institute
PO Box 194
Harrington Park, NJ 07640

Dear Dr. Sale:

Portland General Electric (PGE) and Warm Springs Power & Water (WSP&W), operating entity for the Confederated Tribes of the Warm Springs Reservation of Oregon, have begun reviewing the Deschutes River Alliance (DRA) October 28, 2015 letter to the Low Impact Hydropower Institute (LIHI) requesting repeal of the LIHI decision to recertify the Pelton Round Butte Project (Project). While we anticipate a more detailed discussion with LIHI concerning the points in DRA's letter, we are submitting this letter now to address several misleading statements made by DRA that we feel warrant prompt clarification.

PGE and WSP&W works closely with the Fish Committee for the Project, a group comprised of 10 stakeholders¹ that were signatories to the settlement agreement that defined the bulk of the terms of the current FERC license. DRA's inaccurate statements do not properly characterize how the Licensees interact with Fish Committee members. The Fish Committee meets monthly, and is intended both to keep Settlement signatories current on Project operations and issues, and to serve as a forum for ensuring signatory agencies' expertise and opinions are considered in Project implementation and regulation.

Our overarching comments (described further below) are

- The water temperature management program is meeting the intent of its plan.

¹ Fish Committee members include Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Confederated Tribes of the Warm Springs Reservation Branch of Natural Resources (CTWS BNR), Confederated Tribes of the Warm Springs Reservation Water Control Board (CTWS WCB), National Marine Fisheries Service (NOAA Fisheries), Oregon Department of Environmental Quality (ODEQ), Oregon Department of Fish and Wildlife (ODFW), Trout Unlimited, U.S. Fish and Wildlife Service (USFWS), and U.S. Forest Service (USFS)

- The Licensees have consulted with the Fish Committee and informed the public regarding its interim agreements, which have been developed to reflect evolving regulatory standards. Collectively, the Fish Committee is engaging in active adaptive management, advising the Licensees on appropriate implementation measures pursuant to the license to facilitate long-term goals.

Temperature Management

- Fish need an optimal water temperature to maximize their growth and survival. Colder is not always better. In the case of the Deschutes, modeling indicated that releases from the Project prior to implementation of the selective water withdrawal (SWW) structure were too cold, to the detriment of steelhead and fall Chinook near the Project. Providing warmer water in the spring moves these salmonids closer to their optimal growth temperatures.
- SWW operations have not changed the overall summer water temperatures near the mouth of the Deschutes, 100 miles downstream of the Project. Looking at the period of record (1977-1981, 2000-2015), at the USGS Moody gage (near the mouth of the Deschutes), the median number of days each year over 70°F pre-SWW was 8.5; post-SWW, the median number of days each year exceeding 70°F is 8.0. This year, 2015, was exceptionally warm - Project discharge temperature reached a maximum of 60.4°F degrees on July 8, and temperatures at the mouth reached over 73°F this July. However, similar temperatures have been observed pre-SWW at the mouth of the Deschutes - temperatures exceeded 73°F in 1979, 1980, and 2007.
- DRA's points concerning Deschutes temperatures appear focused on the most recent summers, where historically hot summer weather resulted in water temperature increases in rivers across the Pacific Northwest, not just the Deschutes. In their statements, DRA has pointed directly at the SWW and Project operations without the consideration of other critical factors, such as low snow packs and historically warm weather throughout the year, that likely played significant roles in the higher temperatures observed in recent years.

Engagement of Fish Committee and Public Regarding Interim Agreements

- The Licensees, Oregon Department of Environmental Quality (ODEQ) and CTWS Water Control Board (CTWS WCB) have discussed the interim agreements with the Fish Committee (including the fish agencies NOAA Fisheries, USFWS, ODFW, and CTWS BNR) acknowledged in the settlement agreement and license. The interim agreements are referenced in the publicly available annual reports prepared by the Licensees. They are presented each year at the annual Fisheries Workshop, which is publicly advertised via a mailing list of interested parties and past attendees and is typically attended by 75-80 members of the public.

- The temporary changes made via the interim agreements are more consistent with current state standards for water temperature and dissolved oxygen than the 2002 standards when the Water Quality Management and Monitoring Plan (WQMMP) was issued.

Adaptive Management

- The signatories to the license recognized from the outset that the SWW and the goal of restoring upstream fisheries would require an approach that addressed evolving issues as this unique technology was implemented. The Fish Committee has served a critical role in this “adaptive management” approach whereby the Fish Committee advises Licensees on implementation of measures pursuant to the license in support of long-term Project goals.
- PGE collects data as required by the FERC license, and any study, plan, report, or design pursuant to the license is approved by the Fish Committee. These data are reviewed by the Fish Committee during monthly meetings. The Licensees do not have the authority to make management decisions regarding operational or regulatory limits. Those are made by the appropriate state, federal and tribal agencies, and the Licensees implement these limits accordingly.
- Not only are the Licensees meeting the requirements of the FERC license and water quality certificates, but they are demonstrating a willingness to exceed those requirements by conducting a multi-year water quality study. All study plans and reports are reviewed by the Fish Committee before they are finalized and filed with the Commission.

PGE and WSP&W have been engaged with the Fish Committee throughout relicensing and operation of the project, and we have worked with several members of the Fish Committee for decades. We are committed to the long-term protection of fisheries and water quality in the Deschutes Basin and we are actively engaged with, and welcome the participation and input of the Fish Committee in these discussions, studies and management decisions.

Respectfully,

Scot Lawrence
Portland General Electric
FERC License Implementation Project Manager

Jim Manion
General Manager
Warm Springs Power & Water

Cc: Pelton Round Butte Fish Committee