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**WASHINGTON STATE MAKES HISTORIC DECISION TO PROTECT SALMON FROM RISING WATER TEMPERATURES**

**Olympia, WA (May 8, 2020)—***In a* [*game-changing decision*](https://apps.ecology.wa.gov/aquatics/decisions) *for struggling Southern Resident orcas and endangered salmon, Washington state will exercise its authority—for the first time ever—to require federal dam operators to keep the Columbia and Snake rivers cool enough for salmon survival.*

*Washington state issued Clean Water Act 401 Certifications that require eight federal dams on the Lower Columbia and Lower Snake rivers to meet safe limits for temperature and oil pollution. Currently, the stagnant reservoirs behind dams make the river too hot for salmon. Washington said that must change.*

*Federal dam operators asked the Washington Dept. of Ecology (Ecology) to waive Washington’s authority to require dams to meet state laws that protect salmon. The Trump administration has repeatedly tried to undermine states’ rights under the nation’s environmental laws, including the Clean Water Act. Today, Washington stood up to the Trump administration to protect salmon and the orcas that depend on salmon.*

*In response to Washington’s decision, a coalition including* [*Columbia Riverkeeper*](http://columbiariverkeeper.org)*, the* [*Northwest Sportfishing Industry Association*](https://www.nsiafishing.org/)*,* [*Snake River Waterkeeper*](https://www.snakeriverwaterkeeper.org/)*, the* [*Washington State Chapter Sierra Club*](https://www.sierraclub.org/washington)*, NRDC (*[*Natural Resources Defense Council*](https://www.nrdc.org/)*), the* [*Washington Environmental Council*](https://wecprotects.org/)*,* [*American Rivers*](https://www.americanrivers.org/)*,* [*Pacific Rivers*](https://www.pacificrivers.org/)*, and* [*Save Our Wild Salmon*](https://www.wildsalmon.org/) *issued the following statements.*

“We applaud Gov. Inslee and the Washington Dept. of Ecology for standing strong to protect salmon from lethally hot water and oil pollution caused by the federal dams. This is an important power shift where federal dam operators must answer to our state leaders instead of ignoring the law,” said Brett VandenHeuvel, Executive Director for Columbia Riverkeeper.

“We have an urgent temperature crisis on the Columbia and Snake rivers. More than one third of the salmon and steelhead populations in the Columbia Basin vanished during the last century. With Gov. Inslee and Ecology Director Laura Watson’s leadership, Washington is taking bold action to help struggling Columbia River salmon runs—and the orcas they sustain,” said Giulia Good Stefani, Senior Attorney with NRDC (Natural Resources Defense Council).

“Without reducing temperatures in the Columbia, there will be less salmon and more starving orca in our future. Our industry has not recovered from the salmon die-offs in 2015, and we cannot survive more in the future,” said Liz Hamilton, Executive Director for the Northwest Sportfishing Industry Association.

“Washington state’s decision is a critical step to address river temperatures in the Columbia and Snake rivers that are not going to improve without structural and operational changes at federal dams. There are options available that will help salmon and steelhead in a warming climate. Federal dams, like privately-owned dams, need to comply with the Clean Water Act and state water quality standards,” said Greg Haller, Executive Director of Pacific Rivers.

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**BACKGROUND**

**Washington State’s Historic Decision:**

* For the first time, Washington state will regulate eight federal dams to help struggling orcas and the Columbia and Snake rivers’ iconic salmon runs. On May 7, 2020, the Washington Dept. of Ecology exercised the state’s authority under Clean Water Act Section 401 to help ensure the Columbia Basin’s federal dam operators address rising water temperatures, protect salmon, and help save the Southern Resident orcas from extinction.
* Federal dams on the Columbia and Snake rivers have never obtained water quality certifications under Section 401—leaving Washington without authority to protect its own water quality and fisheries.
* A 2013 lawsuit by Columbia Riverkeeper required the U.S. Army Corps of Engineers (Army Corps) to obtain water pollution permits from the U.S. Environmental Protection Agency (EPA). For decades, the Army Corps violated state and federal laws, releasing toxic oil and heat pollution into the Columbia and Snake rivers. Before it can issue water pollution permits, EPA must obtain Clean Water Act 401 Certifications from Washington state and incorporate the state’s requirements into the federal permits.

**Why the State’s Decision Matters for Orcas, Salmon:**

* [Southern Resident orcas are on the brink of extinction](https://www.nrdc.org/experts/giulia-cs-good-stefani/home-orcas), partly because they cannot find enough Chinook salmon to eat. Orca scientists point to the steep losses of once-plentiful Columbia 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 ℃ for several days at a time—as happens more often due to 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.”

**Trump Administration Efforts to Undermine State Authority:**

* Late in 2018, the Trump administration sent the Washington Dept. of Ecology draft pollution permits for nine federally owned and operated dams located in Washington state. The water pollution permits triggered Washington state’s right to enforce the state’s water quality standards, including for oil pollution and temperature.
* In January 2019, Washington state announced plans to [initiate state regulation](https://www.seattletimes.com/seattle-news/environment/washington-state-to-regulate-federal-dams-on-columbia-snake-to-cool-hot-water-check-pollution/) that would require the federal government to, for the first time, address oil pollution and salmon-killing hot water in the Columbia and Snake rivers. Less than 48 hours after Washington state opened a public input process, the Trump administration pulled the rug out from under the state by withdrawing the request for Clean Water Act certification.
* Later this month, the [Trump administration](https://www.epa.gov/newsreleases/epa-takes-action-implement-president-trumps-energy-infrastructure-executive-order) plans to [issue new rules that limit states’ rights to protect clean water](https://www.epa.gov/cwa-401/proposed-rule-updating-regulations-water-quality-certification-0), including the rights exercised by Washington state over federal dams. In October 2019, [Washington denounced the administration’s proposal](https://ecology.wa.gov/About-us/Get-to-know-us/News/2019/Director-Bellon-statement-on-EPA-401-proposed-chan), calling it “reckless” and an “attempt[] to subordinate states and unlawfully subvert our authority under Section 401 of the federal Clean Water Act.”

**Next Steps:**

* EPA plans to issue Clean Water Act water pollution permits for oil discharges at eight federal dams on the lower Columbia and Snake rivers. According to the Washington Dept. of Ecology, these federal permits must include the Section 401 certification conditions issued by Washington state.
* Later this month [EPA must issue a temperature pollution budget](https://www.columbiariverkeeper.org/news/2020/3/epa-must-reduce-temperature-pollution-dams-snake-columbia), known as a Total Maximum Daily Load (TMDL), for the Columbia and Snake rivers. In December 2019, the Ninth Circuit Court of Appeals ruled in favor of conservation groups and ordered EPA to protect Columbia basin salmon and steelhead from dangerously warm river temperatures. Washington state’s 401 certifications require the dams to comply with the forthcoming temperature TMDL.

**RESOURCES**

* [Washington Dept. of Ecology 401 Certifications for Eight Federal Columbia and Snake River Dams](https://apps.ecology.wa.gov/aquatics/decisions)
* [Public Comments on Ecology 401 Certifications](http://wq.ecology.commentinput.com/comment/extra?id=G5P9T)
* [Background on Columbia Riverkeeper’s Lawsuit Against the Army Corps Over Oil Pollution from Dams](https://www.columbiariverkeeper.org/our-work-stopping-pollution/oil-leaks-dams)
* [Background on TMDL Litigation Against EPA](https://www.columbiariverkeeper.org/news/2020/3/epa-must-reduce-temperature-pollution-dams-snake-columbia)