



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

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May 6, 2014

Jason Yencopal
Baker County
1995 Third St.
Baker City, OR 97814

Re: Mason Dam Hydroelectric Project, FERC Project P-12686
Certification Pursuant to Section 401 of the Federal Clean Water Act

Dear Mr. Yencopal:

Baker County proposes to add a hydroelectric generating unit at Mason Dam located, on the Powder River near Baker City, Oregon. Baker County's application for a license is pending with the Federal Energy Regulatory Commission (FERC).

On May 28, 2013 the Oregon Department of Environmental Quality (DEQ) received an application for a water quality certification pursuant to Section 401 of the Clean Water Act. Pursuant to ORS 468B.040, DEQ evaluated the application for consistency with the applicable provisions of the Clean Water Act Sections 301, 302, 303, 306 and 307; Oregon Administrative Rules (OAR) chapter 340, divisions 041 and 048; Oregon Revised Statute (ORS) 543A.025 (2) to (4) and other appropriate requirements of state law.

Based on Baker County's application, DEQ's Evaluation and Findings Report (enclosed) and consideration of public comment, DEQ grants conditional Clean Water Act Section 401 certification for the Mason Dam Hydroelectric Project. DEQ is reasonably assured that operations under the FERC license amendment will be consistent with provisions of the Clean Water Act Sections 301, 302, 303, 306 and 307, state water quality standards, and other appropriate requirements of state law, provided the Section 401 certification conditions attached to this certification are met.

The Section 401 certification is valid for the Mason Dam hydroelectric project only and is not transferable without written approval from DEQ, OAR 340-048-0042(6).

In accordance with the Administrative Procedures Act (chapter 183, Oregon Revised Statutes) and OAR 340-048-0045(2), Baker County, if dissatisfied with the conditional Section 401 certification, may request a hearing before the Environmental Quality Commission. Your request for a hearing must be made in writing to the Department of Environmental Quality within 20 days of the date of mailing of this certification. OAR 340-011-0530(1). You may mail your request for a hearing to:

Oregon Department of Environmental Quality
Attn: Marilyn Fonseca
811 SW 6th Avenue
Portland, OR 97204



If a request for hearing is not received within this 20-day period, your right to a hearing shall be considered waived. If you request a hearing, you will be notified of the time and place of the hearing. You may be represented by legal counsel at the hearing. You will be provided information on the procedures, right of representation and commencement of the hearing. Any hearing will be conducted pursuant to the rules of the Environmental Quality Commission for contested cases.

Sincerely,



Linda Hayes-Gorman
Eastern Region Administrator

Attachment: Clean Water Act Section 401 Conditions

Enclosures: Evaluation and Findings Report

Ec: Marilyn Fonseca, DEQ, HQ
John Dadoly, DEQ, ER Pendleton
Mary Grainey, WRD
Elizabeth A.O. Moats, ODF&W, La Grande
Anika Marriott, DOJ

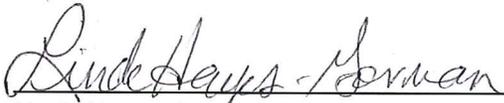
Expenditure Summary

DEQ shall, on a biennial basis, provide Baker County with a summary of project-specific expenditures.

Duration

Baker County will pay a Project-specific fee following FERC license issuance and for five (5) years after the first July 1 following post-test commencement of commercial power generation, unless DEQ terminates it earlier because oversight is no longer necessary. One year before the expiration of the fee, or earlier if mutually agreed, DEQ and Baker County shall review the need, if any, to modify, extend, or terminate the fee, in accordance with ORS 543.080. Baker County must pay any project-specific fee required after such review as provided in ORS 543.080.

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY



Linda Hayes-Gorman
DEQ Eastern Region Administrator

5-6-14

Date