



Oregon

Kate Brown, Governor

Department of Environmental Quality
Western Region Eugene Office
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October 26, 2016

Edson Pugh, General Manager
Deschutes Valley Water District
881 SW Culver Highway
Madras, Oregon 97741

Dear Mr. Pugh:

Re: Opal Springs Hydroelectric Project, FERC Project No. 5891
Certification Pursuant to Section 401 of the Federal Clean Water Act

Dear Mr. Pugh:

In October 2015, the Deschutes Valley Water District applied to the Federal Energy Regulatory Commission for a non-capacity license amendment to install volitional fish passage facilities at their Opal Springs Hydroelectric Project (FERC No. 5891). Because the proposed action alters how the Project discharges water, the effects of the proposed action on water quality must be considered in accordance with Section 401 of the federal Clean Water Act (33 U.S.C. §1341).

On February 29, 2016, the Oregon Department of Environmental Quality received an application for water quality certification submitted on behalf of Deschutes Valley. DEQ has completed its evaluation of the proposed action pursuant to Section 401 of the federal Clean Water Act and ORS 468B.040. Our findings are presented in the enclosed *Evaluation and Findings Report*.

Based on our evaluation of the project and in consideration of comments received from the public, DEQ is reasonably assured that operations under an amended FERC license will be consistent with applicable provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307, state water quality standards, and other appropriate requirements of state law related to water quality, provided the conditions of the attached certificate are maintained. DEQ hereby grants conditional certification to the Opal Springs Hydroelectric Project for the proposed action.

The certification is valid for Deschutes Valley only and is not transferable without written approval from DEQ, in accordance with OAR 340-048-0042(6). If dissatisfied with the terms of the certification, Deschutes Valley may request a hearing before the Environmental Quality Commission. Your request for a hearing must be made in writing to the Director of the Oregon Department of Environmental Quality within 20 days of the date of mailing of this certification. Any hearing will be conducted pursuant to the rules of the Environmental Quality Commission for contested cases.

If you have any questions, please contact Chris Stine at (541) 686-7810 or via email at stine.chris@deq.state.or.us.

Sincerely,

David Belyea
Acting Western Region Administrator

Attachment: Section 401 Water Quality Certification
Enclosures: Evaluation and Findings Report

ec: Chris Stine, ODEQ
Mary Grainey, OWRD
Ken Homolka, ODFW
Peter Lickwar, USFWS
Scott Carlon, NMFS
Finlay Anderson, Kleinschmidt