

Clean Water Act § 401 Certification Modification
for
the Eugene Water and Electric Board’s
Non-Capacity License Amendment for the
Carmen-Smith Hydroelectric Project
(FERC No. 2242)
Willamette River Basin
Linn and Lane Counties, Oregon

The Oregon Department of Environmental Quality issues this § 401 water quality certification modification in response to EWEB’s application, entitled Carmen-Smith Hydroelectric Project, FERC Project No. 2242 Request for Section 401 Water Quality Certification Modification (“WQC Modification Application”), dated March 8, 2023. The WQC Modification Application relates to EWEB’s application to the Federal Energy Regulatory Commission (“FERC” or the “Commission”) to amend its existing license for the Carmen-Smith Hydroelectric Project (“Project”, FERC No. 2242) (“FERC license amendment application”).

As described more fully in the WQC Modification Application and FERC license amendment application, EWEB seeks authorization to construct, operate, and maintain a Load Bank to reduce the occurrence of project-induced spill events in the Smith bypass reach (the “proposed action”).

These § 401 Certification Conditions apply to the proposed action and are distinct from the § 401 Certification Conditions issued to EWEB in July 2018, pursuant to the Commission’s relicensing of the Project (all terms herein are as defined in Oregon Administrative Rule Chapter 340, Division 041).

Upon the Commission’s issuance of an amended license that includes this water quality certification, EWEB must operate the Project, as modified by the proposed action, consistent with its proposed operations set forth in its original 2018 WQC Application, as modified by its WQC Modification Application, subject to the conditions set forth in the 2018 § 401 Certification Conditions, as supplemented by the conditions of this certification.

Section 401 Water Quality Certification Conditions

Condition A1. Total Dissolved Gas

Condition 8(a)(3) of the July 2018 Certification is deleted in its entirety.

Condition A2. Water Quality Management Plan

- a. Within 90 days of the Commission's issuance of an amended license, EWEB shall file with DEQ an amended Water Quality Management Plan to include the listed requirements set forth in Condition 1 of the July 2018 Certification and as supplemented by the conditions of this certification.
- b. Upon approval by DEQ, EWEB shall file the Water Quality Management Plan with the Commission and implement the plan in accordance with its terms and schedule, including any modifications made by DEQ as a condition of its approval.

Condition A3. Spill Reduction and Ramping in Smith Bypass Reach

- a. Operational Guidelines
To reduce spill in the Smith Bypass reach, EWEB shall implement the spillway reduction measures described in Section 4.2.4 of the Aquatics Management Plan. EWEB shall follow the *Revised Operational Guidelines for Smith Reservoir & Bypass Reach*, dated February 9, 2022, or subsequent version approved by DEQ.
- b. Monitoring
EWEB shall record the occurrence, cause, and duration of each spill event at Smith Dam. Monitoring is required for a minimum of five years beginning in the first full year once the Load Bank is operational and unless and until DEQ allows EWEB to cease monitoring for a period of time or for the remaining term of the license.
- c. Habitat Inspections
If spill events at Smith Dam cause flow in the Smith Bypass reach to exceed 1,100 cfs, EWEB shall within two weeks of the event visually inspect the affected reach for damage to habitat installations. If visual inspections indicate spill-related flows have compromised the function of the habitat features, EWEB shall, in consultation with DEQ and the Fish Working Group, develop and implement a remedial plan to restore habitat function within the affected reach and submit it to DEQ for review and approval within three months of the spill event or alternate schedule agreed to by DEQ. Once that plan is approved by DEQ, EWEB shall implement the plan in accordance with its terms and schedule, including any modifications made by DEQ as a condition of its approval.

d. Reporting

EWEB shall prepare and submit to DEQ an annual report of spill events at Smith Dam. The report shall identify the cause and duration of each event and analyze the frequency of spill events relative to the historical occurrence of spills prior to operating the Load Bank. EWEB shall submit the report to DEQ by December 31, or an alternate date agreed to by DEQ, for each previous water year (October 1 through September 30).

e. Adaptive Management

If the monitoring of Smith Dam spill events demonstrates that operation of the Load Bank has not reduced the frequency of spills at Smith Dam as required by section 4.2.4 of the Aquatics Management Plan, DEQ may require EWEB to submit a report analyzing the situation or may require EWEB to prepare an adaptive management plan, in consultation with DEQ, which proposes alternative or additional measures to further reduce the occurrence of spills in the Smith Bypass reach. Upon DEQ approval, EWEB shall implement the plan in accordance with DEQ's approval and submit the plan to FERC within a reasonable period of time.

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Keith Andersen

Keith Andersen
Western Region Administrator

06/22/2023

Date