

APPENDIX B

CENWD-PDS
Memorandum for File

10 July 2007

**SUBJECT: RSET REVIEW OF SUPPLEMENTAL SAMPLING PLAN PROPOSED
FOR CONDIT DAM**

The RSET agencies have reviewed the Supplemental Sampling and Analysis Plan for Condit Dam, submitted on 8 June 2007, and the letter from David King, Kleinfelder, dated 2 July 2007.

After reviewing the sampling plan, and the follow-up letter, the agencies agree that the supplemental sampling plan is approved.

Stephanie Stirling



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal pursuant to Chapter 34.05 RCW

Southwest
2108 Grand Boulevard
Vancouver, WA 98661
(360) 696-6211

Issue Date: July 11, 2007

Control Number: 107362-3

Project Expiration Date: August 31, 2007

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Pacificorp ATTENTION: Tim Hemstreet 825 NE Multnomah Suite 1500 Portland, OR 97232 503-813-6170 Fax: 503-813-6659	PacifiCorp ATTENTION: Briana Weatherly 825 NE Multnomah Suite 1500 Portland, OR 97232 503-813-7039 Fax: 503-813-6659

Project Name: Northwestern Lake Sediment Sampling

Project Description: Approximately three sediment samples will be taken at each of four locations in the lake.

PROVISIONS

1. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife as detailed on the JARPA, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
2. Work below the ordinary high water line shall only occur between July 12, 2007 and August 31, 2007.
3. Drilling equipment shall be well-maintained and in good repair to prevent the loss of lubricants, grease, and any other deleterious materials from entering the lake.
4. Drill spoils and cutting brought up to the barge shall not be released to the lake.
5. Drill cuttings shall be deposited in a location where they will not re-enter the lake either directly or due to erosion.
6. The drill string shall operate within a temporary pipe casing.
7. All containers storing fuel or other deleterious substances on the barge shall be secured during drilling operations to prevent incidental spills.
8. Extreme care shall be exercised to minimize the loss of fine sediment into the lake during drilling and soil sampling efforts.
9. A non-petroleum organic drilling lubricant shall be used during this project to protect water quality and fish resources.
10. Wastewater from the drilling process shall not be allowed to directly enter or leach into the lake.



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11. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

12. Every effort shall be taken during all phases of this project to ensure that sediment-laden water is not allowed to enter the lake.

13. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the lake.

PROJECT LOCATIONS

Location #1 Site One

WORK START: July 12, 2007				WORK END: July 31, 2007		
WRIA: 29.0160		Waterbody: White Salmon River		Tributary to: Columbia River		
1/4 SEC: SE 1/4	Section: 03	Township: 03 N	Range: 10 E	Latitude: N 45.76831	Longitude: W 121.53805	County: Klickitat
Location #1 Driving Directions						

Location #2 Site Two

WORK START: July 12, 2007				WORK END: July 31, 2007		
WRIA: 29.0160		Waterbody: White Salmon River		Tributary to: Columbia River		
1/4 SEC: SE 1/4	Section: 03	Township: 03 N	Range: 10 E	Latitude: N 45.7711	Longitude: W 121.53784	County: Klickitat
Location #2 Driving Directions						

Location #3 Site Three

WORK START: July 12, 2007				WORK END: July 31, 2007		
WRIA: 29.0160		Waterbody: White Salmon River		Tributary to: Columbia River		
1/4 SEC: SE 1/4	Section: 03	Township: 03 N	Range: 10 E	Latitude: N 45.77267	Longitude: W 121.53405	County: Klickitat
Location #3 Driving Directions						



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Location #4 Site Four

WORK START: July 12, 2007				WORK END: July 31, 2007		
WRIA: 29.0160		Waterbody: White Salmon River		Tributary to: Columbia River		
1/4 SEC: SE 1/4	Section: 03	Township: 03 N	Range: 10 E	Latitude: N 45.77441	Longitude: W 121.5303	County: Klickitat
Location #4 Driving Directions						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued pursuant to RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.141 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All agricultural irrigation, stock watering or bank stabilization Hydraulic Project Approvals issued pursuant to RCW 77.55.021 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.301.

APPEALS INFORMATION

If you wish to appeal the issuance or denial of, or conditions provided in a Hydraulic Project Approval, there are informal and formal appeal processes available.



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A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291: A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30 days of the denial or issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Technical Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;

(B) An order imposing civil penalties; or

(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (agricultural irrigation, stock watering or bank stabilization only), 77.55.141, 77.55.181, or 77.55.241: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS results in forfeiture of all appeal rights. If there is no timely request for an appeal, the department action shall be final and unappealable.



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ENFORCEMENT: Sergeant Webb (38) P3

Habitat Biologist

Tim Rymer

360-906-6729

for Director
WDFW

CC:



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169



JUL 13 2007

Mr. Tim Hemstreet
PacifiCorp
Suite 1500
825 NE Multnomah
Portland, Oregon 97232

Dear Mr. Hemstreet:

This letter is in regards to your letter of July 13, 2007, requesting access to the Underwood In Lieu Fishing Access Site. This access will involve accessing and sampling sediments at the mouth of the White Salmon River as part of the Condit Dam removal project. The sampling will entail short use of the parking lot and the shoreline area in the vicinity of the boat launching of the Underwood site during the week of July 16, 2007.


The Bureau of Indian Affairs does sanction site access to researchers when it finds that their presence is necessary and beneficial to the management of Columbia River fishery resources. As you are aware, these sites are managed for the exclusive use of treaty fishers under CFR 25 § 247 and §248, so that these fishers may access their usual and accustomed fishing areas.

I would remind you that this access is subject to the following conditions:

- That while tribal identification will not be required for project employees, any vehicles parked will be identified as to their connection to this project. All Kleinfelder Contractor staff will possess some form of government issued identification.
- That crew will yield to the treaty fishers at all times.
- You agree to hold harmless the Bureau in the event of any loss, accident, injury or death.
- That this authorization is not transferable. Separate application for access will be necessary for other project or sampling. This privilege may be revoked at will.

I hope your contractor has a safe and productive sampling season. If you have any questions, or need more information please contact Keith Hatch, Fishery Biologist at (503) 872-2876.

Sincerely,


ACTING Northwest Regional Director