
KLEINFELDER

TRANSMITTAL

Date: April 15, 2008
Project Number: 86540 / 7.1

To:

Tim Hemstreet, P.E.
PacifiCorp Energy Hydro Resources
825 N.E. Multnomah, Suite 1500
Portland, Oregon 97232

Subject:

Sampling and Analysis Plan for Evaluating Mercury Bioaccumulation
At In-Lieu Fishing Access Site – Condit Hydroelectric Project
FERC Project No. 2342
White Salmon, Washington

We are sending the following:

One pdf of the above-referenced Sampling and Analysis Plan.

Remarks:

If you have any questions, please contact me at (503) 644-9447.

Thank you.

By:



Peter L. Stroud, L.E.G.
Principal Engineering Geologist

**SAMPLING AND ANALYSIS PLAN
FOR EVALUATING MERCURY
BIOACCUMULATION AT
IN-LIEU FISHING ACCESS SITE
CONDIT HYDROELECTRIC PROJECT
FERC PROJECT No. 2342
WHITE SALMON, WASHINGTON
KLEINFELDER PROJECT NO. 86540 / 7.1**

April 15, 2008

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KLEINFELDER

April 15, 2008
Kleinfelder Project Number 86540 / 7.1

Tim Hemstreet, P.E.
PacifiCorp Energy Hydro Resources
825 N.E. Multnomah, Suite 1500
Portland, Oregon 97232

**Subject: Sampling and Analysis Plan for Evaluating Mercury Bioaccumulation
 At In-Lieu Fishing Access Site – Condit Hydroelectric Project
 FERC Project No. 2342
 White Salmon, Washington**

Dear Mr. Hemstreet:

We are pleased to present our Sampling and Analysis Plan (Plan) for the above referenced project. We trust the information contained in the Plan will meet your needs at this time.

We appreciate this opportunity to provide our services to you. Should you require additional information or have any questions regarding this report, please contact us at (503) 644-9447.

Sincerely,

KLEINFELDER WEST, INC.



Peter L. Stroud, L.E.G.
Principal Engineering Geologist

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1.0 INTRODUCTION

In December 2006, Kleinfelder, under contract to PacifiCorp Energy, collected sediment characterization samples from Northwestern Lake and reported the results in a *Sediment Sampling and Analysis Report* (March 2007). This investigation concluded that the average concentration of mercury in the fine silts impounded behind Condit dam is approximately 0.7 milligrams per kilogram (mg/Kg). During this work, the maximum detected concentration of mercury in the sediments was 2.03 mg/Kg in the surface sediment at a location (boring B-1) near the dam. Laboratory bio-assays conducted on the sediment collected during this field work indicated that the sediment had no adverse effect on the life cycles of test species.

The applicable current regulatory screening levels for mercury in fresh water sediments are found in the *Northwest Regional Sediment Evaluation Framework* (NWRSEF) (September, 2006) and are 0.28 mg/Kg (lower screening level, SL1) and 0.75 mg/Kg (upper screening level, SL2). The NWRSEF states, "The lower screening level (SL1) corresponds to a concentration below which adverse effects to benthic organisms would not be expected, and the upper screening level (SL2) corresponds to a concentration at which minor adverse effects may be observed in the more sensitive groups of benthic organisms."

Because mercury concentrations were found in excess of the upper screening level (SL2), the Regional Sediment Evaluation Team (RSET), composed of representatives of various state and federal regulatory agencies, requested that PacifiCorp collect supplemental information to confirm sediment concentrations in Northwestern Lake, establish the bio-availability of mercury found in the sediments through fish tissue analysis, and ascertain background mercury sediment concentrations in the local area.

The Supplemental Sampling and Analysis was completed in July of 2007. However, sediments collected as a reference sample from the Little White Salmon River and used as part of the bioaccumulation study were determined to not be representatively similar to the White Salmon River sediments. Specifically, the Little White Salmon River sediments were composed of less than 70 percent fines, whereas the White Salmon River (and Northwestern Lake) sediments were typically 95 percent (or greater) fines. Based on this, RSET has requested an additional bioaccumulation study be performed with sediment from the In-Lieu Fishing Access Site, which is on the White

Salmon River and has proven to include sediments that are similar to those collected from Northwestern Lake.

This document presents the Sampling and Analysis Plan (SAP) to collect the sediments from the In-Lieu Fishing Access Site.

2.0 BACKGROUND INFORMATION

The following sections describe the project location and description, the site ranking criteria, and proposed dredging and sampling parameters.

2.1 PROPOSED ACTION

Northwestern Lake sediments are proposed to be released in an “open-water” fashion during the decommissioning of Condit dam. Since the construction of the dam and formation of the lake, the natural transport of sediments by the White Salmon River has been disrupted, and the sediments previously transported to the Columbia River are now deposited in the slack water of Northwestern Lake.

The removal of Condit dam would initiate the discharge of a portion of the impounded sediment into the lower White Salmon River, a tributary of the Columbia River. As the U.S. Army Corps of Engineers (USACOE) Portland District stated in a letter dated December 15, 2004, “Because the sediment will settle out within the river systems, the project would result in unconfined aquatic disposal of sediments into the Lower Columbia River system.” Unconfined aquatic disposal of sediments is regulated by the USACOE. The Regional Sediment Evaluation Team; composed of the USACOE’s Seattle District, Portland District, Walla Walla District, and Northwestern Division, in collaboration with the U.S. Environmental Protection Agency (EPA) Region 10, Washington Department of Ecology (WDOE), Washington Department of Natural Resources (WDNR), Oregon Department of Environmental Quality (ODEQ), Idaho Department of Environmental Quality (IDEQ), National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (US F&WS); has developed a framework for evaluating sediments and the suitability of disposing those sediments in the Pacific Northwest. This framework is presented in the *Northwest Regional Sediment Evaluation Framework, Interim Final, September 2006*.

The sediments were physically and chemically characterized in 1994 and again in 2006/2007. In addition, information on the bioaccumulation of mercury was evaluated for fish, clams, and worms. To assist with the continued evaluation of the bioaccumulation of mercury, Kleinfelder has prepared this Sampling and Analysis Plan. The objective of this SAP is to provide a systematic approach to collecting bioaccumulation data that will supplement the existing data presented in the previous reports for the Condit Hydroelectric Project (FERC Project No. 2342).

2.2 PROJECT DESCRIPTION

The Condit Hydroelectric Project is located along the White Salmon River above Washington State Highway 14 on the border between Klickitat and Skamania Counties, approximately 3.3-miles upstream from the confluence of the White Salmon and Columbia Rivers (refer, Figure 1). The U.S. Geological Survey (USGS) topographic coordinates for the reservoir are Sections 2 and 3, Township 3 North, Range 10 East, Willamette Meridian (Sec. 2 and 3/T3N/R10E W.M.). The Condit Project includes a 125-foot high concrete dam across the White Salmon River that diverts water into a 1-mile long wood stave flowline. The wood stave flowline conveys water to a surge tank, where the water is diverted into two pipes (penstocks) for delivery through two turbine generators in the powerhouse downstream of the dam.

The Condit Project is owned and operated by PacifiCorp Energy. It has been in operation since its construction in 1913. The name of the reservoir behind the dam is Northwestern Lake. Northwestern Lake is approximately 1.8-miles long with a surface area of approximately 92 acres. The pool elevation listed on the USGS Northwestern Lake topographic map (1983 Edition) is 294 feet above mean sea level (msl). At the time of its construction, the depth of water in the reservoir ranged from approximately 15 to 110 feet. Since the construction of the dam, the reservoir has been collecting sediments brought in by the White Salmon River. As of 1990, the depth of water in the reservoir reportedly ranged from approximately 3 to 85 feet.

2.3 PREVIOUS INVESTIGATIONS

Bathymetric surveys of the reservoir have been conducted by PacifiCorp in 1990, 1997, and 2006. The sediments in Northwestern Lake, located behind Condit dam, were investigated by advancing ten borings for the collection of sediment and bedrock samples in 1994. The results of the 1994 investigation were presented in a report prepared by Squier Associates, entitled "*Condit Hydroelectric Project (FERC Project No. 2342), Northwestern Lake Sediment Characterization Study, White Salmon, Washington,*" dated April 29, 1994. The 1994 investigation was developed in general accordance with the protocols of the Puget Sound Dredge Disposal Analysis (PSDDA) program.

The 1994 sediment characterization testing program consisted of both geotechnical and environmental testing. The geotechnical testing parameters included the following:

- soil classification
- moisture content
- grain-size analysis
- unit weight determination

The geotechnical testing disclosed that the reservoir sediments consist mainly of fine-grained materials in the downstream deep pool area and granular materials in the upstream area. Located in the middle of the reservoir is a transition area where the upstream granular sediments have overridden the deep pool, fine-grained sediments.

The interpretation of the 1994 environmental testing results indicated that the metal concentrations were within expected background levels. However, remnant pesticides and herbicides were detected in the intermediate-aged sediments in the reservoir.

A second investigation of the sediments was conducted by Squier Associates in 1997. The results of that second investigation were presented in a report entitled, *“Additional Geotechnical Exploration and Laboratory Testing at the Condit Hydroelectric Project (Contract No. P018780)”* dated November 20, 1997.

In 1998, the cooperative interagency/intergovernmental team consisting of the USACOE, EPA Region 10, WDOE, WDNR, and ODEQ produced the Dredged Material Evaluation Framework, Lower Columbia River Management Area (DMEF). The DMEF established a tiered system for ranking of proposed dredging sites. The *DMEF* Tier I used existing information to conclude whether or not there is “enough information to determine if project meets exclusion ranking.” Exclusionary Ranking was a Management Area Ranking that provided the least stringent characterization requirements. Projects from specific areas listed in the *DMEF* were awarded the Exclusionary Ranking. Northwestern Lake currently was not one of the listed zones for Exclusionary Ranking. The Exclusionary Criteria also included sediments that were to be used for beach enhancement and sediments whose final placement will be the same substrate as their origin. It is our understanding that the Northwestern Lake sediments did not meet either criterion.

Exclusionary Ranking was also awarded to locations whose sediments had at least 80% sand retained on a number (No.) 230 sieve (i.e., less than 20% fines) and a Total Volatile Solids (TVS) content of less than 5.0%. Mechanical sieve analysis of the sediments collected from the upstream portion of Northwestern Lake demonstrated that those sediments met the criterion of having less than 20% fines.

However, in order to determine if the 1994 data were suitable, the data were first compared to the framework of Tiers II and IIB. Consequently, it was concluded that the sediments from Northwestern Lake (as one discrete unit) did not meet the criteria for Exclusionary Ranking. It was further concluded that the Low Management Area Ranking was appropriate. The Northwestern Lake sediment source location met the following criteria for Low Management Area Ranking:

- Low concentrations of chemicals of concern (COC)
- Some locations of higher percentages of fines
- Few sources of potential contamination

The *DMEF* allowed for the creation of Dredged Material Management Units (DMMUs), which are subdivisions of a sediment-generating project site that represent sediments similar in nature. Based on this understanding, the Northwestern Lake sediments were segregated into two DMMUs: the lower basin sediments and the upstream gravels. The segregation into two DMMUs provided for one Low Management Area Ranking of homogenous sediments (Lower Basin) and one area of Exclusionary Ranking (Upper Reservoir). The homogeneity of the sediments was supported by the 1994 mechanical sieve data. Based on the information presented in the *1994 Condit Study*, the lower basin included about 51% of the sediments (approximately 1,122,000 cubic yards).

The *DMEF* requirement for a homogeneous Low Management Area Ranking DMMU was one sample per 100,000 cubic yards. Accordingly, 12 samples were proposed for the 1,122,000 cubic yards of sediment.

In December 2006, Kleinfelder (formerly Squier Associates and Squier | Kleinfelder) conducted additional sediment sampling in the lower basin of Northwestern Lake in order to obtain current data on the chemical characterization of the fine-grained sediments. A total of 15 probes were advanced into the fine-grained sediments for the collection of 12 project and three quality control samples. The analytical results were compared to the screening levels provided in the USACOE's *Dredged Material Evaluation Framework, Lower Columbia River Management Area*, November 1998. The Sampling and Analysis Plan developed for the 2006 phase of sediment sampling was approved by the USACOE in August 2006.

The data that was collected by the implementation of the 2006 SAP was intended to satisfy the requirements of the USACOE in accordance with the applicable Tier IIB and Tier III testing guidelines as presented in the *DMEF*. However, RSET introduced the

Interim Final of the NWRSEF in September 2006. The NWRSEF provides more stringent fresh water screening criteria, compared to marine screening criteria, and for those screening criterion to be divided into two discrete levels (SL1 and SL2). The mercury concentrations reported for four of the 12 project sediment samples and the three duplicate samples collected in December 2006 exceeded the SL2 criterion (0.75 mg/Kg) for mercury.

Supplemental sediment sampling and analysis were performed in July of 2007 to confirm sediment mercury concentrations, establish mercury background levels, and assess bioaccumulation as requested by members of the RSET. Ten samples were collected from Northwestern Lake region and the White Salmon River region. Sample results indicated the presence of mercury in fine-grained sediments impounded by the dam. The mercury appeared to be from natural sources. Additional sediment was collected from Northwestern Lake and from the Little White Salmon River (near the fish hatchery) for the purpose of a bioaccumulation study of mercury. Clam and worm tissue tested after exposure to the sediments in a laboratory, indicated that mercury was accumulating in worm tissue but not clam tissues. Fish tissues collected from specimens captured in Northwestern Lake were also found to have accumulated mercury.

However, the sediment sample collected as a reference sample from the Little White Salmon River did not contain the same percentage of fine-grained sediments as did the sample from Northwestern Lake. Therefore, RSET requested another bioaccumulation study be performed with sediment collected at the In-Lieu Fishing Access Site. The In-Lieu Fishing Access Site sediments appear to be more characteristically similar to the sediment obtained from Northwestern Lake.

3.0 SAMPLING AND ANALYSIS TASKS

The following section discusses the tasks that will be performed during the sediment sampling at the In-Lieu Fishing Access Site.

3.1 IN-LIEU FISHING ACCESS SITE SAMPLING

Three surface sediment samples and 15 gallons of surface sediment will be collected. The sample locations will closely approximate the sampling locations accessed on July 17, 2007 (SP5-071707) and January 15, 2007 (B5-011507). Both sampling events were focused in the embayment identified as the U.S. Department of the Interior's Bureau of Indian Affairs (BIA's) In-Lieu Fishing Access Site.

Adequate sample volume will be collected from the location to provide for the proposed tests. In order to accomplish this, a sediment-filled, bottom dredge will be emptied into a clean, dedicated, 5-gallon bucket immediately after retrieval. When an adequate volume of sediment has been obtained, the sediments will be transferred to the appropriate containers. The sampling containers will be clearly labeled with: the project name, sample identification, type of analysis to be performed, and date and time; and referenced by entry into a log book.

3.1.1 First Phase of Laboratory Analysis

Three sediment samples will be collected and tested for the following:

- Mercury by EPA Method 7471A
- Grain size determination using ASTM D422 and ASTM D2487
- Total Organic Carbon (TOC) by ASTM D 4129-98M

Grain size will be evaluated using the following sieve sizes: 5-inch; 2.5-inch; 1.25-inch; 0.63-inch; 0.31-inch; and numbers 5, 10, 18, 35, 60, 120, and 230. The fine-grained fraction (finer than No. 230 sieve) will be classified using hydrometer analysis. Hydrogen peroxide will not be used in preparation for grain-size analysis. Sediment classification designation will be made in accordance with Unified Soil Classification System, ASTM D 2487. Water content will be evaluated in accordance with ASTM D 2216.

3.2 IN-LIEU FISHING ACCESS SITE BIOACCUMULATION STUDY

3.2.1 Target Species

The bioaccumulation study will be limited to *Lumbriculus* (worms) tissue as stated in Kleinfelder's proposal to PacifiCorp Energy dated December 20, 2007. To accomplish this, the following tasks will be performed:

The 15 gallons of sediment collected from the vicinity of the Underwood In-Lieu Fishing Access Site will be transported to Northwestern Aquatic Sciences of Newport, Oregon (NWAS) for the exposure phase of the bioaccumulation evaluation.

NWAS will conduct the exposure portion of the bioaccumulation evaluation using the sediments from the In-Lieu Fishing Access Site vicinity on an imported population of the worm *Lumbriculus*. The exposure portion of the bioaccumulation test will last for 28 days. The exposures will be conducted according to EPA Method 100.3 and the protocols described in EPA document 600/R-99-064.

3.2.2 Laboratory Analysis

Five sets of *Lumbriculus* will provide the appropriate controls and replicates. The harvested worms will be transported to Brooks Rand's laboratory in Seattle, Washington under proper shipment guidelines and other protocols for analysis of mercury content. The analysis for mercury will be conducted in accordance with EPA Method 1631 Appendix – Total Mercury in Tissue. The laboratory's report will include a detailed narrative, raw / instrument data, preparation sheets, and quality assurance (QA) review information.

4.0 SAMPLING SCHEDULE AND OTHER PROCEDURES

The following section describes the field activities and procedures during and after sediment sampling.

4.1 FIELD SAMPLING SCHEDULE

The sampling schedule is not currently set, but is anticipated to take place immediately after receiving approval from the RSET review panel. An updated sampling schedule will be set after approval of this SAP.

4.2 FIELD NOTES

Field notes will be maintained during sampling operations. Included in the field notes will be the following information:

- Names of the sample equipment operator and person(s) collecting and logging the sediment samples
- Weather conditions
- Date and time of collection of each sample
- The sample station number
- Descriptions of sample
- Any deviation from the approved sampling plan

For each sample, the following data will be recorded on the field log:

- Physical sediment description in accordance with the U.S. Soil Classification System, ASTM D 2487 (includes sediment type, density/consistency of sediment, color)
- Odor
- Visual stratifications and lenses
- Vegetation
- Debris
- Biological activity (e.g., detritus, shells, tubes, bioturbation, live or dead organisms)
- Presence of oil sheen
- Any other distinguishing characteristics or features

4.3 SAMPLE STATION POSITIONING

The locations of the sample points will be measured using a portable global positioning system (GPS). The locations of the sample points will be shown on the site plan. If the sample point is over water, water depths to the mudline at the sample location will be measured directly by a weighted cloth or steel tape.

4.4 DECONTAMINATION

Following sample collection, sample collection devices will be thoroughly cleaned according to the following procedure:

- Wash with brush and trisodium phosphate or non-phosphate detergent
- Tap water rinse
- Rinse with distilled water

4.5 SAMPLE TRANSPORT AND CHAIN-OF-CUSTODY PROCEDURES

After sample containers have been filled, they will be packed on ice in coolers. The cooler will be delivered to a qualified laboratory. Chain-of-custody procedures will commence in the field and will track delivery of the samples to the laboratory. Specific procedures are as follows:

- Individual sample containers will be packed to prevent breakage.
- The cooler will be clearly labeled with sufficient information (name of project, time and date container was sealed, person sealing the cooler, and Kleinfelder's office name and address) to enable positive identification.
- A sealed envelope containing chain-of-custody forms will be enclosed in a plastic bag and taped to the inside lid of the cooler.
- Signed and dated chain-of-custody seals will be placed on all coolers prior to removal from the site.
- Upon transfer of sample possession to the testing laboratory, the persons transferring custody of the coolers will sign the chain-of-custody form. Upon receipt of samples at the laboratory, the shipping container seal will be broken, and the receiver will record the condition of the samples.

5.0 LABORATORY PHYSICAL AND CHEMICAL ANALYSIS

The In-Lieu Fishing Access Site sediment samples will only be analyzed for the parameters listed in Section 3.

5.1 LABORATORY ANALYSIS PROTOCOLS

Laboratory testing procedures will be conducted in general accordance with the RSET's Recommended Analytical Methods (*Northwest Regional Sediment Evaluation Framework, Interim Final*, September 2006, Table 7-2).

5.1.1 Chain-of-Custody

A chain-of-custody record for each set of samples will be maintained throughout all sampling activities and will accompany samples during shipment to the laboratory. Information tracked by the chain-of-custody records in the laboratory includes: sample identification number, date and time of sample receipt, analytical parameters required, and final disposition of the sample.

5.1.2 Limits of Detection

Northwest Regional Sediment Evaluation Framework, Interim Final, September 2006, Table 7-2 includes the recommended Sample Quantification Limits (SQLs) for each analyte. For those tests where the laboratory's SQL's exceed the RSET-recommended SQLs, the laboratory Method Detection Limits (MDLs) will be used. For purposes of comparison with the chemical parameters shown in Table 7-2, laboratory SQLs / MDLs of all tested chemicals will be below the stated RSET Sediment Quality Guidelines. Failure to achieve this may result in a requirement to reanalyze. The testing laboratory will be specifically cautioned to comply with the detection limit requirements.

5.1.3 Analysis Method Protocols

Sediment analysis protocols will follow the recommendations presented in RSET's Table 7-2.

5.2 LABORATORY WRITTEN REPORT

A written report will be prepared by the analytical laboratory documenting the activities associated with sample analyses. At a minimum, the following will be included in the report:

- Results of the laboratory analyses and quality control (QC) parameters
- Protocols used during analyses
- Chain-of-custody procedures, including explanation of any deviation from those identified herein
- Location and availability of the data
- As appropriate, this SAP may be referenced in describing protocols

6.0 REPORTING

Reporting the results of the sediment sampling and analysis will be completed as described in the following sections.

6.1 QUALITY ASSURANCE (QA) REPORT

The project quality assurance representative will prepare a quality assurance report based upon activities involved with the field sampling and review of the laboratory analytical data. The QA/QC report will be incorporated into the Final Report.

6.2 FINAL REPORT

A written report will be prepared by Kleinfelder documenting the activities associated with collection, transportation of samples, and chemical and physical analyses of the samples. The chemical and physical analysis laboratory reports will be included as appendices. The laboratory QC reports will be incorporated by reference. At a minimum, the following will be included in the final report:

- Type of sampling equipment used
- Protocols used during sampling and testing and an explanation of any deviations from the sampling plan protocols
- Descriptions of each sample
- Locations where the sediment samples were collected
- A plan view of the project showing the field sampling locations
- Chain of-custody procedures used and explanation of any deviations from the sampling plan procedures
- Description of sampling procedures
- Final QA report
- Chemical and physical testing data and a comparison to the Sediment Quality Guidelines shown in Table 7-1 of the Northwest Regional Sediment Evaluation Framework, Interim Final, September 2006.

7.0 REFERENCES

Kleinfelder, 2007. *Sediment Sampling and Analysis Report, Northwestern Lake, Condit Hydroelectric Project. FERC Project 2342, White Salmon, Washington, March.*

Kleinfelder, 2007. *Supplemental Sediment Sampling and Analysis Report, Northwestern Lake, Condit Hydroelectric Project. FERC Project 2342, White Salmon, Washington, July.*

Kleinfelder, December 20, 2007. *Proposal for Sampling In-Lieu Fishing Access Site for Evaluating Mercury Bioaccumulation, White Salmon River, Washington.*

Squier Associates, 1994. *Condit Hydroelectric Project (FERC Project No. 2342) Northwestern Lake Sediment Characterization Study, White Salmon, Washington, April.*

Squier Associates, 1997. *Additional Geotechnical Exploration and Laboratory Testing at the Condit Hydroelectric Project, November.*

Squier | Kleinfelder, 2005. *Suitability Evaluation of Northwestern Lake Sediment Characterization Study.*

United States Army Corps of Engineers (USACOE) et al., 1998. *Dredged Material Evaluation Framework, Lower Columbia River Management Area, November.*

USACOE et al., 2006. *Interim Final Sediment Evaluation Framework For The Pacific Northwest, September.*

USACOE, 2006. *April 12, 2006, Draft Letter to PacifiCorp Hydro Licensing / Hydro Resources.*

8.0 LIMITATIONS

We have prepared this plan for use by PacifiCorp Energy, their authorized agents, and regulatory agencies for specific application to this site. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, Kleinfelder should be notified for review of the recommendations of this plan, and revision of such, if necessary.

This plan may be used only by PacifiCorp Energy, their authorized agents, and regulatory agencies and only for the purposes stated, within a reasonable time from its issuance. Land use, site conditions (both on- and off-site), or other factors may change over time and could materially affect our recommended sampling scheme. Therefore, this plan should not be relied upon after 24 months from its date of issue. Kleinfelder should be notified if use of the plan is delayed by more than 24 months from the date of this plan so that a review of site conditions can be made, and recommendations revised, if appropriate.

Any party other than PacifiCorp Energy, their authorized agents, and regulatory agencies who wishes to use this plan shall notify Kleinfelder of such intended use. Based on the intended use of the plan, Kleinfelder may require that additional work be performed and that an updated plan be issued. Non-compliance with any of these requirements by the clients or anyone else will release Kleinfelder from any liability resulting from the use of this plan by any unauthorized party.

No warranty, expressed or implied, is made.