

Appendix B
Correspondance and Approval Letters

From: Olson, Todd
Sent: Monday, October 16, 2006 5:06 PM
To: Harris, Kathryn L NWP
Cc: Hemstreet, Tim; Poindexter, Arianne
Subject: RE: Condit Dam SAP

Kathryn,
Thank you for approval. As you know we plan to conduct the fieldwork in a timely manner, hopefully in the next month. Once we have a work schedule, I can provide you dates of the sampling should you wish to observe.

Sincerely,
Todd

Todd Olson
Implementation Program Mgr.
PacifiCorp

From: Harris, Kathryn L NWP [mailto:Kathryn.L.Harris@nwp01.usace.army.mil]
Sent: Monday, October 16, 2006 4:36 PM
To: Olson, Todd
Cc: Harris, Kathryn L NWP
Subject: Condit Dam SAP

Todd,

The Corps received concurrence from the sediment team that the SAP, with the most recent updates on sampling locations, is approved. PacifiCorp is now able to complete the sediment sampling needed to continue review of that aspect of the project.

Kathryn

Kathryn Harris
Regulatory Project Manager
503-808-4387
Fax 503-808-4375

please visit our webpage at <http://www.nwp.usace.army.mil/op/g/home.asp>

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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: November 13, 2006
Project Expiration Date: December 01, 2006

Control Number: 107362-1
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. 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.
3. Drill spoils and cutting brought up to the barge shall not be released to the lake.
4. Drill cuttings shall be deposited in a location where they will not re-enter the lake either directly or due to erosion.
5. The drill string shall operate within a temporary pipe casing.
6. All containers storing fuel or other deleterious substances on the barge shall be secured during drilling operations to prevent incidental spills.
7. Extreme care shall be exercised to minimize the loss of fine sediment into the lake during drilling and soil sampling efforts.
8. A non-petroleum organic drilling lubricant shall be used during this project to protect water quality and fish resources.
9. Wastewater from the drilling process shall not be allowed to directly enter or leach into the lake.
10. 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.



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

12. 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: November 13, 2006 | | | | WORK END: December 01, 2006 | | | |
| 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: November 13, 2006 | | | | WORK END: December 01, 2006 | | | |
| 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 45.77110 | Longitude: W 121.53784 | County: Klickitat | |
| Location #2 Driving Directions | | | | | | | |

Location #3 Site Three

| | | | | | | | |
|--------------------------------|----------------|----------------------------------|----------------|-----------------------------|---------------------------------|----------------------|--|
| WORK START: November 13, 2006 | | | | WORK END: December 01, 2006 | | | |
| 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: November 13, 2006 | | | | WORK END: December 01, 2006 | | | |
| <u>WRIA:</u> 29.0160 | | <u>Waterbody:</u> White Salmon River | | | <u>Tributary to:</u> Columbia River | | |
| <u>1/4 SEC:</u> SE 1/4 | <u>Section:</u> 03 | <u>Township:</u> 03 N | <u>Range:</u> 10 E | <u>Latitude:</u> N 45.77441 | <u>Longitude:</u> W 121.53030 | <u>County:</u> Klickitat | |
| <u>Location #4 Driving Directions</u> | | | | | | | |

NOTES

Compliance with this Hydraulic Project Approval does not ensure compliance with the federal Endangered Species Act or any other local, state or federal laws.

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

360-457-2719

for Director
WDFW

CC:

Klickitat County Planning Department

228 W. Main Street, MS: CH-17
Goldendale, WA 98620

509-773-5703
1 800 765-7239
FAX 509-773-6206

**EXEMPTION FROM SHORELINE
MANAGEMENT ACT SUBSTANTIAL
DEVELOPMENT PERMIT REQUIREMENT**

PROPONENT:

PacifiCorp Energy
825 NE Multnomah, Suite 1500
Portland, OR 97232

PROPOSAL:

PacifiCorp is proposing sampling to characterize the physical and environmental state of sediments located in Northwestern Lake. The Northwestern Lake sediments are proposed to be released in an "open-water" fashion during the decommissioning of Condit Dam.

Four sample locations have been selected for the collection of sediment samples for environmental lab analysis. Each sample location will be sampled in 3 zones. Each of the 3 zones may require several samples to provide an adequate sample amount for the proposed analytical testing regime. The samples will be collected using a truck-mounted, direct-push sampling rig mounted on a small barge. Conductor casing will be set from the barge to the mudline.

The project is located at Northwestern Lake above Condit Dam on the White Salmon River in Section 3, T3N, R10E, W.M., Klickitat County, WA.

This proposal is exempt from the requirement of a substantial development permit because:

- The project has received hydraulic project approval from the department of fish and wildlife pursuant to 75.20 RCW.
- The Planning Department has determined that the project is consistent with the policies and provisions of the shoreline master program.

The proposed development is consistent or inconsistent with:

CONSISTENT

INCONSISTENT



The WA State Shoreline Management Act
The Klickitat County Shorelines Master Plan


Curt Dreyer, Planning Director

Date: November 29, 2006



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

JAN 11 2007

Mr. Tim Hemstreet
PacifiCorp
FAX 503 813-6170

Dear Mr. Hemstreet;

This letter is in regards to your December 28, 2006 call 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 in January, 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 the 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,

A handwritten signature in black ink, appearing to read "Keith Hatch", written over a circular stamp that contains the text "Northwest Regional Director".

Northwest Regional Director