



US Army Corps
of Engineers®

Portland District

PUBLIC NOTICE

Application for Permit

Issue Date: October 4, 2023

Expiration Date: November 3, 2023

30-Day Notice

U.S. Army Corps of Engineers No: NWP-2019-202-3

Interested parties are hereby notified the U.S. Army Corps of Engineers, Portland District (Corps) has received an application for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached drawings. The Corps is soliciting comments on the proposed work.

Applicant: Portland General Electric (PGE)
Attention: Mr. Daniel Wilson
33831 E Faraday Road
Estacada, OR 97023
Email: Dan.Wilson@pgn.com
Telephone: (503) 630-8138

Applicant's Agent: David Evans and Associates
Attention: Mr. Noah Herlocker
2100 S River Parkway, Suite 100
Portland, OR 97204
Email: noah.herlocker@deainc.com
Telephone: (503) 499-0407

Location: The project site is located at the Faraday Powerhouse, 33831 East Faraday Road, in Estacada, Clackamas County, Oregon. The site is in Section 33, Township 3 South, Range 4 East. Latitude and Longitude: 45.269775° North, 122.317722° West.

Waterway: Clackamas River

Project Purpose: The applicant's stated purpose is to allow full operational use of the Faraday Powerhouse and to replenish downstream stream substrate.

Project Description: The Faraday Powerhouse project would include dredging approximately 600 cubic yards of accumulated sediment from the tailrace within an area measuring approximately 0.2 acre below the ordinary high water mark (OHMW) of the Clackamas River to re-establish previously authorized elevations. The dredged material would be placed back into the river on a natural river bar to the north of the tailrace within an area measuring 0.07 acre below the OHWM of the Clackamas River. Temporary work area isolation measures would include the placement of approximately 600 cubic yards of bulk bags, concrete ecology blocks, and Jersey barriers in an area measuring approximately 0.02 acre below the OHWM of the Clackamas River.

Dredged Material Testing: Project sediments were evaluated in accordance with the *Sediment Evaluation Framework for the Pacific Northwest* (SEF). The interagency Portland Sediment Evaluation Team (PSET) implements the SEF for the Corps Portland District. The PSET determines the need for sediment testing based on the physical properties of dredged material, historical sediment quality data from the project and adjacent areas, current and historical land uses in and adjacent to the project area, and proximity of the project area to contaminant sources. The PSET has determined that no further testing or evaluation of the project sediments is necessary and that the project sediments are suitable for unconfined, aquatic disposal and exposure.

Mitigation: The applicant proposes to avoid and minimize impacts from the project by installing bulk bags, concrete ecology blocks and/or jersey barriers to block and reduce flows during construction. Turbidity booms and sediment curtains would be deployed around the project area. A land-mounted crane would be used to deploy equipment, avoiding additional impacts associated with river access. Divers would be used to direct and monitor dredging activities to achieve tailrace design elevations. The applicant did not propose compensatory mitigation in the permit application. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

Drawings: Six (6) drawings are attached and labeled Corps No. NWP-2019-202-3. Copies of this public notice, which have been mailed or otherwise physically distributed, feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately illustrates the proposed project. To access the electronic version of this public notice, go to the Portland District Regulatory website at <http://www.nwp.usace.army.mil/Missions/Regulatory> and under Regulatory Pages select Permit Application Public Notices.

Additional Information: The project is within the existing Clackamas Hydroelectric Project license boundary, federally authorized by the Federal Energy Regulatory Commission (FERC No. 2195). FERC is acting as the lead federal agency for this project as explained in more detail below.

Authority: The proposed project will be evaluated under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Clean Water Act Section 404(b)(1) Guidelines: The described discharge will be evaluated for compliance with guidelines promulgated by the U.S. Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. The 404(b)(1) Guidelines are the substantive criteria used in evaluating discharges of dredged or fill material into waters of the United States. The Corps will evaluate the fill material source (i.e., borrow site) prior to finalizing a permit decision.

Water Quality Certification: Section 401 of the Clean Water Act (33 U.S.C. 1341) requires applicants to obtain a water quality certification for proposed discharges into

waters of the United States. A permit for the described work will not be issued until certification has been issued or is waived from the certifying state. The state's notice for a water quality certification is attached.

Endangered Species: Section 7 of the Endangered Species Act (ESA) (16 U.S.C 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat. The Corps' preliminary review indicates the described activity may affect endangered species and designated critical habitat. For this project, the Federal Energy Regulatory Commission (FERC), as the lead Federal agency for ESA consultation, completed consultation with the NMFS as required under Section 7 of the ESA. The NMFS issued a biological opinion for this project on November 19, 2018. The USFWS determined that there are no ESA-listed species under USFWS jurisdiction present in the action area that will be affected by the proposed action in an email dated February 23, 2018.

Essential Fish Habitat: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Corps' preliminary review indicates the described activity would adversely affect EFH at the project location or in its vicinity. For this project, the FERC, as the lead Federal agency for MSA consultation completed consultation with the NMFS as required under Section 305(b)(2) of the MSA. The NMFS concurred with the lead agency's effect determination for this project on November 19, 2018.

Historic Properties/Cultural Resources: Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officer to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places. For this project, the FERC, as the lead Federal agency for determining compliance with Section 106 of the NHPA, will consult with the appropriate State and/or Tribal Historic Preservation Officer as applicable. The Corps' preliminary review indicates that a historic properties investigation has been conducted within the permit area during a recent FERC licensing process for a powerhouse replacement project. A Memorandum of Agreement (MOA) for the Clackamas River Hydroelectric Project, FERC No. 2195, dated March 8, 2019, determined that the undertaking would result in adverse effects to historic properties. A plan to mitigate adverse effects to historic properties was included in the MOA. Coordination with the Oregon State Historic Preservation Office and Native American Tribes occurred at that time. The proposed project is for removal of recently deposited river alluvium where the applicant has determined there is little likelihood to affect a historic property. The terms and conditions of the MOA will be followed. A notification of the proposed dredging and material placement activities was provided to the Clackamas Cultural Resources Work Group on April 19, 2023.

This notice has been provided to the Oregon State Historic Preservation Office, interested Native American Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps' project manager identified at the end of this notice to assist in a complete evaluation of potential effects.

State and Local Authorizations: The applicant has applied for a renewed Removal-Fill Permit from the Department of State Lands (DSL) (DLS No. 61935).

Public Hearing: Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Submitting Comments: Interested parties are invited to provide comments on the proposed project. Comments may be submitted by conventional mail or email. All comments received will be considered in determining whether authorizing the work would be contrary to the public interest.

Either conventional mail or e-mail comments must include the Corps reference number as shown on page 1 and include the commenter's name and address. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the Corps reference number. All

comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

Additional information about the proposed project may be obtained from the Corps Project Manager listed below. All comments, whether by conventional mail or email, must be received no later than the expiration date of this public notice to ensure consideration. Comments should be submitted to the following mailing address or email address:

U.S. Army Corps of Engineers
Regulatory Branch
Ms. Danielle Erb
P.O. Box 2946
Portland, Oregon 97208-2946
Email: danielle.h.erb@usace.army.mil
Telephone: (503) 808-4368

PUBLIC NOTICE
Oregon Department of Environmental Quality (DEQ)
Water Quality 401 Certification

Notice Issued: October 4, 2023
Written Comments Due: November 3, 2023

Corps of Engineers No: NWP-2019-202-3
Oregon Department of State Lands No: 61935

WHO IS THE APPLICANT: Portland General Electric

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice.

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to waters of the state.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and materials related to water quality issues as a result of the proposal are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Permit Coordinator, Northwest Region, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232. Other project materials are available by contacting the Corps per the attached public notice.

Scheduling an appointment will ensure that water quality documents are readily accessible during your visit. To schedule an appointment please call DEQ Water Quality at Northwest Region at (503) 229-5623.

Any questions on the water quality certification process may be addressed to the 401 Permit Coordinator at (503) 229-5623 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call the Oregon Telecommunications Relay Service at (800) 735-2900.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0032 (2) states that “The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing.” Additional Section 401 process information is available on DEQ’s webpage (<https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401-Certification.aspx>).

Written comments: Written comments on project elements related to water quality must be received at the Oregon Department of Environmental Quality by 5:00 p.m. on the date specified in the upper right section on page one of this notice. Comments may be submitted electronically or through standard mail.

Email – 401publiccomments@deq.oregon.gov

Mail – Oregon Department of Environmental Quality, Northwest Region
700 NE Multnomah Street, Suite #600
Portland, Oregon 97232
Attn: 401 Water Quality Certification Coordinator

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, certification of the proposal may be issued as proposed, issued with conditions, or denied. You will be notified of DEQ’s final decision if you submit comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address. Public records can be accessed through the *Your DEQ Online* public records portal webpage (<https://ordeq-edms-public.govonlinesaas.com/pub/login>).

ACCESSIBILITY INFORMATION: DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at (800) 452-4011 or email deqinfo@deq.oregon.gov.

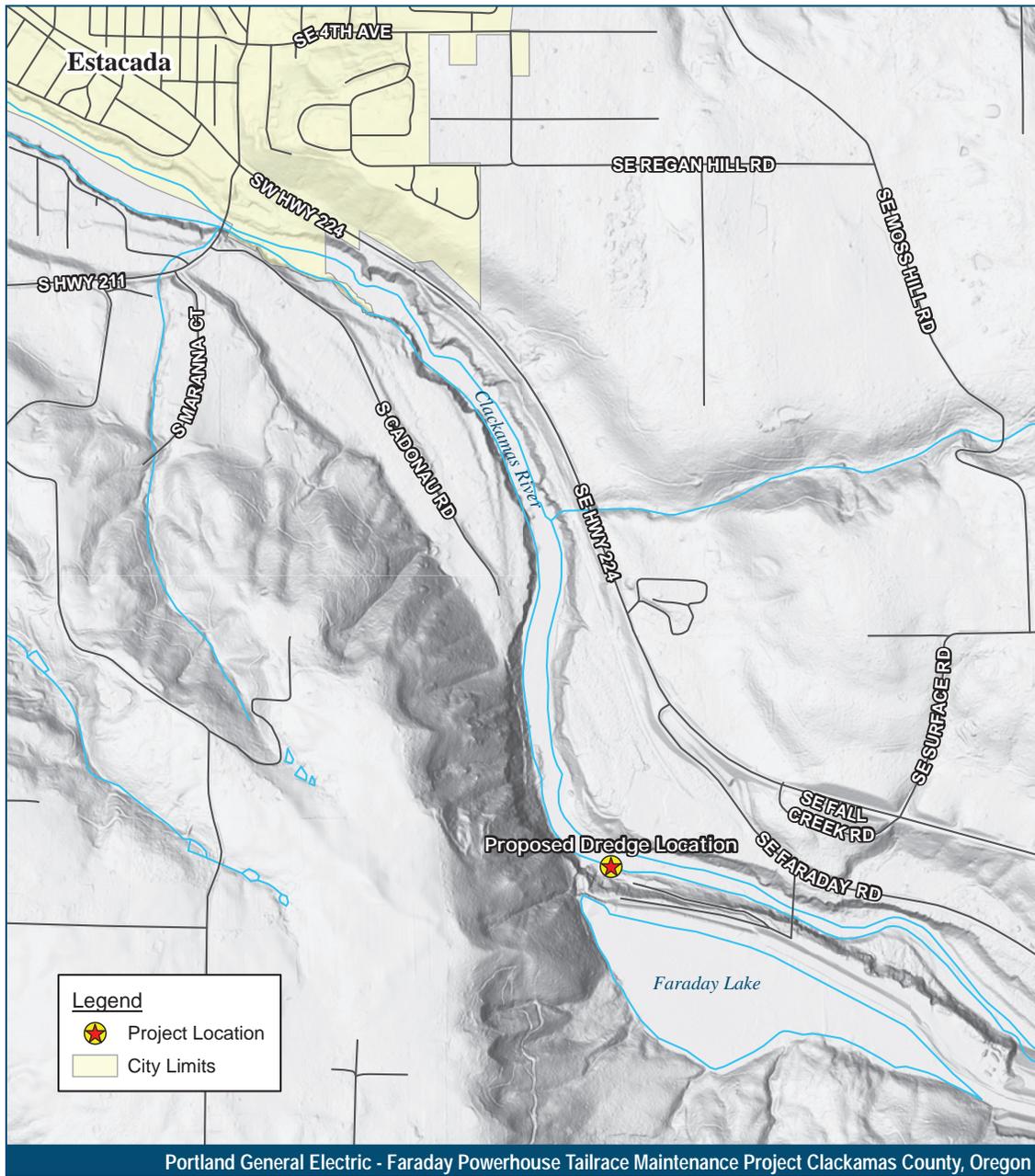
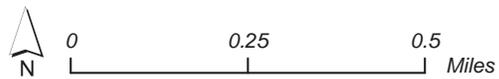
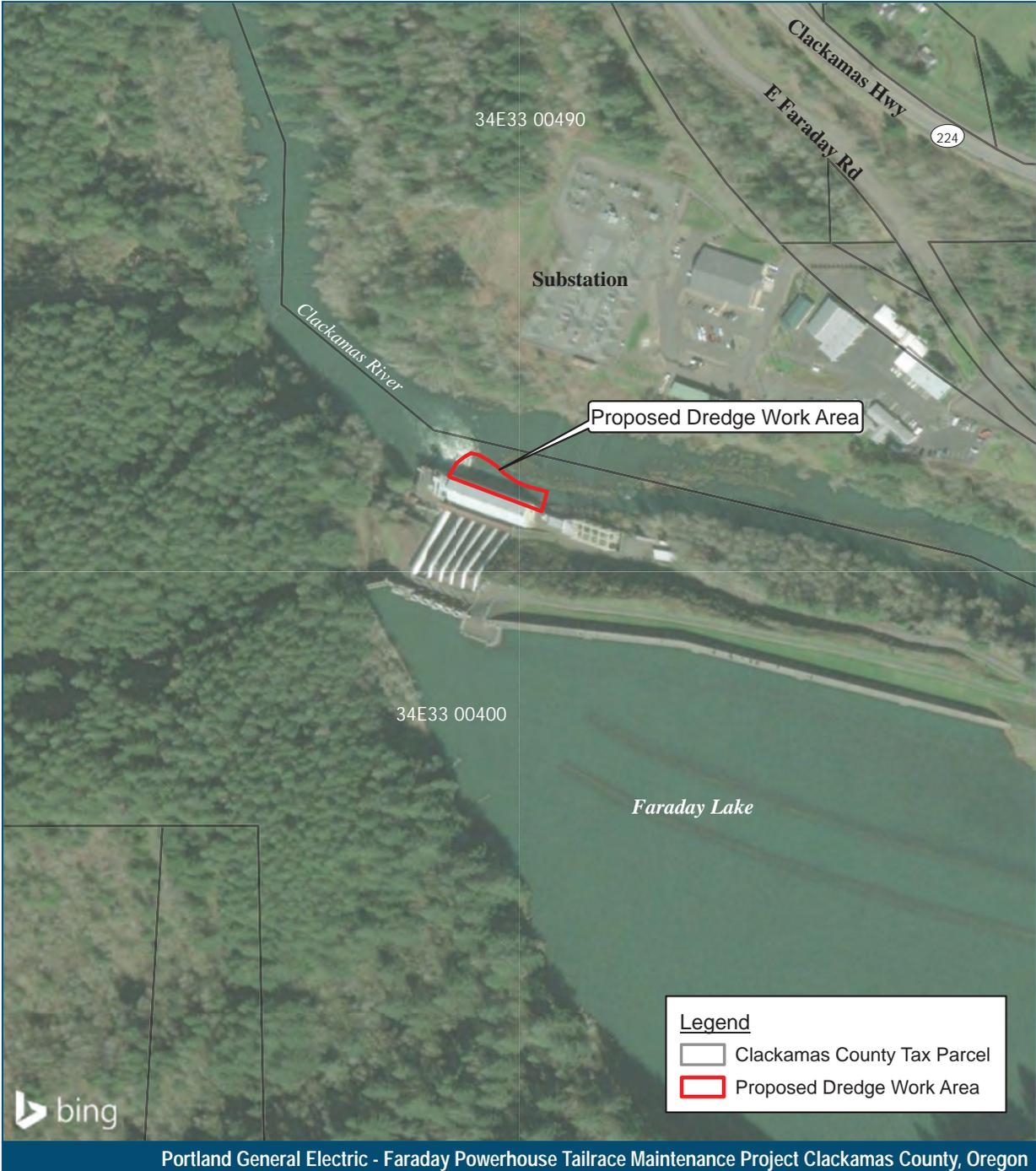


Figure 1
Project Vicinity



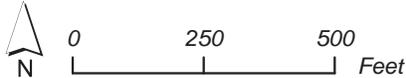
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Portland General Electric - Faraday Powerhouse Tailrace Maintenance Project Clackamas County, Oregon

Background: Bing Maps Aerial

Figure 2
Site Map



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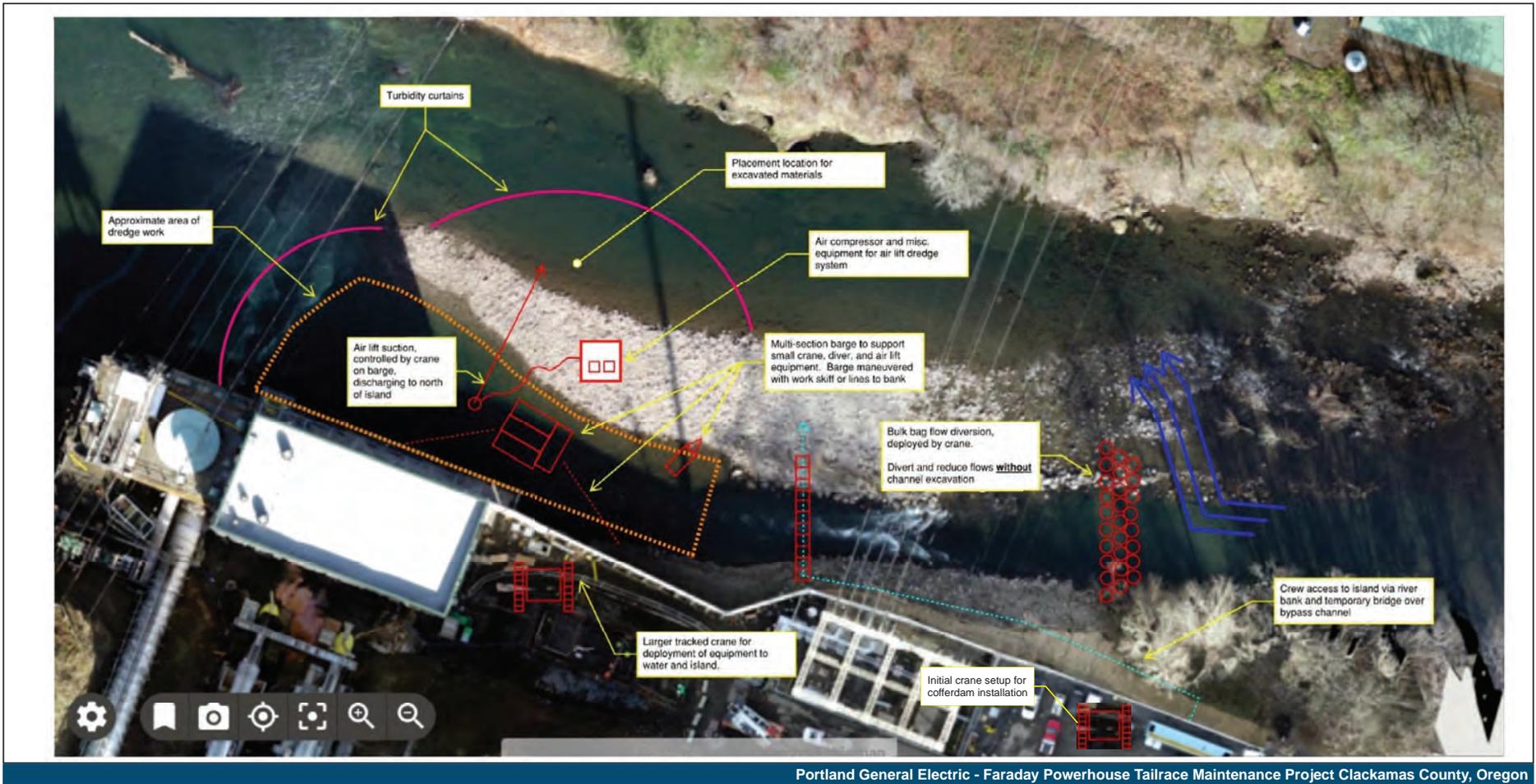


Figure 3
Tailrace Dredging Work Area

Work Plan by Mathew Quigley of Aubrey Silvey Enterprises, Inc..
PGE acquired the aerial imagery.



4/12/2023

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JPA FIGURE 4 Cross Section of Tailrace Excavation and Fill Area

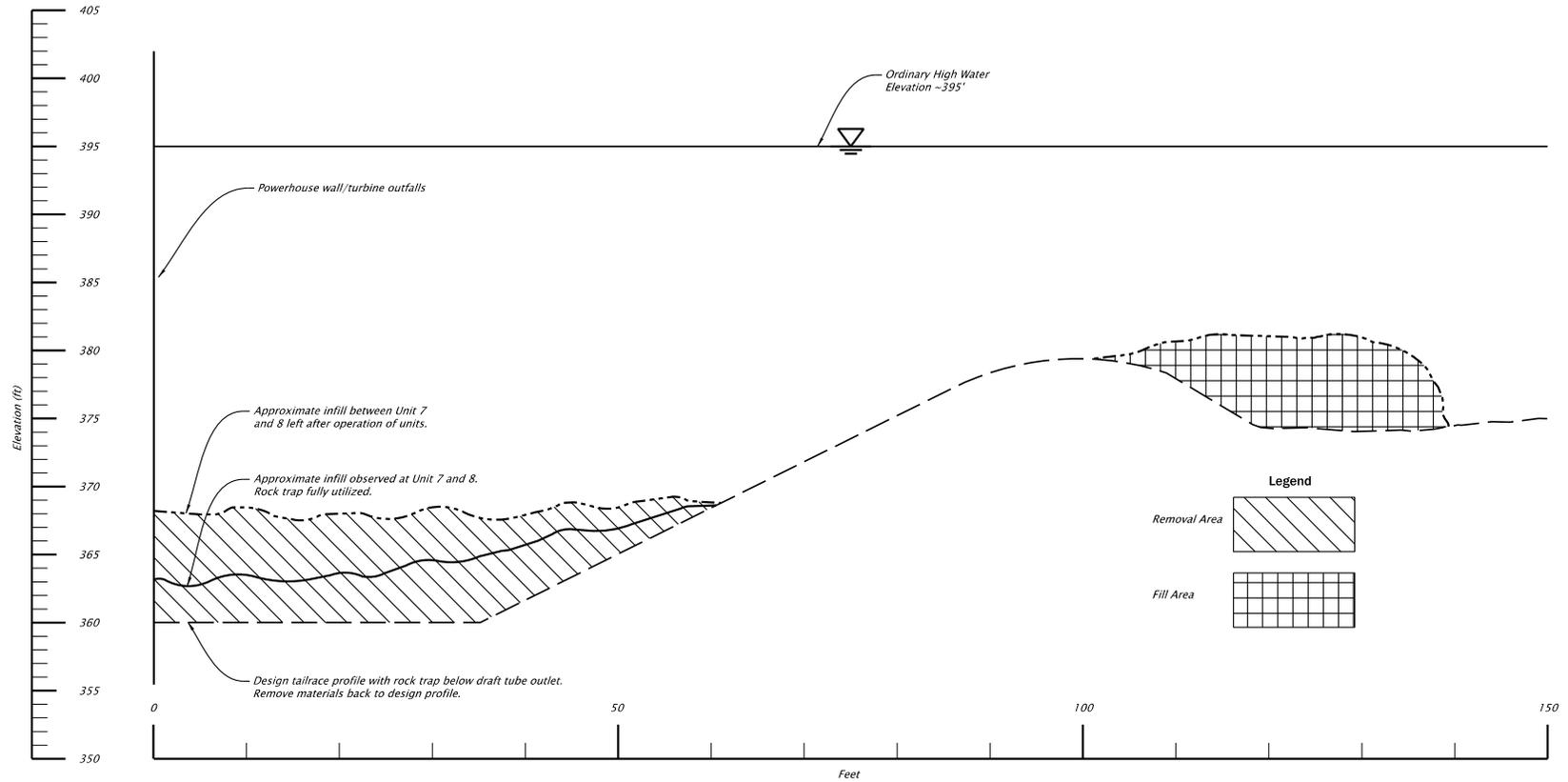


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