

119 FERC ¶ 62,207
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Portland General Electric Company

Project No. 477-036

ORDER APPROVING EROSION AND SEDIMENT CONTROL PLAN

(Issued June 11, 2007)

On March 30, 2007, Portland General Electric Company (licensee) filed an Erosion and Sediment Control Plan for the Bull Run Project pursuant to ordering paragraph (E) of the May 12, 2004 Order Granting Surrender Application, Adopting Proposed Terms, and Denying Application to Amend License.¹ The project is located on the Sandy, Little Sandy, and Bull Run Rivers near the Town of Sandy in Clackamas County, Oregon. Three percent of the project is on U.S. Forest Service (FS) lands in Mount Hood National Forest, and nine percent is on land managed by the U.S. Bureau of Land Management (BLM) or owned by the State of Oregon.

ARTICLE REQUIREMENTS

Ordering paragraph (E) of the May 12, 2004 order requires the licensee to file with the Commission for approval an erosion and sedimentation control plan at least 90 days before the start of any land-disturbing or land-clearing activities. The plan shall be based on actual site geological, soil, and ground water conditions and on the final project design, including but not limited to: (1) a description of the actual site conditions; (2) measures to control erosion, prevent slope instability, and minimize the quantity of sediment and potentially toxic substances released into the river during project removal; (3) detailed description, functional design drawings, and specific topographic locations for all control measures; (4) monitoring and maintenance programs for project construction and operation, including an implementation schedule; and (5) provisions for periodic review and revision.

The licensee shall prepare the plan after consultation with the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Oregon Department of Water Resources, Oregon Department of Fish and Wildlife, FS, and BLM. The licensee shall include with the plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to

¹ 107 FERC ¶ 61,158, Order Granting Surrender Application, Adopting Proposed Terms, and Denying Application to Amend License, issued May 12, 2004.

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the agencies, and specific descriptions of how the comments from the agencies are accommodated by the plan. The licensee shall allow a minimum of 30 days for the agencies to comment and make recommendations before filing the plan. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on project-specific information.

The Commission reserves the right to require changes to the plan. No land-disturbing or land-clearing activities shall begin until the licensee is notified by the Commission that the plan is approved. Upon Commission approval, the licensee shall implement the plan, including any changes required by the Commission.

PROPOSED PLAN

In response to ordering paragraph (E) of the May 12, 2004 order, the licensee has submitted an Erosion and Sediment Control Plan detailing how it will monitor and control erosion at the project during and after the removal of the project works. The plan describes the project facilities, discusses the work to be performed during project removal, and outlines the schedule of work to be performed during project removal. Removal of the project works includes the following facilities: (1) Marmot Dam; (2) Little Sandy Dam; (3) canals; (4) tunnels; (5) flumes; (6) Roslyn Lake; (7) powerhouse, transformer building, shops and office building; and (8) car barn. Work is scheduled to be performed during the period from June 2007 to September 2009.

In its Erosion and Sediment Control Plan, the licensee has identified various erosion and sediment control measures that will be used at the various project removal sites. The measures are dependent on the specific project facility and the actual site conditions. Included in the plan are maps and plans showing locations and details of the proposed measures. Also included in the plan are figures from a Clackamas County erosion and sediment control guidance document, which show detail drawings of best management practices (BMPs). These BMPs may be used by the licensee during project removal at the Bull Run Project.

General monitoring of the erosion and sediment control measures implemented during the project removal will be performed on a daily basis. Borrow areas, routes for material transport, disposal areas, areas of disturbed ground, and demolition sites will be monitored to assure erosion and sediment control measures are functioning effectively and to determine if any additional measures are necessary. On active project work sites, inspection will be done within 24 hours after a 0.5-inch or greater rainfall event. During stormy periods or periods of snow melt when runoff is occurring, the sites will be inspected daily. The licensee has included in its Erosion and Sediment Control Plan a

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copy of an Erosion Control Monitoring Form, which will be used to document the erosion and sediment control inspections.

PRE-FILING CONSULTATION

The Erosion and Sediment Control Plan was prepared in 2005 to support the licensee's applications for the required Oregon Division of State Lands Removal and Fill Permits and a U.S. Army Corps of Engineers 404 Permit. The plan was also prepared in fulfillment of the 401 Water Quality Certificate issued by the Oregon Department of Environmental Quality (Oregon DEQ) on October 22, 2003, for the Bull Run Project surrender and project removal. As a result, the plan was not prepared in consultation with the resource agencies as required by ordering paragraph (E) of the May 12, 2004 order. However, as part of the 401 water quality certification process, Oregon DEQ publicly noticed the licensee's May 2005 Erosion and Sediment Control Plan for the Bull Run Project and notified all members of the Bull Run Project settlement group and the Commission's Service List, which includes the resource agencies specified in ordering paragraph (E) of the May 12, 2004 order, of its public notice requesting review and comments on the plan. Oregon DEQ issued its public notice on November 21, 2005, and requested that comments be submitted no later than January 3, 2006. No comments on the plan were received by Oregon DEQ.

REVIEW

The licensee did not consult with the resource agencies on the plan as required by the May 12, 2004 order; however, the consultation requirements were satisfied by Oregon DEQ's 401 water quality certification process. The licensee's plan fulfills the requirements of ordering paragraph (E) of the May 12, 2004 order. The proposed plan should therefore, be approved. The licensee is reminded that all construction activities related to erosion must be coordinated with the Commission's Division of Dam Safety and Inspections – Portland Regional Office.

The Director orders:

(A) Portland General Electric Company's Erosion and Sediment Control Plan filed on March 30, 2007, pursuant to ordering paragraph (E) of the May 12, 2004 Order Granting Surrender Application, Adopting Proposed Terms, and Denying Application to Amend License for the Bull Run Project is approved.

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(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

William Guey-Lee
Chief, Engineering and Jurisdiction Branch
Division of Hydropower Administration and
Compliance