



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

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CERTIFIED MAIL; RETURN RECEIPT REQUESTED

August 23, 2007

Mr. Brent L. Smith, President
Northwest Power Services, Inc.
PO Box 535
Rigby, ID 83442

Re: Applegate Dam Hydroelectric Project, FERC Project No. 11910;
Certification Pursuant to Section 401 of the federal Clean Water Act;
Notice of Opportunity for Contested Case Hearing

Dear Mr. Smith:

Symbiotics, LLC (Symbiotics) has proposed construction and operation of hydroelectric facilities on the existing Applegate Dam which is owned and operated by the US Army Corps of Engineers. Applegate Dam is located at river mile 45.7 on the Applegate River about 23 miles southwest of Medford, Oregon. In May of 2005, Symbiotics applied to the Federal Energy Regulatory Commission (FERC) for a federal permit for the construction and operation of the proposed Applegate Dam Hydroelectric Project (Project; FERC Project No. 11910).

On August 29, 2007, Symbiotics applied to the Oregon Department of Environmental Quality (ODEQ) for water quality certification of the Project pursuant to Section 401 of the federal Clean Water Act and ORS 468B.040. ODEQ has evaluated the application for consistency with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act; Oregon Administrative Rules (OAR) 340, Divisions 41 and 48; and the specific water quality provisions of the Rogue Basin set forth in OAR 340-041-0271 through -0275.

Based on Symbiotics' Section 401 application, ODEQ's evaluation and findings report (enclosed), and consideration of public comment, ODEQ grants a conditional Section 401 certification for the proposed Applegate Dam Hydroelectric Project. ODEQ is reasonably assured that construction and operation under a new FERC license will be consistent with the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, state water quality standards, and other appropriate requirements of state law related to water quality, provided the Section 401 certification conditions attached to this certification are followed.



This certification is valid for Symbiotics only and is not transferable without written approval by ODEQ, in accordance with OAR 340-048-0042(6).

In accordance with OAR 340-048-0045, Symbiotics, if dissatisfied with the conditions of this certification, may request a hearing before the Environmental Quality Commission. Such request for a hearing must be made in writing to the Director of the Oregon Department of Environmental Quality within 20 days of the date of mailing this certification. Any hearing will be conducted pursuant to the rules of the Commission for contested cases.

Sincerely,

John W. Blanchard

for
Kerri Nelson

Western Region Administrator

Enclosures: Certification Conditions
Evaluation and Findings Report

