



PUBLIC NOTICE NO. MT-16-14
June 3, 2016

APPLICANT NAME: Clark Canyon Hydro, LLC
WATERWAY: Beaverhead River
COUNTY: Beaverhead
PERMIT NUMBER: MT4011012

Interested parties are hereby notified that the Montana Department of Environmental Quality (DEQ) has received an application to perform work in waters of the United States as described below. DEQ has reviewed the work pursuant to Section 401 of the Clean Water Act (CWA), with applicable provisions of the State water quality standards and has made a tentative determination to issue 401 Certification with Conditions.

Description of the Proposed Project:

The proposed project will retrofit the existing BOR Clark Canyon Dam on the Beaverhead River with hydropower generation capabilities. The proposed Project will operate only in a “run-of-river” mode. As such, the Project does not propose to change when or how water is released from Clark Canyon Dam. Power generation will only occur within the normal irrigation or flood control release and storage regimes. No change will occur to the reservoir pool elevations or discharge from BOR’s Clark Canyon Dam. For specific project information please refer to the application located on DEQ’s website at: <http://deq.mt.gov/Public/notices/WQnotices>

401 Water Quality Certification:

DEQ certifies that this project in its current form and the project specific conditions below will not violate water quality standards. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards.

Project Specific Conditions:

1. Pre-certification monitoring shall be conducted for a minimum of five (5) years after the project is online. The plan will be modified with provisions to continue monitoring dissolved oxygen, temperature, and total dissolved gas levels while discharging between July and October beyond the initial five year time period. The Department will determine if monitoring will continue beyond the initial five year time period based upon a review of the previous results.
2. A plan shall be submitted to the Department six (6) months prior to the beginning of construction to monitor Clark Canyon Reservoir and the Beaverhead River for turbidity, total dissolved gas, dissolved oxygen, and temperature during project construction.
3. Based upon the provisions outlined by MCA 75-5-306 (2) related to “reasonable operation of dams,” Clark Canyon Hydro, LLC shall maintain minimum dissolved oxygen level at saturation (approximately 7.5 mg/L or higher, depending on the temperature of the reservoir water at the intakes) between 1 June and 31 August while discharging to the Beaverhead River. For the remainder of the year, minimum dissolved

oxygen levels shall be maintained at or above 8 mg/L downstream of the project while discharging to the Beaverhead River.

4. Total dissolved gas levels shall be maintained at 110% or lower, downstream of the project while discharging into the Beaverhead River.
5. A plan for project design engineering modifications that will maintain dissolved oxygen levels prescribed above in condition three (3) shall be submitted to the Department after the project is initiated. The plan will be submitted to the Department at least six (6) months prior to initiating project construction.
6. In the event that dissolved oxygen falls below MDEQ standards, the plant shall automatically go offline. If automated alarms indicate that water quality standards may have been exceeded, an on-call operator shall arrive at the powerhouse within 30 minutes to evaluate the causes of the noncompliance reading. A second, redundant dissolved oxygen probe shall be deployed at the compliance point to ensure compliance with state water quality standards.
7. Clark Canyon Hydro, LLC shall notify the Department and Montana Fish Wildlife and Parks within 24 hours of any unauthorized discharge of pollutants to state waters within the project boundary.
8. Clark Canyon Hydro, LLC shall allow the Department reasonable entry and access to the project and review of appropriate records in order to determine compliance with this certification.
9. Clark Canyon Hydro, LLC shall obtain all permits, authorizations and certifications required by federal, state or local laws, regulations or ordinances prior to the commencement of any activity that could violate Montana's water quality standards.
10. The Department reserves the authority under this certification to require adaptive management plans that may include corrective actions and monitoring necessary to correct water quality violations that may result from operation, maintenance or construction associated with the project. This may also include adjusting the compliance point to a more suitable location if monitoring efforts or project impacts merit the need for such an adjustment.
11. Clark Canyon Hydro, LLC shall meet annually with all watershed stakeholders to discuss water quality monitoring efforts associated with project operation.
12. Should the project be found, at any time not to be in compliance with any of the conditions of this certification, or should the permittee construct or operate this project in any way other than as specified in the application or supporting documents, as modified by the conditions of this certification, then the terms of this certification shall be considered to have been violated.
13. This certification shall expire upon the assignment of transfer of the property covered by this certification unless the new owner submits to the Department a written consent to all of the conditions of this certification.

Public Comments

Public comments regarding Section 401 of the Clean Water Act are invited ANYTIME PRIOR TO THE CLOSE OF BUSINESS July 5, 2016. Written comments should be submitted to the following address: Montana Department of Environmental Quality, Attention: Water Protection Bureau, P.O. Box 200901, Helena, MT 59620-0901, or e-mail to DEQWPBPublicComments@mt.gov.