

RECEIVED

OCT 15 1992

WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

October 9, 1992

Mr. Gary Gustafson, Acting Director
Division of State Lands
775 Summer Street NE
Salem, OR 97310

Corps Notice No. 9960
DSL Notice No. RF-6392
Applicant: Rivers End Ranch

Dear Mr. Gustafson:

By means of my December 3, 1991 letter to Janet Neuman, the Department announced withholding of water quality certification for the project referenced above (see attached copy of referenced letter). As stated in my December 3, 1991 letter, the Department had substantive concerns about the impact on Abert Lake of water withdrawal associated with this project. Additionally, we did not believe at that time that sufficient information existed for our evaluation of potential water quality and biological impacts of the project on the valuable and unique Abert Lake ecosystem.

On May 18, 1992, we received a written report from the Oregon Department of Fish and Wildlife (ODFW) covering results of a computer modelling study performed by George Keister of the ODFW district office in Hines, Oregon. This modelling study analyzed the potential impacts of water withdrawals associated with the proposed Rivers End Ranch project on lake levels and water quality in Abert Lake. We have comprehensively reviewed this modelling study and have discussed it with ODFW and other state and federal resource management agencies. We believe it provides sufficient information to allow the Department to consider water quality certification for the project referenced above.

Based on our review of the ODFW modelling study and other relevant publications and information we have compiled, we continue to believe that the project as proposed could have adverse impacts on Abert Lake. We believe these impacts could occur as a result of impoundment and water withdrawal from the Chewaucan River during periods when Abert Lake is at relatively



low levels, i.e. water surface elevation (WSE) below about 4,252 feet. The unique Abert Lake ecosystem is dependent upon and very sensitive to salinity in the lake. Salinity is in turn directly related to lake level. Salinity and associated biological conditions are suboptimal for maintenance of essential invertebrate populations at a WSE below about 4,252 feet. At a WSE below about 4,249 to 4,250 feet, long-term survival of essential invertebrate populations would become marginal due to elevated salinity levels.

Water levels in Abert Lake are currently affected by water withdrawals from the Chewaucan River as authorized by historic water rights throughout the basin. Additionally, other commercial ventures involving use of Abert Lake water have been proposed and are now undergoing feasibility studies. In evaluating the present Rivers End Ranch proposal, the Department and the Corps of Engineers must consider (to the extent possible) these potential cumulative impacts on Abert Lake water level and quality. Given the possibilities of future water quantity and quality impacts to Abert Lake from other uses, we believe a conservative approach should be taken relative to permitting of the proposed Rivers End Ranch project.

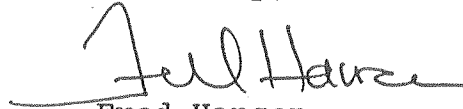
Based on evaluation of all available information, the Department believes that proposed impoundment and water withdrawal from the Chewaucan River at a lake WSE above 4,252 feet would be unlikely to result in significant adverse water quality and biological impacts. Therefore, the Department will condition this water quality certification to restrict water withdrawals when the Abert Lake WSE is below 4,252 feet.

Special Certification Condition

If the WSE of Abert Lake as measured on June 1 of each water year is 4,252 feet or lower, no water shall be pumped or diverted from the project impoundment for irrigation or other non-wildlife use, and beginning on July 1 of years when lake WSE is 4,252 or lower as measured on June 1, water shall be released from the project impoundment to Abert Lake to lower the impoundment WSE to 4,277 feet by September 1 of that year.

The Department hereby certifies that if implemented with the Special Certification Condition above, the project can comply with applicable provisions of the Federal Clean Water Act and water quality regulations of the state of Oregon. Water quality certification is denied if the Special Certification Condition above is not incorporated into the Corps of Engineers Section 404 permit for this project. Should you have any questions concerning this certification, please contact Don Yon at 229-5371.

Sincerely,

A handwritten signature in cursive script that reads "Fred Hansen". The signature is written in black ink and is positioned above the printed name and title.

Fred Hansen
Director

FH:RDO:CRW

SA\WC10\WC10781.5

cc: EPA-000, Attn: Tom Robertson
EPA-Seattle
COE, Attn. Roy Loghry
USFWS, Attn. Pat Wright
ODFW-HCD, Attn. Greg Robart
ODFW-Hines, Attn. George Keister
ODFW-Lakeview, Att. Larry Conn
WRD, Attn. Mike Mattick

