

UNITED STATES OF AMERICA 50 FERC 62,078
FEDERAL ENERGY REGULATORY COMMISSION

Central Oregon Irrigation District Project No. 3571-014
Oregon

ORDER AMENDING LICENSE
February 7, 1990

On April 3, 1989, Tudor Engineering Company, on behalf of the Central Oregon Irrigation District (licensee), filed a request for the deletion of article 410 from the license for the Central Oregon Siphon Project.

Article 410 requires the licensee, after consultation with the National Park Service, the Oregon Parks and Recreation Division and the Bend Metro Park and Recreation District, to develop a plan to monitor whitewater boating use in the bypassed reach of the Deschutes River. The plan is to include specific items and be filed for Commission approval within 1 year from the date of issuance of the license. The items are to include recommendations for changes to project structures or operation needed to accommodate whitewater users.

The licensee states in its filing that it consulted with the required agencies on the development of a monitoring plan for the bypassed reach of the Deschutes River. As a result of the consultation, it requests that article 410 of the project license be deleted. Copies of comments from the agencies are included in the filing.

In its final comment letter dated March 16, 1989, the Bend Metro Park and Recreation District concluded that a monitoring program is not appropriate in the bypassed reach of the Deschutes River. Further, it concurs with the findings of Deschutes County that in-stream recreation in the area is very limited and the rapids of the vicinity are considered life threatening. By letter dated November 23, 1988, the Oregon Parks and Recreation Division stated that it received the comments of the Bend Metro Park and Recreation District and concluded that its concerns have been met. By letter dated December 12, 1988, the National Park

Service stated that it is not prepared to say that the bypassed reach receives "very little" use and the studies required under article 410 are unnecessary. However, it would not object if either the Bend Metro Parks and Recreation District or the Oregon Parks and Recreation Division makes such a statement.

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Based upon agency comments and other available information, it appears that the bypassed reach is unsuitable for safe whitewater boating. Given the extremely difficult water conditions in the bypassed reach, it is expected to continue to receive only limited use by expert boaters. Given this information, requiring the licensee to monitor this type of use is unwarranted and article 410 should be deleted from the project license. If other information is provided that would indicate that conditions in the bypassed reach are safe or have improved, the Commission should reserve the right to require the licensee to implement the requirements set forth in article 410.

The Director orders:

(A) The request to delete article 410 from the project license filed on April 3, 1989, is approved as modified by paragraph (B) of this order.

(B) The Commission reserves the right to require the licensee to implement the requirements of article 410, in the event that conditions in the bypassed reach change or information is provided that would indicate the need for the study.

(C) This order is issued under the authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order.

J. Mark Robinson
Director, Division of Project
Compliance and Administration

