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Electronically filed November 10, 2022

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Subject: Cutler Hydroelectric Project (FERC Project No. 2420-059)
Submission of PacifiCorp Supplemental Response to U.S. Environmental
Protection Agency Comments**

Dear Secretary Bose:

PacifiCorp is the owner, operator, and licensee of the Cutler Hydroelectric Project (Cutler Project) Federal Energy Regulatory Commission (FERC) Project No. 2420. On March 28, 2022, PacifiCorp submitted a Final License Application (FLA) pursuant to Title 18 Code of Federal Regulations (CFR) Section (§) 5.17(a). The current Cutler Project license expires March 31, 2024.

On July 6, 2022, FERC issued the Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis (REA) and Soliciting Comments, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions regarding the Cutler Project (Notice of REA). Pursuant to FERC regulations at 18 CFR § 5.22, comments were accepted for a period of 60 days, with final comments due September 6, 2022. Reply comments were due 105 days after the Notice of REA. PacifiCorp provided responses to comments received within the 60-day comment period in a filing on October 19, 2022.

As PacifiCorp's response to comments were being finalized, on October 4, 2022, 28 days after the close of the comment period, the United States Environmental Protection Agency (US EPA) filed comments on the FLA. Due to the late submission of these comments, and the substantial requests included therein, PacifiCorp is now filing this supplemental response to the US EPA comments in accordance with 18 CFR § 5.23, which provides licensees a 45-day window to respond to comments received under 18 CFR § 5.22.

This letter and its enclosures have been filed electronically. The security classification of each component in this packet is shown in the enclosure table below. If you have any questions concerning these documents, please contact Eve Davies, Cutler Relicensing Project Manager, at 801-232-1704.

Kimberly D. Bose, FERC
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Sincerely,



William C. Shallenberger
Vice President, Renewable Resources

WCS:ED:DS

Encl:	Letter – Public
	Attachment A – PacifiCorp Supplemental Response to EPA Comments – Public

eFile:	Kimberly D. Bose, Secretary via eFile at www.ferc.gov
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ATTACHMENT A
PACIFICORP SUPPLEMENTAL RESPONSE TO EPA COMMENTS

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COMMENT NO.	COMMENTS/ REQUESTER	COMMENT LETTER PAGE	STAKEHOLDER COMMENT	PACIFICORP RESPONSE TO COMMENT
1	EPA	1	<p>We appreciate that the Cutler Project documents have evaluated a number of topics discussed below; however, there is value in reiterating the important components of analysis for this type of project, and we recommend including within the scope of the Draft Environmental Assessment (EA), as follows:</p> <ul style="list-style-type: none">• Site specific baseline resource conditions, including (1) water quality, (2) hydrology, (3) wetland and riparian health, (4) aquatic life and habitat health• An analysis of how the project has contributed (directly, indirectly, and cumulatively) to these resource conditions, and therefore, the likely effects associated with each alternative, including an assessment of how each alternative would affect attainment of environmental objectives• Identification and discussion of avoidance, minimization and mitigation measures and best management practices to address any adverse impacts to resources• A revised monitoring plan to assess how well the eventual selected alternative addresses concerns associated with each resource category• Effective Environmental Justice (EJ) engagement and Tribal consultation	<p>It is unfortunate that EPA elected not to participate earlier in the Federal Energy Regulatory Commission’s (FERC) Integrated Licensing Process (ILP), from scoping through study analysis and development of the EA. However, a number of agencies, Tribes, and other stakeholders did, including the Shoshone-Bannock Tribe and other Native American Tribes, U.S. Fish and Wildlife Service (USFWS), Utah Department of Environmental Quality Division of Water Quality (UDWQ), Utah Division of Wildlife Resources (UDWR), Bridgerland Audubon Society, Logan City, Bear River Canal Company, American Whitewater, and adjoining landowners and interested parties. PacifiCorp filed the Final License Application (FLA) with FERC on March 28, 2022; FERC subsequently filed its Ready for Environmental Analysis (REA) on July 6, 2022, which culminated in a final comment period that closed on September 6, 2022. On October 4, 2022, EPA filed comments which raised issues that have previously been studied, reviewed, and addressed by licensing participants and PacifiCorp, throughout the relicensing process. This comment response identifies where in the series of relicensing documents relevant issues have been addressed.</p> <p>Pursuant to the ILP, FERC must implement the National Environmental Policy Act (NEPA) of 1969, as amended, and prepare an Environmental Assessment (EA). On September 13, 2019, FERC filed its Scoping Document 2 and Proposed EA Outline. On March 28, 2022, PacifiCorp filed its Exhibit E of the FLA which included a discussion of the Project’s baseline conditions, including those mentioned in EPA’s comment, as well as direct, indirect, and cumulative analysis; a discussion on alternatives considered; proposed protection, mitigation, and enhancement measures; proposed monitoring plans; analysis of socioeconomic resources; and Tribal consultation. Socioeconomic conditions and resources are analyzed in Exhibit E. While PacifiCorp did not engage in specific EJ consultation, outreach to the public in communities surrounding the Project was conducted throughout the relicensing process. Additionally, PacifiCorp invited all Native American tribes who assert cultural patrimony over the Cutler area to participate in the National Historic Preservation Act (NHPA) Section 106 consultation process and provide information to assist FERC and PacifiCorp in identifying and evaluating cultural resources of concern to the tribes. These tribes included the Shoshone-Bannock Tribe, the Northwestern Band of Shoshone Nation, the Skull Valley Band of Goshute Indians, and the Ute Tribe of the Uintah and Ouray Reservation, and all other tribes within the state of Utah.</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">• Scoping Document 2 for the Cutler Hydroelectric Project, P-2420-054; September 13, 2019• Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022

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				These documents can be found on PacificCorp’s Cutler website (https://www.pacificcorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)
2 [bullet 1]	EPA	2	<p>Since the Draft EA will assess the impacts of relicensing the Cutler Project, describing the existing resource conditions will provide the basis for an effective assessment of ongoing impacts associated with the project. We recommend that the Draft EA include the following baseline condition and impact assessment information regarding water resources and associated values in and around the project area:</p> <ul style="list-style-type: none">• A map, or maps, of project area surface water resources, including streams, springs, wetlands and riparian areas	<p>As noted by the EPA, FERC’s EA will assess the impacts of relicensing the Project, including describing the existing environment. Since 2018, the FERC relicensing process has required that applicants for new or renewed licenses provide baseline information on the existing environment, conduct two years of resource studies, and produce a draft and final license application for stakeholder review. In the Pre-Application Document (PAD), filed March 2019, as well as in both the draft and final license applications, figures are provided that depict the Bear River basin and subbasins, including the identification of major waterways; major tributaries and impoundments downstream of Bear Lake; National Wetland Inventory Wetland Habitat identified within the Project Boundary; and Agricultural Land Use Classifications within the Project Area (which identify areas of open water, herbaceous and woody wetlands, and the names of creeks and other tributaries that feed into the project area). Additionally, tables and photos throughout the PAD, study reports, and draft and final license applications provide further detail regarding water resources and associated resource values in and around the project area.</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">• Cutler Pre-Application Document – Volume I; March 29, 2019• Cutler Draft License Application – Volume I: Initial Statement; and Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; October 29, 2019• Cutler Initial Study Report (ISR), Volume I; February 8, 2021• Cutler Updated Study Report; August 17, 2021• Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022 <p>These documents can be found on PacificCorp’s Cutler website (https://www.pacificcorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>
2 [bullet 2]	EPA	2	<p>Since the Draft EA will assess the impacts of relicensing the Cutler Project, describing the existing resource conditions will provide the basis for an effective assessment of ongoing impacts associated with the project. We recommend that the Draft EA include the following baseline condition and impact assessment information regarding water resources and associated values in and around the project area:</p>	<p>Please note that PacificCorp filed an application for a Water Quality Certificate (WQC) for the Cutler Project in August of 2022. Following the issuance of a draft WQC, and the public comment period, UDWQ issued the final WQC on October 13, 2022.</p> <p>As stated above, the FERC relicensing process requires applicants to provide baseline information on the existing environment, conduct resource studies, and produce a draft and final license application for stakeholder review. During the relicensing process, PacificCorp completed a water quality study (filed with FERC on March 2021), which analyzed existing water quality data, nutrients and aquatic vegetation, and provided recommendations for identified water quality issues. Additionally, PacificCorp</p>

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			<ul style="list-style-type: none">Surface water quality information upstream, within, and downstream of the project area, including available water quality data and trends in relation to current water quality standards, results of any stream functional assessments, and the status of aquatic life, habitat, and health. From review of the FERC eLibrary, it appears that the most-recent 5-year Final Water Quality report is proposed to be published by January 31, 2024, well after the proposed EA publication date in late 2023. We recommend that preliminary results of this report be utilized in the Draft EA to best represent the full extent of data available to adequately evaluate status and trends in the Bear river system.	<p>performed a Hydraulic Modeling study which analyzed U.S. Geological Survey (USGS) and PacificCorp streamflow gage data, along with LiDAR and bathymetric surveys to evaluate the existing hydraulic conditions of the Project and assess potential impacts from changes in reservoir operations. The Final 5-Year Water Quality Report will be published in January 2024, as part of the existing license water quality monitoring requirement; this data is currently being collected. Data collection and analysis for the current 5-Year Water Quality Report was expedited to be included in the licensing water quality study report. The studies conducted during relicensing and which informed PacificCorp’s draft and final license applications include comprehensive evaluation of over 20 years of data of Bear River discharge (1991-2020), as well as incorporation of Utah Department of Water Quality (1979-2020), data and the 2010 Middle Bear River and Cutler Reservoir Total Maximum Daily Load (TMDL) study. FERC will use the information from these reports in the development of their EA.</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">2018 Water Quality Analysis and Summary Report for Cutler Reservoir; May 2020Water Quality Initial Study Report; February 8, 2021Hydraulic Modeling Initial Study Report; February 8, 2021Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022Water Quality Certification Application Under Section 401 of the Clean Water Act; August 4, 2022401 Water Quality Certificate; October 13, 2022 <p>These documents can be found on PacificCorp’s Cutler website (https://www.pacificcorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>
2 [bullet 3]	EPA	2	Since the Draft EA will assess the impacts of relicensing the Cutler Project, describing the existing resource conditions will provide the basis for an effective assessment of ongoing impacts associated with the project. We recommend that the Draft EA include the following baseline condition and impact assessment information regarding water resources and associated values in and around the project area:	<p>The Fish and Aquatic Initial Study Report (2021) summarized the results of the assessment of the existing fish and aquatic community and studies during the fall 2019 full drawdown of the reservoir, including fish isolation surveys, a rapid bioassessment of the benthic macroinvertebrate (BMI) community, and information provided by the UDWR from a fall 2019 survey for aquatic mollusks residing in the Cutler Reservoir. Additionally, PacificCorp conducted a Shoreline Habitat Characterization study in order to quantify changes in littoral habitat, characterize emergent and adjacent wetland and upland vegetation, map invasive species, assess the effect of proposed operational changes on littoral habitats and invasive species distribution and associated effects on terrestrial and amphibian wildlife, and assess the effects of water surface elevation changes, including the effect of reservoir fluctuations on riparian and wetland habitat and associated dependent wildlife. Discussion of the potential impact of bank erosion on water quality degradation and associated effects on aquatic species is included in both the Fish and Aquatic study and the Water Quality study (described above).</p>

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			<ul style="list-style-type: none">For aquatic life, we recommend the Draft EA include an assessment of the status of native aquatic-dependent species in project area streams. We recommend assessing the historical and contemporary effects the Cutler Project has had on water quality, aquatic life and fisheries, wetlands, and riparian vegetation. We further recommend the Draft EA evaluate the impacts of the proposed increased drawdown elevation threshold on riparian habitat affected by the Cutler Project. Changes to the drying and inundation regime of riparian habitat can result in impacts on the chemical, physical and biological integrity of shoreline and stream banks within the project area; therefore, we recommend assessing the effects of the existing and proposed Cutler Project water elevation on water quality and attainment of designated beneficial uses within and downstream of the Cutler Project area. We also recommend considering how future increases in temperature and frequency of drought due to climate change could affect the system downstream of the Cutler dam and within the reservoir where nutrient and other water quality impacts exist.	<p>PacifiCorp works voluntarily with the UDWQ towards implementation of the TMDL for the Middle Bear River and Cutler Reservoir and improving water quality throughout the basin. Details regarding the TMDL and Clean Water Act Section 303(d) are provided in Exhibit E of the FLA, Section 3.3.2.</p> <p>FERC determined the temporal scope of the cumulative effects analysis for the FLA would include a discussion of past, present, and reasonably foreseeable future actions and their effects on specific resources. The historical discussion is limited to the amount of available information for each resource, noting that the quality and quantity of information and associated analysis diminishes further back in time from the present. Discussion of the historical context of the Cutler Project has been included throughout the FLA in accordance with FERC’s determination of temporal scope, and with available and relevant data.</p> <p>Additionally, FERC’s Scoping Document addressed climate change. Further, because the Project operates in a run-of-river mode it does not affect the volume of water moving through and downstream of the Project; therefore, any climate change induced changes to runoff and in turn to flow volumes in the reservoir or downstream in the Bear River would likely not be further influenced by Project operations.</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">Fish and Aquatic Initial Study Report; February 8, 2021Water Quality Initial Study Report; February 8, 2021Shoreline Habitat Characterization Initial Study Report; February 8, 2021Shoreline Habitat Characterization Updated Study Report; September 15, 2021Scoping Document 2 for the Cutler Hydroelectric Project, P-2420-054; September 13, 2019Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022 <p>These documents can be found on PacifiCorp’s Cutler website (https://www.pacificorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>
2 [bullet 4]	EPA	2	<p>Since the Draft EA will assess the impacts of relicensing the Cutler Project, describing the existing resource conditions will provide the basis for an effective assessment of ongoing impacts associated with the project. We recommend that the Draft EA include the following baseline condition and impact assessment information regarding water resources and associated values in and around the project area:</p> <ul style="list-style-type: none">An analysis of the effectiveness of the trash racks at the forebay structure in preventing further entrainment of fish, and the fate of any fish that may enter project canals, both those that enter the plant and those that are prevented from entering by the trash racks. Size and age of fish should play a role in this analysis.	<p>The issue regarding fish entrainment at the canal intakes on each end of Cutler Dam was raised by the USFWS early on during development of the PAD and early scoping. The USFWS later retracted their comment letter of July 2019, subsequently stating that fish passage and screening did not require additional study. This was mostly due to the fact that a UDWR electrofishing survey of the Bear River downstream of Cutler Dam at that time yielded no native, sensitive, or T&E fish species leading UDWR to declare that the Bear River downstream of Cutler consists of a non-native fishery only. Descriptions of the fish which are present in the Bear River downstream of Cutler</p>

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				<p>Dam, as well as in the Cutler Reservoir, are presented in the PAD as well as in the draft and final license application.</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">• Cutler Pre-Application Document – Volume I; March 29, 2019• Scoping Document 1 for the Cutler Hydroelectric Project; May 28, 2019• Proposed Technical Study Plans; September 11, 2019• Scoping Document 2 for the Cutler Hydroelectric Project, P-2420-054; September 13, 2019• Cutler Draft License Application – Volume I: Initial Statement; and Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; October 29, 2019• Study Plan Determination; February 7, 2020• Fish and Aquatic Initial Study Report; February 8, 2021• Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022 <p>These documents can be found on PacificCorp’s Cutler website (https://www.pacificcorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>
3	EPA	2	<p>We support the use of measures and devices to avoid and minimize aquatic resource impacts where possible. We recommend considering, as part of relicensing, construction of an automated and controllable gate(s) at diversion(s) and installation and maintenance of real-time water measurement devices to record actual diversions by the project and stream flows downstream of project diversions and operations. This would allow for the optimization of project operations to minimize unnecessary diversions. A minimum flow downstream of Cutler Dam would help ensure attainment of beneficial uses. We also recommend evaluating whether fish screens at any diversions may help prevent entrainment of fish.</p>	<p>The Cutler Project was built to replace an earlier diversion dam and generating station which provided irrigation water to a specific irrigation company. The Project is designed to only generate hydroelectric power once the annual irrigation requirements have been met. The Bear River system is operated to meet these irrigation requirements and PacificCorp coordinates flows in the system to be in accordance with existing water rights. There are no minimum flow requirements downstream of Cutler Dam because of the irrigation flow rights in the Hammond/East and West Canals, which originate at the dam, and the fact that water diversion belongs to the irrigators by contract and could not be released by PacificCorp, even if that were shown to be beneficial.</p> <p>The issue of diversion measurement and accuracy has been addressed extensively throughout the relicensing process. For the most recent summary, see PacificCorp’s FLA comment response filed October 19, 2022. PacificCorp has demonstrated to the satisfaction of the USGS that the current water delivery measurement system meets or exceeds industry standards for accuracy. Three PacificCorp-managed streamflow gaging stations, published through and overseen by the USGS, are located near the Project: the Westside Canal (Station No. 10117500), the Eastside Canal (Station No. 10117000), and the Collinston gage (Station No. 10118000). The Collinston gage is located on the Bear River approximately 800 feet downstream from the Cutler Powerhouse and is used to determine streamflow data downstream of the Project.</p>

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				<p>In response to the request to evaluate fish screens at diversion locations, please see response above (Comment 2, bullet 4).</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">• Cutler Pre-Application Document – Volume I; March 29, 2019• Scoping Document 1 for the Cutler Hydroelectric Project; May 28, 2019• Proposed Technical Study Plans; September 11, 2019• Scoping Document 2 for the Cutler Hydroelectric Project, P-2420-054; September 13, 2019• Cutler Draft License Application – Volume I: Initial Statement; and Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; October 29, 2019• Study Plan Determination; February 7, 2020• Fish and Aquatic Initial Study Report; February 8, 2021• Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022 <p>These documents can be found on PacificCorp’s Cutler website (https://www.pacificcorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>
4	EPA	3	<p>Executive Order 12898 – <i>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</i> – applies to federal agencies that conduct activities that substantially affect human health or the environment. In addition, Executive Order 13985 – <i>Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</i> – sets expectations for a whole-of-government approach to advancing equity for all. Therefore, consistent with these executive orders and CEQ’s Environmental Justice Guidance under NEPA, the EPA recommends that the NEPA analysis include the following:</p> <ul style="list-style-type: none">• Meaningful engagement of any minority and low-income communities with environmental justice concerns with respect to FERC’s decisions on the proposed project, and with Tribal Historic Preservation Officers if cultural or historical artifacts are or have been found in the project area. We appreciate FERC’s required cultural analysis in the existing license for this project.• Mitigation measures or alternatives to avoid or reduce any disproportionate adverse impacts. We recommend involving the affected communities in developing the measures.	<p>Exhibit E of the FLA includes an analysis of socioeconomic conditions and resources in the area surrounding the Project. In particular, the socioeconomic analysis included discussion of ethnic diversity in the area around the Project, as well as population, housing, employment, and income patterns. Engagement with all members of the community in and around the Project Area was encouraged and achieved through numerous required and additional PacificCorp-hosted informational public meetings held during relicensing in 2017, 2019, and 2021. As mentioned in other responses in this document, PacificCorp consulted with all Native American tribes who have asserted cultural patrimony over the Cutler area, including the Shoshone-Bannock Tribe, the Northwestern Band of Shoshone Nation, the Skull Valley Band of Goshute Indians, and the Ute Tribe of the Uintah and Ouray Reservation, and all Tribes in the state of Utah. These tribes were invited to participate in the NHPA Section 106 process and provide information to assist FERC and PacificCorp in identifying and evaluating cultural resources of concern to the tribes. As of this filing, the Tribes have not responded with specifics to the invitation to participate and have not identified any resources of tribal concern. A Historic Property Management Plan (HPMP) for the Cutler Project has been finalized, which further addresses opportunities for engagement with the Tribes.</p> <p>No unavoidable or adverse impacts to socioeconomic resources are anticipated under the new license; however, capital improvements, replacement of aging equipment, and similar actions are already planned which will be necessary over time and may create new employment and procurement opportunities. No effects on existing public services</p>

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				<p>in the Project Vicinity, such as law enforcement or emergency services, health services, or demand for accommodation are anticipated.</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">• Resource Management Plan for the Cutler Hydroelectric Project; July 1995• Bear River Capacity Discussion: Concepts under Evaluation; May 9, 2017• Cutler Project Stakeholder Kickoff Workshop; February 13, 2019• Cutler Relicensing Stakeholder Kickoff Workshop; June 25, 2019• Cutler Site Visit; June 26, 2019• Cutler Relicensing Public Scoping Meeting; June 27, 2019• Cutler Relicensing Study Plan Meeting; October 8, 2019• Cutler Draft License Application – Volume I, Appendix A; October 29, 2019• Cutler Initial Study Report Meeting; February 23, 2021• Cutler Updated Study Report Meeting; August 31, 2021• Final License Application, Volume I: Exhibit E; March 28, 2022• Final License Application, Volume I: Exhibit E, Appendix HPMP; March 28, 2022 <p>These documents can be found on PacificCorp’s Cutler website (https://www.pacificcorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>
5	EPA	3	We strongly encourage the use of EJScreen when conducting environmental justice (EJ) scoping efforts. EPA’s nationally consistent EJ screening and mapping tool is a useful first step in highlighting locations that may be candidates for further analysis. In recognition of the inherent uncertainties with screening level data and to help address instances when the presence of EJ populations may be diluted (e.g., in large project areas or in rural locations) EPA recommends assessing each block group within the project area individually and adding a one-mile buffer around the project area. Please see the EJScreen Technical Documentation for a discussion of these and other issues.	PacificCorp reviewed the EJ screen reports for block groups 490050003003; 490050003001; 490050003002; and 490039602001. These block groups encompass and surround the Project area (beyond a 1-mile buffer). The EJ Index variable with the highest state percentiles in these groups were 2017 Diesel Particulate Matter (490050003003), Traffic Proximity (490050003001 and 490039602001), and RMP Facility Proximity (490050003002). These percentiles were all higher than the EPA Region or USA percentiles. However, the Cutler Project is not a source of diesel particulate emissions, nor does it contribute to increased vehicle traffic. Furthermore, the Cutler Project stores less than a threshold quantity of regulated substances at the Project; additionally, PacificCorp maintains a Spill Prevention Containment, and Control Plan (SPCC) for the Project as required under the current license. The standard reports generated for each of the block groups described above are available upon request.
6	EPA	4	We recommend that the Draft EA clearly discuss how cultural resources or archaeological sites, including traditional cultural properties (TCPs), throughout the project area will be protected to maintain their physical integrity, accessibility, and/or use. We encourage FERC to append any Memoranda of Agreements to the Draft EA, after redacting specific information about these sites that is sensitive and protected under Section 304 of the NHPA. We also recommend providing a summary of all coordination with Tribes and with the State and Tribal Historic Preservation Offices, including identification of NRHP eligible sites and development of a Cultural Resource Management Plan. The Draft EA should also include SHPO/THPO	<p>Historic properties and tribal resources located within the Area of Potential Effects (APE) of the Cutler Project are currently managed under the Cutler Cultural Resources Management Plan (CRMP) implemented in 1995; the CRMP derives from several articles in the existing Project license, including Articles 403 and 404. The CRMP was developed in consultation with the Utah State Historic Preservation Officer (SHPO).</p> <p>PacificCorp proposed, in its FLA, to update the CRMP to incorporate and improve upon the management, monitoring, and best practices contained in the current (1995) CRMP, and account for newly identified historic properties, in the form of a HPMP.</p>

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			concurrence letters indicating that this project is in compliance and that consultation has been addressed.	<p>The HPMP formalizes procedures to address inadvertent discoveries of cultural resources that have not been identified to date. Proposed procedures include stopping the activity that resulted in the discovery, and consultation with the SHPO and other appropriate parties, including Native American tribes, among other measures. The HPMP was developed under the authority of the NHPA and its implementing regulations at 36 Code of Federal Register (CFR) 800 and is consistent with the Utah Code Annotated (UCA) 9-8-404, the state-level equivalent of 36 CFR 800. The HPMP is also consistent with the federal Native American Grave Protection and Repatriation Act (NAGPRA) and the Utah NAGPRA (UCA 0-9-401) requirements. PacifiCorp consulted with FERC and the SHPO in development of the HPMP; the Tribes were also invited to consult on the HPMP. The HPMP will be implemented upon receipt of a new FERC Project license.</p> <p>During relicensing, and in development of the HPMP, FERC and PacifiCorp consulted with all Native American tribes who have asserted cultural patrimony over the Cutler cultural resources study area. These tribes were invited to participate in the NHPA Section 106 process and provide information to assist FERC and PacifiCorp in identifying and evaluating cultural resources of concern to the tribes, including identification of Traditional Cultural Properties (TCPs). As of this filing, the Tribes have not responded with specific identification of any resources of tribal concern in the study area/APE, but PacifiCorp welcomes their participation at any time in the future.</p> <p>A complete consultation record was filed with Volume I of the FLA as Appendix A.</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">• Cultural Resources Management Plan; April 28, 1995• Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022 <p>These documents can be found on PacifiCorp’s Cutler website (https://www.pacificorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>
7	EPA	4	In the Draft EA, address the existence of Indian sacred sites in the project area, including seeps and springs, that may be considered spiritual sites by regional tribal nations. Discuss how the FERC would ensure that the proposed action would avoid or mitigate for the impacts to the physical integrity, accessibility, or use of sacred sites.	As stated above, FERC and PacifiCorp consulted with all Native American tribes who have asserted cultural patrimony over the Cutler cultural resources APE, however, the tribes have not yet identified any resources of tribal concern in the APE. As noted, PacifiCorp maintains an “open door” policy to allow consulting parties to provide information about cultural resources (known and newly identified) that may be affected by the Project. This includes measures for additional consultation outreach with these parties during implementation of the plan as related to specific undertakings.

ATTACHMENT A

COMMENT NO.	COMMENTS/ REQUESTER	COMMENT LETTER PAGE	STAKEHOLDER COMMENT	PACIFICORP RESPONSE TO COMMENT
				<p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">• Cultural Resources Management Plan; April 28, 1995• Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022 <p>These documents can be found on PacificCorp’s Cutler website (https://www.pacificorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>
8	EPA	5	<p>In the Draft EA, summarize the results of tribal consultation and identify the main concerns expressed by the tribes located historically in these areas, and how those concerns were addressed. As a resource, we recommend the document <i>Tribal Consultation: Best Practices in Historic Preservation, published by the National Association of Tribal Historic Preservation Officers</i>.</p>	<p>Please see response above. To date, no concerns or specific sites or resources have been identified by the tribes with which PacificCorp and FERC invited to participate in consultation. Should responses be received at a later date, PacificCorp maintains an “open door” policy to allow for additional consultation regarding cultural resources.</p> <p>Relicensing documents which are relevant to this comment include the following:</p> <ul style="list-style-type: none">• Cultural Resources Management Plan; April 28, 1995• Final License Application, Volume I: Exhibits A, B, C, D, E, F (Public), G, and H, with Appendix A; March 28, 2022 <p>These documents can be found on PacificCorp’s Cutler website (https://www.pacificorp.com/energy/hydro/cutler.html) or on FERC’s eLibrary by searching for docket number P-2420 (https://elibrary.ferc.gov)</p>

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