

Electronically filed October 14, 2019

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

**Subject: Cutler Hydroelectric Project (FERC Project No. 2420-056)
Proposed 2019 Drawdown—Additional Information**

Dear Secretary Bose:

By letter to the Federal Energy Regulatory Commission (FERC), dated September 10, 2019, PacifiCorp provided FERC additional information regarding our request for a drawdown beginning in late October 2019, of PacifiCorp's Cutler Hydroelectric Project, FERC No. 2420 (Project), located on the Bear River in northeastern Utah. In an Order dated October 8, 2019, FERC approved the noted drawdown and requested specific information regarding PacifiCorp's correspondence with the Utah Division of Water Quality (UDWQ).

Enclosed please find copies of the requested correspondence regarding PacifiCorp's request to UDWQ dated September 18, 2019 for concurrence regarding the October 2019 Cutler drawdown, as well as UDWQ's reply letter of concurrence dated October 8, 2019.

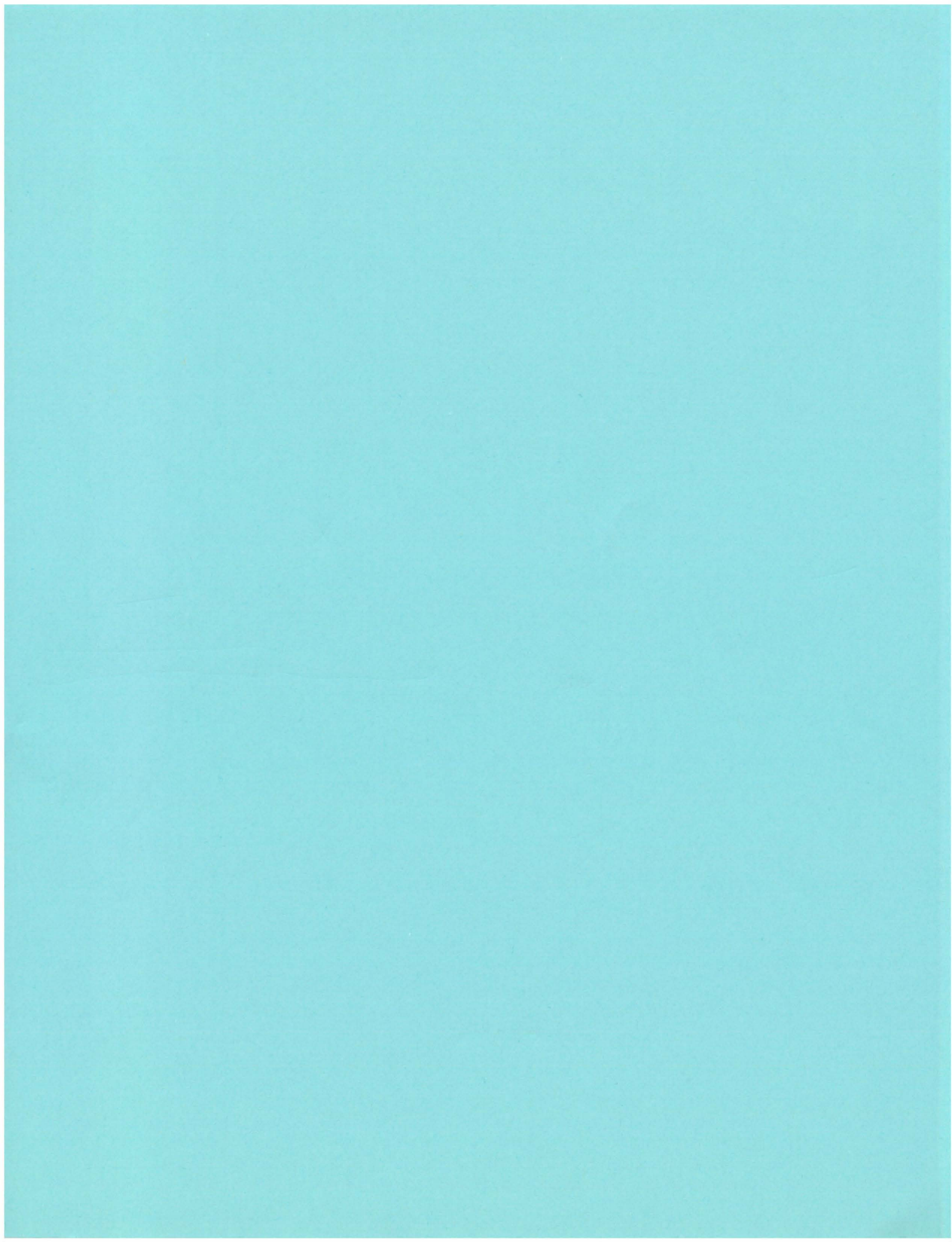
The letter has been filed electronically and has a security classification of 'Public'. If you have any questions concerning these documents, please contact Eve Davies at 801-220-2245.

Sincerely,



Mark Sturtevant
Vice President, Renewable Resources

MS:ed:km





Pacific Power |
Rocky Mountain Power
825 NE Multnomah, Suite 1800
Portland, Oregon 97232

September 18, 2019

Erica Gaddis, Director
Utah Division of Water Quality
195 North 1950 West
SLC, UT 84116

**Re: Proposed Cutler Hydroelectric Project (FERC No. 2420) Fall 2019 Drawdown
Request for Temporary Variance from State Turbidity Standards**

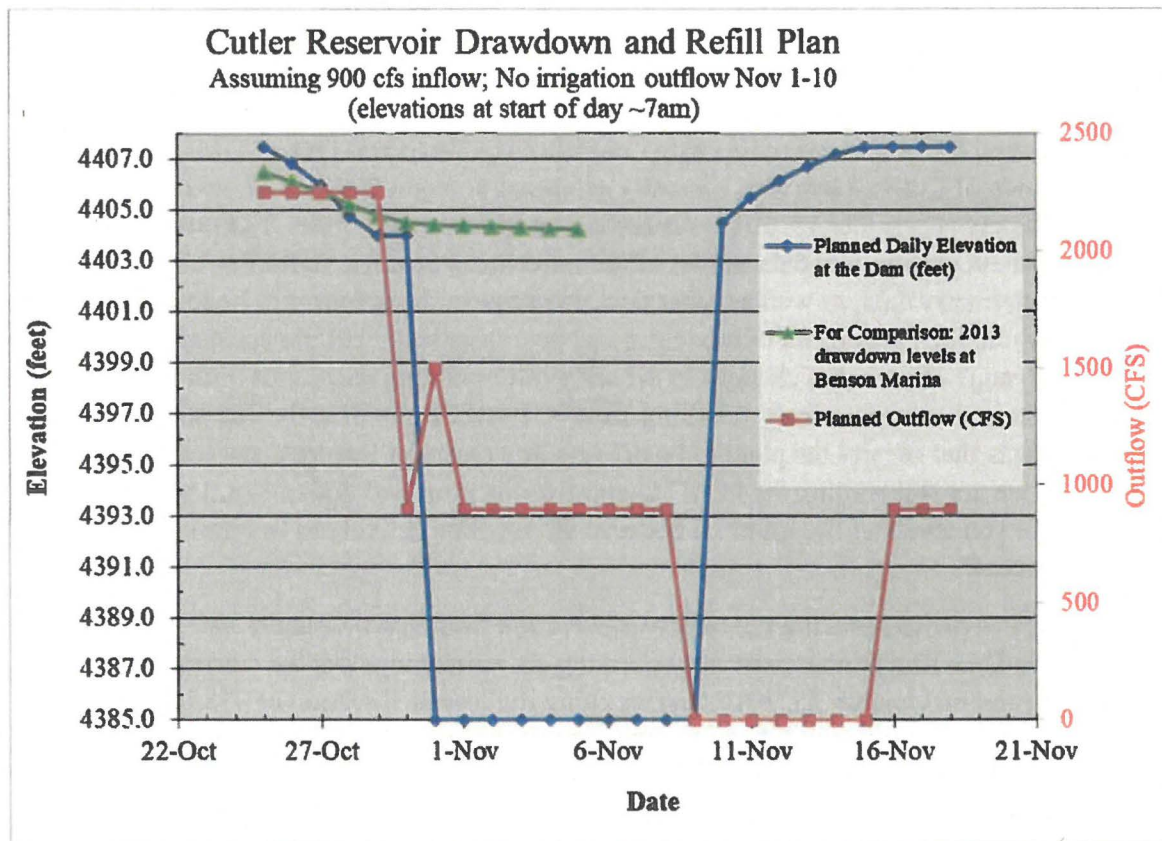
Dear Ms. Gaddis:

PacifiCorp has started the process of relicensing the Cutler Hydroelectric Project. This process requires a drawdown of Cutler Reservoir, currently proposed to begin October 25, and extending through approximately November 18, 2019, depending on inflow at that time. The purpose of the drawdown is to collect preliminary data as part of the relicensing process, including LIDAR imagery and traditional bathymetry data, as well as other data that require the reservoir to be lowered to obtain optimum information, for the purpose of modeling and analyzing sediment transport and other affected resources under a range of potential changes in the reservoir operating elevations with a new FERC license. In addition to these preliminary licensing studies, PacifiCorp will undertake some maintenance projects that require the plant to be off-line, the reservoir lowered, and the penstock empty. Although we are still waiting for FERC to approve the proposed drawdown, I wanted to get this information to you ahead of the approval because the timeline is likely to be short once we receive their notice to proceed.

The proposed work involves reducing the reservoir elevation from approximately 4406-4407.5 ft as measured at Cutler Dam (the normal reservoir operating elevation range per the current license requirements) starting on October 25, 2019, and reaching the lowest elevation of 4385.5 ft no earlier than November 1, 2019 (due to PacifiCorp's contract with the Bear River Canal Company, which requires delivery of their irrigation season water right until then; this delivery can only be made when the reservoir is above the level of the canal intake gates, which are located approximately one foot above the lowest reservoir elevation). The reservoir will be held at the low elevation until November 9, or until the necessary preliminary study and maintenance work is completed. The reservoir is proposed to be refilled to normal operating elevations (4406-4407.5 ft) by November 18, 2019, or earlier, although this date is inflow dependent (see graph). As you can see from the graph below (green line) most of the reservoir upstream of the Benson Marina will not drawdown more than approximately 3.5 ft.

While the reservoir is down a number of investigations will occur along with the proposed LIDAR survey including a bathymetric survey, sediment core sampling, a fish stranding survey, mollusk survey, and a benthic macroinvertebrate assessment. Water quality stations will be distributed throughout the reservoir to collect total suspended sediment data, along with dissolved oxygen, temperature, and a phosphorus panel (TP, dissolved P and OrthoP). In addition, assessments of

shoreline vegetation, irrigation infrastructure, recreation sites, and cultural sites will also occur. In order to complete the necessary studies within the prescribed time per the requirements of the Federal Power Act regarding project relicensing, it is paramount that this proposed drawdown occur in Fall of 2019, allowing the LiDAR and bathymetry and resultant modeling which will inform virtually all other resource analyses over the next two study seasons. The Final License Application must be filed by March 2022, per FPA requirements, allowing only 2020 and 2021 to conduct all studies and file completed technical resource reports, thus the need to collect the necessary prerequisite data this fall.



Due to irrigation contracts and legal requirements to provide that water, the work cannot take place during the irrigation season (generally May-late October). From a turbidity standpoint, since the drawdown may add to turbidity in the Bear River downstream of Cutler Dam, spring, when flows and resultant turbidity levels are naturally higher, would be the ideal time for actions that could increase the turbidity. However, in this case, a spring drawdown would result in the greatest impact to Cutler's myriad breeding and nesting populations of waterfowl, shorebirds, migratory songbirds, and other wildlife that depend on relatively minor fluctuations in water levels in the 10,000 acres of open, shallow-water wetlands, and associated uplands that make up the Cutler Hydroelectric Project. Further, spring and even potentially winter river flows can change drastically due to rain, snow, or rain-on-snow precipitation events which would negate our ability to lower the reservoir and conduct an accurate LIDAR survey. Given those criteria, completing the LIDAR work during fall, which is

also the relatively lowest flow season, will have the least impact with regard to balancing other resource uses and constraints. Unfortunately, this schedule also impacts the recreational use of the reservoir for a number of fall waterfowl hunters, although most seem to understand the need to protect the spring nesting/breeding resource for waterfowl and other wildlife. As a part of this proposed project, we have also consulted with other state and federal agencies (the Utah Division of Wildlife Resources and the US Fish and Wildlife Service), as well as with our other stakeholder partners including the irrigators, local NGOs, and recreation interests. PacifiCorp will post the proposed drawdown schedule at the developed reservoir recreation sites in order to alert recreation users of our plans and the need for this drawdown; we will also issue some press releases and work with UDWR to ensure notice to recreationists through their website and related electronic forums. PacifiCorp has hosted three public relicensing meetings this year; each has noted repeatedly the need for, and the proposed plan to drawdown the reservoir as described above.

PacifiCorp assumes that the drawdown may increase the turbidity of the Bear River downstream of Cutler Dam and could result in an increase in turbidity over the State of Utah's water quality standard limit of 10 NTUs over background. Therefore, as detailed in this letter, we are requesting a *temporary* variance from water quality standards for this proposed drawdown and the related relicensing study and maintenance work; we do not believe the project will result in any long-term impacts to water quality in the Bear River.

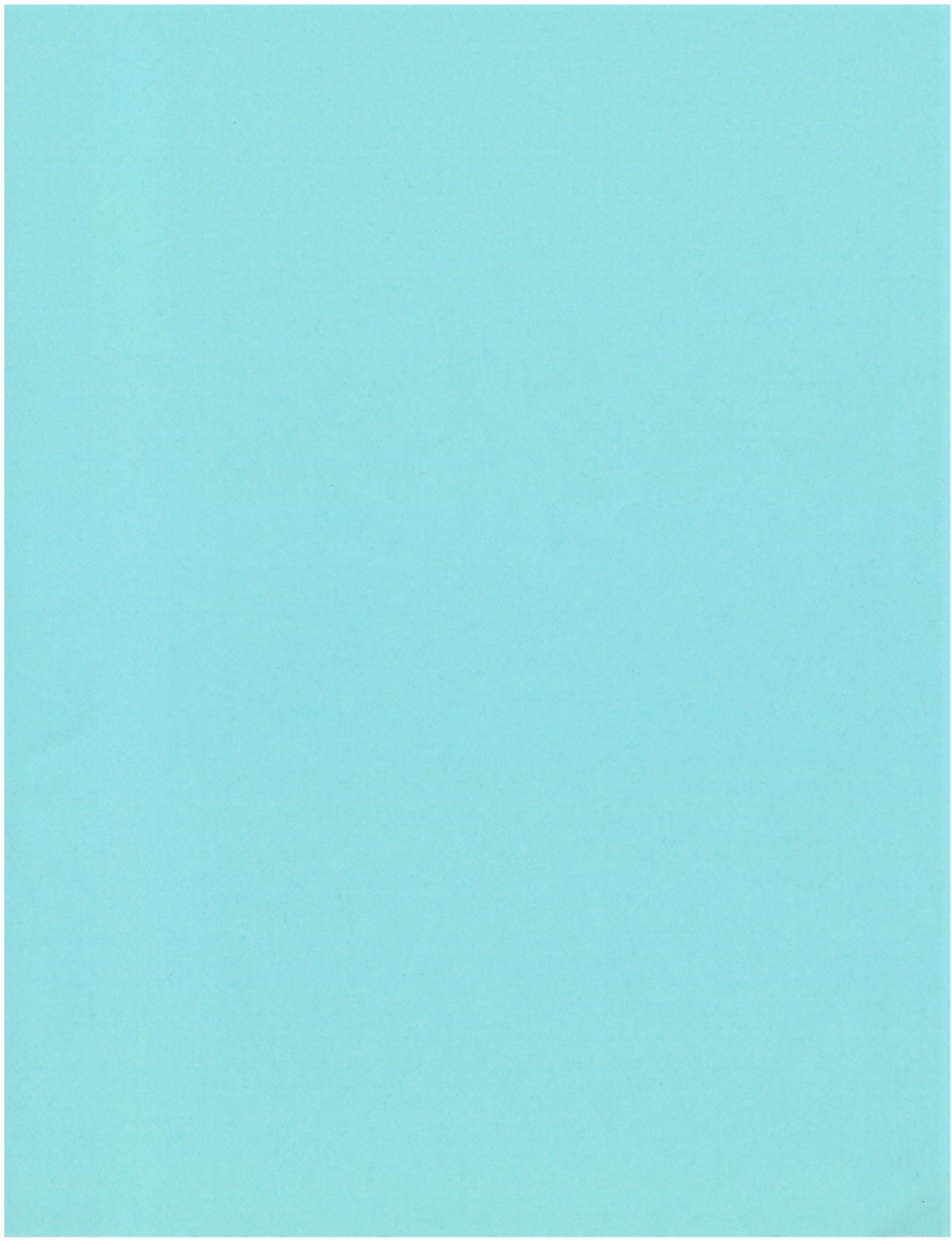
Finally, PacifiCorp has had to undertake drawdowns of this magnitude three other times in the last decade; those drawdowns were also fall events and were made in consultation with other state and federal regulators. Although the previous events were longer in duration, none resulted in fish kills, complaints (other than regarding impacts to recreational users), or impacts to water quality of a severity that any additional actions were warranted. Also, as noted, water quality monitoring studies will be conducted during the drawdown period, gaining additional insight regarding the effect on water quality of proposed future reservoir operating elevation ranges.

PacifiCorp is grateful for any assistance you may be able to give us in this request, and for this avenue to ensure our project's compliance with all applicable regulations. We thank you in advance for your time; please feel free to let me know if you have any comments or questions regarding this matter.

Sincerely,



Eve Davies, Principal Scientist
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State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

October 9, 2019

Eve Davies, Senior Environmental Analyst
PacifiCorp Renewable Resources
1407 W North Temple
Salt Lake City, Utah 84116

Subject: **Approval to Proceed with Cutler Reservoir Drawdown Activities**

Dear Ms. Davies:

The Utah Division of Water Quality (DWQ) has had the opportunity to review PacifiCorp's request for a temporary variance to State turbidity standards you submitted on their behalf in a letter dated September 18, 2019.

Your letter indicates that a reservoir drawdown of approximately 15 feet is needed to collect data required for Federal Energy Regulatory Commission (FERC) relicensing and unspecified dam maintenance. DWQ supports this effort because the relicensing process will thoroughly evaluate options for ensuring the long-term support of water quality and the completion of this project will better inform that relicensing process. Ongoing maintenance on a dam that is approaching 100 years old is also critically important for the protection of public safety.

DWQ has concluded that the proposed drawdown is consistent with routine reservoir management activities, documented in the *Resource Management Plan for the Cutler Hydroelectric Project* (FERC No. 2420) associated with the current license. This plan establishes operation elevations for the reservoir and permits drawdown below the minimum target elevation of 4406.0 after consultation with state and federal resource agencies. Your letter and fulfillment of the conditions specified in this response letter meets the requisite disclosure requirements of the Resource Management Plan. The current FERC license has an existing 401 Certification, and since this work is consistent with the Resource Management Plan associated with this license, a temporary variance to the certification is not required.

The DWQ requests that PacifiCorp take into consideration the below recommendations to further minimize potential threats to the beneficial uses and the water quality of Bear River:

Eve Davies, Senior Environmental Analyst
PacifiCorp Renewable Resources

Use appropriate Best Management Practices (BMPs) to minimize sediment load to Bear River and adjacent waterbodies during the drawdown and repair of the Cutler Reservoir dam. DWQ recommends making every possible effort to not allow turbidity in the affected segment of the Bear River to exceed current levels (< 90 NTUs) for extended periods of time.

- (1) Complete the drawdown in a manner that allows for the settlement of fine sediments to reduce turbidity to the maximum extent practicable.
- (2) PacifiCorp should have an emergency response plan in place that details actions to be taken if the discharge from the drawdown were to cause conditions harmful to human health and safety or detrimental impacts to aquatic life, such as fish kills. This should include reporting to the DWQ that meets requirements outlined in *UAC 19-5-114*.
- (3) Coordinate with Utah Division of Wildlife Resources and U.S. Fish and Wildlife Resources to ensure minimization of impacts to any sensitive aquatic species.
- (4) Cutler Reservoir should be returned to normal operating elevations as per the current FERC license as soon as possible upon completion, in order to minimize impacts to aquatic life within the reservoir and along the shoreline. If the duration of lower levels goes beyond the proposed 18 days, the DWQ should be notified.

If PacifiCorp elects to follow the above recommendations, DWQ will consider it to be a good faith effort to meet the agency disclosure requirements stipulated in their Resource Management Plan associated with their current FERC license. As a result, DWQ does not anticipate pursuit of regulatory remedies for incidental associated violations of the turbidity criterion because the harm to aquatic life uses is unlikely.

Lastly, the DWQ requests that PacifiCorp provides the DWQ the bathymetry and water quality data collected within **60 days** following the completion of QA/QC activities. Having early access to this data will assist the DWQ in ensuring a timely review of the upcoming 401 Certification for the re-licensing.

Please contact Leanna Littler at 801-536-4397 or lnlittler@utah.gov with any questions or concerns you may have about this drawdown project approval. We appreciate your attention to water quality in the State of Utah.

Sincerely,



Erica Gaddis, PhD
UDWQ Director

EG/LL/cjh