

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
April 27, 2018

OFFICE OF ENERGY PROJECTS

Project No. 1494-438 – Oklahoma
Pensacola Hydroelectric Project
Grand River Dam Authority

Subject: Scoping Document 2 for the Pensacola Hydroelectric Project

To the Parties Addressed:

Federal Energy Regulatory Commission (Commission) staff has reviewed the Pre-Application Document (PAD) filed on February 1, 2017, by Grand River Dam Authority (GRDA) for relicensing the Pensacola Hydroelectric Project No. 1494 (Pensacola Project). The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. The project occupies federal land.¹

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff intends to prepare an environmental document (environmental assessment or environmental impact statement), which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we have conducted a public scoping process to ensure that all pertinent issues are identified and analyzed, and that the NEPA document is thorough and balanced.

Our preliminary review of the scope of environmental issues to be addressed in our NEPA document was contained in Scoping Document 1 (SD1), which was issued on January 12, 2018. We requested comments on the scoping document and held scoping meetings on February 7, 8, and 9, 2018, to hear the views of all interested entities on the scope of issues that should be addressed in the NEPA document. We revised SD1 based on the comments we received at the scoping meetings, and written comments filed during

¹ In a filing of April 11, 2017, the Bureau of Indian Affairs (BIA) provided documentation that lands held in trust by the BIA for the benefit of one or more federally-recognized Indian tribes occur within the existing Pensacola Project boundary. The total acreage of federal lands within the project boundary is unknown at this time.

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the scoping process. ***Key changes from SD1 to Scoping Document 2 (SD2) are identified in bold, italicized type.***

The enclosed SD2 supersedes SD1. SD2 is issued for informational use by all interested entities; no response is required. If you have any questions about SD2, the scoping process, or how Commission staff will develop the NEPA document for this project, please contact Rachel McNamara at (202) 502-8340 or rachel.mcnamara@ferc.gov. Additional information about the Commission's licensing process and the Pensacola Hydroelectric Project may be obtained from our website, <http://www.ferc.gov>.

Enclosure: Scoping Document 2

SCOPING DOCUMENT 2

**PENSACOLA HYDROELECTRIC PROJECT
(FERC NO. 1494-438)**

OKLAHOMA



Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC

April 2018

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SCOPING DOCUMENT 2

Pensacola Hydroelectric Project No. 1494-438

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ may issue new licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On February 1, 2017, Grand River Dam Authority (GRDA), licensee for the existing Pensacola Hydroelectric Project No. 1494 (Pensacola Project),² filed a Pre-Application Document (PAD) and Notice of Intent (NOI) to file an application for new license with the Commission. The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma (figure 1). *The project occupies federal land.*³

As currently licensed, GRDA operates the project for multiple purposes, including hydropower generation, water supply, recreation, and wildlife enhancement. For purposes of flood control in the Grand River Basin, the U.S. Army Corps of Engineers (Corps) directs water releases from Pensacola Dam as defined in the guiding protocol of a 1992 Letter of Understanding and Water Control Agreement between the Corps and GRDA.

The principle project works consist of a dam with a gated spillway, an auxiliary spillway, reservoir (Grand Lake), a powerhouse containing six turbine/generator units with a total installed capacity of 120 megawatts (MW), a tailrace, a spillway channel, an electrical substation, and transmission line. The average annual generation of the project from 2011 through 2015 was 343,113 megawatt-hours (MWh). A detailed description of the project is provided in section 3.0, *Proposed Action and Alternatives*.

¹ 16 U.S.C. § 791(a)-825(r).

² The current license for the Pensacola Project was issued with an effective date of April 1, 1992 and expires on March 31, 2022.

³ In a filing of April 11, 2017, the Bureau of Indian Affairs (BIA) provided documentation that lands held in trust by the BIA for the benefit of one or more federally-recognized Indian tribes occur within the existing Pensacola Project boundary. The total acreage of federal lands within the project boundary is unknown at this time.

At this time, GRDA proposes no changes to the project's operation or facilities, although during relicensing, GRDA proposes to investigate whether any changes to the project's seasonal rule curve, equipment replacements, or modernization activities or general operational or facility efficiency improvements are warranted.

The National Environmental Policy Act (NEPA) of 1969,⁴ the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of relicensing the Pensacola Project as proposed, and also consider reasonable alternatives to the licensee's proposed action. We intend to prepare either an environmental assessment (EA) or environmental impact statement (EIS) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the licensee's proposed action and alternatives. Preparation of the NEPA document will be supported by this scoping process to ensure identification and analysis of all pertinent issues.

⁴National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370(f) (2012).

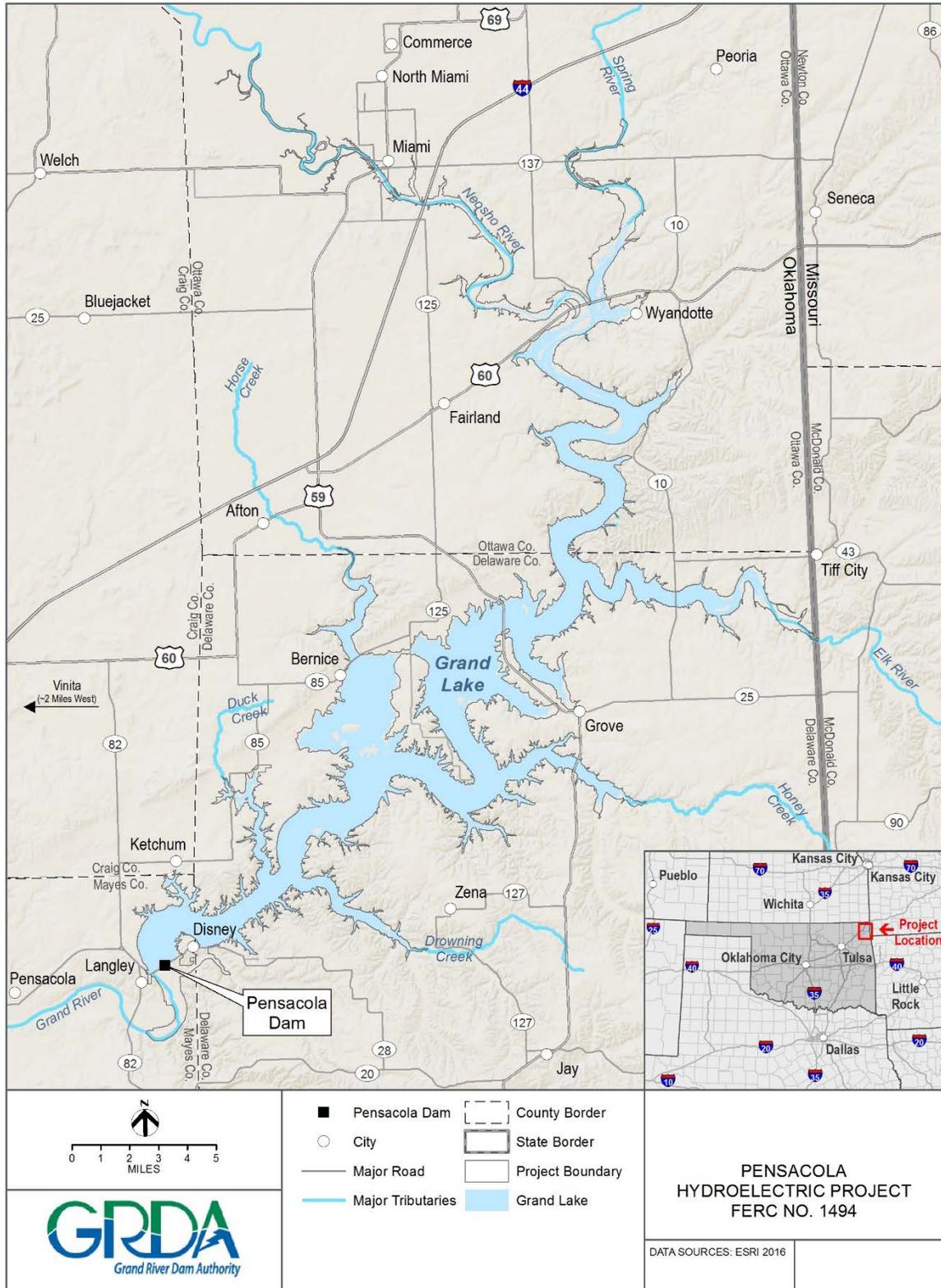


Figure 1. Project Location Map (Source: PAD)

2.0 SCOPING

This Scoping Document 2 (SD2) is intended to advise all participants as to the proposed scope of the NEPA document. This document contains: (1) a description of the scoping process and schedule for the development of the NEPA document; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; (5) a proposed outline for the environmental document; and (6) a preliminary list of comprehensive plans that are applicable to the project.

2.1 PURPOSES OF SCOPING

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. In general, scoping should be conducted during the early planning stages of a project. The purposes of the scoping process are as follows:

- invite the participation of federal, state and local resource agencies, Indian tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the NEPA document;
- identify how the project would or would not contribute to cumulative effects;
- identify reasonable alternatives to the proposed action that should be evaluated in the NEPA document;
- solicit, from participants, available information on the resources at issue, including existing information and study needs; and
- determine whether there are resource areas and/or potential issues that do not require a detailed analysis during review of the project.

2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW

Commission staff issued Scoping Document 1 (SD1) on January 12, 2018, to enable resource agencies, Indian tribes, NGOs, and the public to more effectively participate in and contribute to the scoping process. In SD1, we requested clarification of the preliminary issues and identification of any new issues that need to be addressed in the NEPA document for the relicensing of the Pensacola Project. On February 7, 8, and 9, 2018, we conducted scoping meetings in Langley, Grove, Miami, and Tulsa, Oklahoma. A court reporter transcribed the scoping meetings.

We revised SD1 following our review of comments provided during the public scoping meetings and written comments filed during the scoping comment period, which ended March 13, 2018. SD2 presents our current view of issues and alternatives to be considered in the NEPA document. ***Key changes from SD1 to SD2 are identified in bold, italicized type.***

In addition to oral comments received at the scoping meetings, written comments were filed by the following agencies and entities:

<u>Commenting Entity</u>	<u>Filing Date</u>
Osage Nation	January 22, 2018
Oklahoma Water Resources Board (Oklahoma WRB)	January 23, 2018
BIA	March 5, 2018
GRDA	March 9, 2018
City of Grove	March 12, 2018
FERC	March 13, 2018
Southwester Power Administration (SWPA)	March 13, 2018
U.S. Fish and Wildlife Service (FWS)	March 13, 2018
Oklahoma Department of Wildlife Conservation (Oklahoma DWC)	March 13, 2018
City of Miami	March 13, 2018
Larry Bork on behalf of 445 Plaintiffs (Mr. Bork)	March 13, 2018
U.S. Environmental Protection Agency (EPA)	March 14, 2018
Corps	March 14, 2018
Miami Tribe of Oklahoma (Miami Tribe)	March 14, 2018
Eastern Shawnee Tribe of Oklahoma	March 14, 2018
Ottawa Tribe of Oklahoma	March 14, 2018
Seneca-Cayuga Nation	March 14, 2018
Wyandotte Nation	March 14, 2018
Cherokee Nation	March 14, 2018
Oklahoma Archaeological Survey	March 14, 2018
Local Environmental Action Demanded Agency, Inc. (LEAD Agency)	March 19, 2018
Grand Riverkeeper	March 19, 2018

Written comments were also filed by 41 individual residents or business owners.

All comments received are part of the Commission's official record for the project. Information in the official file is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. Information also may be accessed through the Commission's eLibrary system using the "Documents & Filings" link on the Commission's webpage at <http://www.ferc.gov>. Call (202) 502-6652 for assistance.

2.2.1 Issues Raised During Scoping

The issues raised by participants in the scoping process are summarized and addressed below. The summaries do not account for every oral and written comment made during the scoping process. We revised SD1 to address only those comments relating directly to the scope of environmental issues. We do not address comments that are recommendations for license conditions, such as protection, mitigation, and enhancement (PM&E) measures, as these comments will be addressed in the NEPA document or any license order that is issued for this project. We will request final terms, conditions, recommendations, and comments when we issue our Ready for Environmental Analysis notice, following the filing of the license application. Finally, we do not address comments or recommendations that are administrative in nature, such as requests for changes to the mailing lists. Those items will be addressed separately.

Federal Land

Comment: GRDA stated in the PAD that the project boundary does not contain any federal land or interest in lands that are held in trust for any Indian tribe. In response, BIA commented that lands held in trust for an Indian tribe as well as individual tribal allotments are present within the project boundary. Miami Tribe and its supporters (Eastern Shawnee Tribe of Oklahoma, Ottawa Tribe of Oklahoma, Seneca-Cayuga Nation, and Wyandotte Nation)⁵ and the City of Miami also contended that tribal lands held in trust by the United States occur within the project boundary.

Response: According to the FPA (16 U.S. Code § 796), “reservations” are defined as “national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws; also lands and interests in lands acquired and held for any public purposes; but shall not include national monuments or national parks.” Tribal lands held in trust by the federal government for organized tribes fall under this definition. In a filing of April 11, 2018, BIA provided documentation that lands held in trust for the benefit of a federally-recognized Indian tribe occur within the existing project boundary. ***SD2 has been modified to reflect this information.***

⁵ The Eastern Shawnee Tribe of Oklahoma, Ottawa Tribe of Oklahoma, Seneca-Cayuga Nation, and Wyandotte Nation did not provide specific comments but filed letters in support of all comments and study requests provided by the Miami Tribe in its March 13, 2018, letter.

Project Operation

Comment: The BIA and other commenters requested that the Commission verify whether GRDA generates power when the reservoir is within the flood pool, or above the project boundary.

Response: The PAD and SD2 clearly state that when the reservoir reaches the flood pool, the Corps directs water releases from the project. The Corps reservoir operation manual for the project defines how these releases are made. Flood flows are first discharged through the project hydropower units, and flows above the hydraulic capacity of the hydropower units are released through one or more spillway gates. Releases made for flood control are also used for generation.

Comment: Mr. Bork identified a discrepancy between some documents in the record regarding the conversion from Pensacola Datum (PD) to National Geodetic Vertical Datum (NGVD). Some documents in the record cite $PD + 1.07 = NGVD$, and others cite $NGVD + 1.07 = PD$.

Response: We note that the correct conversion is $PD + 1.07 = NGVD$.

Construction-Related Effects

Comment: EPA raised several concerns regarding the effects of project construction and dredge-and-fill activities on numerous resources, including: water quality; biological resources, habitat, and wildlife; and air quality. EPA also requested that the NEPA document discuss Clean Water Act 404 permit requirements, which may be required for construction activities. Oklahoma WRB requested that local community floodplain administrators be consulted for permitting requirements if construction would occur in Special Flood Hazard Areas.

Response: At this time, GRDA has identified no proposals for new construction or dredge-and-fill within waters of the United States. There is, therefore, no basis for including the effects of such actions in our analysis of the project's continued operation. However, if new construction is proposed by GRDA, or recommended by stakeholders, as part of the relicensing proposal, we will analyze the effects of the proposed construction in the NEPA document.

Geographic Scope

Comment: Miami Tribe and its supporters,⁶ commented that the geographic scopes of analysis for cumulatively affected resources (i.e., geology and soils, water quantity, land use, and cultural resources) are flawed because they were defined without the results of a comprehensive flood routing study to identify the full extent of project effects. Miami Tribe and its supporters assert that using the Grand River Basin as the scope of analysis for geology and soils is not sufficient to address areas flooded by the project.

Response: The geographic scope of analysis for cumulative effects is not limited to an analysis of the existing administrative area within the project boundary. Rather, in the case of geology and soils, we have identified the geographic scope as the Grand River Basin, which extends approximately 66 miles upstream from Pensacola Dam, to the Markham Ferry Project, located approximately 30 river miles downstream of the Pensacola Project. Our analysis will be limited, however, to the extent to which existing information on developmental activities (past, present, and future) within the basin is available.

Geology and Soils

Comment: Numerous commenters, including the City of Miami, Miami Tribe, LEAD Agency, Grand Riverkeeper, and Mr. Bork, requested an evaluation of the effects of project operation on the transport and accumulation of potentially contaminated sediment, specifically upstream of Pensacola Dam and areas outside the current project boundary. The City of Miami recommends that staff expand the analysis of the effects of project operations on sedimentation to include the transport and accumulation of potentially contaminated sediment within the project boundary, and in areas that experience backwater flooding as a result of the project and project operation.

Response: *We revised the second bullet in section 4.2.1, Geology and Soils, to include the effects of project operations on the transport and subsequent deposition of potentially contaminated sediment*, without restricting the geographic scope of analysis to the existing project boundary, and to reflect our intention to analyze the resource for

⁶ The Eastern Shawnee Tribe of Oklahoma, Ottawa Tribe of Oklahoma, Seneca-Cayuga Nation, and Wyandotte Nation did not provide specific comments but filed letters in support of all comments and study requests provided by the Miami Tribe in its March 13, 2018, letter.

cumulative effects.

Comment: LEAD Agency, Grand Riverkeeper, and Tar Creek Riverkeeper identified that the Tar Creek Superfund Site, located upstream of the project, contributes to heavy metal loading in the lake and contaminated sediments in the upper sections of the lake. LEAD Agency recommends dredging of the lake to reduce contaminated sediments. Grand Riverkeeper commented that project operation results in deposition of contaminated sediments that could affect wildlife.

Response: As acknowledged by the commenters, the presence of potentially contaminated sediment in Grand Lake stems from the activities at the Tar Creek Superfund Site, and is not the result of project operation. Therefore, staff does not intend to evaluate dredging of potentially contaminated sediments present in the lake. Any remedial measures would be the responsibility of the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).⁷ However, as described above, staff will examine the effects of project operation on the transport of re-suspended sediment within the reservoir and will consider resulting effects of such sediment on environmental resources.

Water Resources

Comment: Numerous commenters requested that the NEPA document include an evaluation of the effects of project operation on flooding upstream of Pensacola Dam.

Response: As indicated in section 4.2.2, *Water Resources*, the effects of project operation on flooding upstream of Pensacola Dam will be evaluated in the NEPA document. Therefore, no change to SD2 is needed. In addition, on March 13, 2018, the Commission issued a study request for a comprehensive analysis of flooding and sedimentation. The determination on the need for, and extent of, studies will be addressed in the Director's Study Plan Determination, which is scheduled to be issued by September 24, 2018.

Comment: DOE requested that the NEPA document include an analysis of water supply capacity and the potential impact of large-scale water supply withdrawals from the reservoir on lake levels.

Response: Section 5.6(d)(3)(iii)(D) of the Commission's regulations required GRDA to include in its pre-application document information about existing and proposed use of project waters, including water supply. Section 5.18(b) of the Commission's

⁷ 42 U.S.C. § 9601, *et seq.* (2000).

regulations requires the same information to be contained in GRDA's license application, when filed. This information would inform the Commission's analysis of environmental resources associate with the project.

Comment: EPA requested that the NEPA document include an analysis of construction, maintenance, and operation of the project on water quality, including groundwater source protection and any 303(d) impaired waters, as well as hazardous wastes.

Response: As noted above, no new construction has been proposed or is anticipated. Also, SD1 included an analysis of the effect of project operation on water quality.

Fish and Aquatic Resources

Comment: Interior requested that the NEPA document include an analysis of the project's effect on the tailrace fishery. Oklahoma DWC requested an evaluation of the effect of project operation on downstream fish habitat in the tailrace, and paddlefish habitat upstream of the project.

Response: Section 4.2.3, *Fish and Aquatic Resources*, includes an item to evaluate the effect of project operations on aquatic habitat and resident and migratory fish, which includes effects on both the tailrace fishery and paddlefish.

Comment: BIA commented that the project has the potential to affect fisheries of cultural significance to Indian tribes in the area.

Response: At this time, we do not have sufficient information regarding the fisheries of particular interest or concern to affected tribes, or potential effects of the project on those fisheries to recommend modifying the scoping document. Section 4.2.3, *Fish and Aquatic Resources*, includes a bullet to evaluate the effect of project operations on resident and migratory fish. We recommend that the licensee continue to consult with affected tribes about species of concern and include information about such species in its final license application.

Terrestrial Resources

Comment: BIA commented that the project has the potential to affect terrestrial resources of cultural significance to Indian tribes in the area. During scoping meetings, a member of the Seneca-Cayuga Nation specifically discussed the potential effect of the project on wild strawberries.

Response: Based on discussion during scoping, we have identified wild strawberries as one particular species of concern to a potentially-affected tribe. We recommend that the licensee continue to consult with affected tribes about additional species of concern and include information about such species in its final license application. ***We added a bullet to section 4.2.4, Terrestrial Resources, to include the effects of project operation and maintenance activities and project-related recreation on terrestrial resources of cultural significance to Indian tribes in the project area, including wild strawberries.***

Comment: EPA recommended that the NEPA document include an analysis of potential mitigation measures for unavoidable effects on waters of the United States and biological resources. EPA recommended incorporating into the analysis the mitigation, monitoring, and reporting measures that result from consultation with FWS.

Response: The NEPA document will include an analysis of any mitigation, monitoring, and reporting measures that are proposed by the applicant, recommended by project stakeholders, or identified by Commission staff. However, because this comment does not relate to a specific resource issue, we have not made changes to SD2.

Threatened and Endangered Species

Comment: EPA recommended that the NEPA document identify all candidate and listed threatened and endangered species and designated critical habitat within the project area.

Response: Section 4.2.5, *Threatened and Endangered Species*, identifies candidate and listed threatened and endangered species ***and designated critical habitat*** within the project area. ***We modified an item in this section to include analysis of project operation and maintenance on these resources.***

Recreation Resources

Comment: The City of Miami stated that the NEPA document should contain an analysis of how flooding affects the aesthetic quality of its parks and fairgrounds, which make the City an attractive place to live.

Response: Although we have not identified any substantive issues relating to aesthetic resources, the concerns raised by the City of Miami will be included in our analysis of recreation issues at the project. ***We have modified section 4.2.6, Recreation Resources, to include an analysis of the effect of project operation on the visitor experience at Grand Lake.***

Land Use

Comment: BIA stated that the project boundary should not be used as the limit for the geographic scope of analysis for project effects on tribal lands.

Response: The geographic scope of analysis will be defined by the area affected by project operations. *The word “adjacent” has been deleted in section 4.2.7, Land Use.*

Socioeconomic Resources

Comment: BIA requested that staff’s analysis of socioeconomic issues include casino gaming and access to Indian trust lands that could be affected by flooding events caused or contributed to by operation of the project. City of Grove recommended that the NEPA document include an analysis of the project on the local and regional economies, particularly from tourism and recreation. City of Miami stated that the NEPA document should analyze the effects of the project on socioeconomic resources regardless of whether changes in operation are proposed. The City also requested that socioeconomic resources be studied for cumulative effects.

Response: As outlined in the Commission’s study request, issued March 13, 2018, we recommend that GRDA analyze the effects of project operation, including how flooding that may result from project operations would affect existing infrastructure including structures, roads, and bridges. Impacts on these resources may subsequently affect local and tribal economies. Additionally, changes in project operations have the potential to affect recreation infrastructure, such as boat launch accessibility, which may affect tourism and recreation. The scoping document identifies the need for an analysis of the effects of the project on socioeconomic resources, which includes analysis of the broad effects of the project on local, regional, and tribal economies. *We have modified the description in section 4.2.8, Socioeconomic Resources, to identify that we will analyze socioeconomic resources for cumulative effects.*

Cultural Resources

Comment: During scoping meetings, the Cherokee Nation commented on the Commission’s use of the term “cultural resources” to describe resources studied in relationship to section 106 of the National Historic Preservation Act and recommended use of the term “historic properties.” FWS also recommended the study of historic and archaeological resources rather than “cultural” resources.

Response: We use the term “cultural resources” to mean archaeological resources, historic architectural resources, and traditional cultural properties (TCPs) eligible for listing on the National Register of Historic Places (National Register) as well as other

archaeologic or historic architectural resources that may not be eligible for listing on the National Register, but may be affected by a project. For the purposes of our NEPA document, we use the general term “cultural resources” for our analysis, but specifically identify any properties eligible for listing on the National Register as “historic properties.”

Comment: The OAS, BIA, FWS, Miami Tribe and its supporters, and the Cherokee Nation, all expressed concern regarding the proposed area of potential effect (APE) for cultural resources. OAS commented that areas being studied for project-related soil erosion should also be studied for cultural resources and that the APE should be more appropriately defined to include those areas. BIA commented that the APE should include all lands outside the project boundary that may be affected by project-related activities and that it should be developed in consultation with BIA, Native American tribes, and respective Tribal Historic Preservation Officers. The Miami Tribe and its supporters and Cherokee Nation also stated that the APE must include any lands that are outside the project boundary and impacted by the project. The Cherokee Nation stated that the effects of the project, including wave action, water fluctuation, drought, and flood conditions on both submerged and shoreline sites at Grand Lake must be assessed. In this regard, the Miami Tribe and its supporters and the Cherokee Nation expressed a need for a comprehensive flood routing study to assess flooding as a result of the operation of Pensacola Dam and that the results of this study would dictate the boundaries of the APE.

Response: Pursuant to 36 CFR 800.16(d), the APE for an undertaking is defined as “the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such projects exist.” The boundaries of the APE will be determined during study plan development in consultation with the Commission, Oklahoma State Historic Preservation Officer, and Tribal Historic Preservation Officer (as appropriate) in accordance with 36 CFR 800.4(a). Maps of the APE will guide the cultural resources relicensing studies and investigations. However, if the results of other relicensing studies (e.g., any flood routing, geologic, recreation, and other studies) identify additional areas where project-related activities may affect cultural resources, those areas would also be included in the APE. If time does not permit study of these areas prior to submittal of a license application, a requirement for future study of these areas could be required as part of any license issued for the project. We, therefore, have made no changes to SD2 to address this issue.

Comment: OAS, BIA, Miami Tribe and supporters, and the Cherokee Nation commented on GRDA’s proposal to conduct a Phase I background study to identify cultural resources at the project. OAS noted that its records are limited and that background research alone would not reflect the entirety of all cultural resources, including undocumented resources that may be present within the APE.

The Miami Tribe also stated that a Phase I cultural resources background study would be inadequate to satisfy the Commission's section 106 responsibilities to identify historic properties within the APE. The tribe requested a cultural resources assessment study with the following objectives: (1) identification and documentation of archaeological, historic-era, and tribal cultural resources located within the APE (including lands outside the project boundary where project-related flooding occurs); (2) mapping of all tribal cultural resources in consultation with interested tribes; (3) determination of potential project effects on archaeological, historic-era, and tribal cultural resources within the APE; (4) National Register evaluation of affected cultural resources (as appropriate and necessary); and (5) development of a Historic Properties Management Plan (HPMP). The Miami Tribe stated that Native American tribes should be consulted during each step of the section 106 process.

The Cherokee Nation also requested a full "basin-up" archaeological and cultural resources assessment of the APE conducted according to the Secretary of the Interior's standards and guidelines. BIA, EPA, FWS, and the Cherokee Nation stated that an HPMP for the project should be developed.⁸

Response: Following the determination of an appropriate APE for cultural resources studies, section 106 and its implementing regulations, found at 36 CFR 800.4(b)(1), require that GRDA make a reasonable and good faith effort to identify historic properties within the APE, including, but not be limited to, reviewing existing information as proposed by GRDA in the PAD. However, other investigative measures, such as consultation with Native American tribes, field surveys, and other methods may be needed. These additional methods would serve to identify and document previously undocumented resources, ensure that the records for known resources meet current survey standards, and document and assess project-related effects. The Secretary of the Interior's standards and guidelines for the identification of historic properties (1983) provide guidance in this regard. Further, section 106 requires consideration of the National Register eligibility of all identified cultural resources within the APE. Finally, if existing or potential adverse effects on historic properties are identified, GRDA must develop measures to avoid, minimize, or mitigate these effects in accordance with 35 CFR 800.6(a). This is typically accomplished through development of an HPMP. ***While GRDA did not propose an HPMP in its PAD, it agreed to develop an HPMP in scoping meetings held in February 2018. We revised SD2 accordingly.***

⁸ EPA recommended that a "Cultural Resources Management Plan" be developed.

Comment: EPA recommends that the Commission document its consultation with tribal governments conducted in accordance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000).

Response: Independent regulatory agencies, including the Commission, are specifically exempted from the requirements of Executive Order 13175.⁹ However, On August 24, 2017, the Commission sent letters initiating consultation with federally recognized Native American tribes and tribal organizations who are indigenous to the project area. A total of 24 tribal organizations received letters from the Commission inviting them to participate in the process and to meet with Commission staff. In its January 12, 2018, Notice of Intent to File License Application, Filing of Pre-application Document, Commencement of Pre-filing Process and Scoping, the Commission designated GRDA as the Commission's non-federal representative for carrying out day-to-day consultation with regard to the project pursuant to section 106 of the National Historic Preservation Act; however, the Commission remains ultimately responsible for all findings and determinations regarding the effects of the project on any historic property. Commission staff will continue to consult with participating tribes throughout the relicensing process; documentation of such consultation would be addressed in the Commission's analysis. We have made no changes to SD2 to address this issue.

Comment: EPA recommended that the Commission address sacred sites of importance to Native Americans in accordance with the National Historic Preservation Act and Executive Order 13007, *Indian Sacred Sites*.

Response: TCPs are a type of historic property eligible for listing in the National Register because of their association with cultural practices or beliefs of a living community that: (1) are rooted in that community's history; or (2) are important in maintaining the continuing cultural identity of the community.¹⁰ TCPs may include locations of traditional sacred importance to Native American tribes. At the request of participating tribes, GRDA's cultural resources studies may include the identification and documentation of TCPs within the project APE. If it is determined that identified TCPs are being adversely affected by project activities, such as effects on other historic

⁹ Exec. Order. No. 13,175 § 1(c), 65 Fed. Reg. 67,249 (November 9, 2000)

¹⁰ Parker, P.L. and T.K. King. 1998. Guidelines for documenting and evaluating traditional cultural properties. National Register Bulletin 38. U.S. Department of the Interior, National Park Service, National Register, History and Education, National Register of Historic Places. Washington, DC.

properties, these effects would be addressed in a resulting HPMP. *We have revised the bullets in section 4.2.9, Cultural Resources, accordingly.*

Environmental Justice

Comment: EPA recommended that the NEPA document include an analysis of the effects of the project on environmental justice populations (i.e., low-income and minority communities, including Native Americans) near the geographic scope of the project. During scoping meetings, Tar Creek Riverkeeper raised concerns about disproportionate effects of contaminated sediments on environmental justice communities.

Response: An analysis of the project area using the EPA's EJSCREEN tool indicates the presence of environmental justice communities in the vicinity of the project. The scoping document has been modified to reflect the need to analyze whether such communities are subject to disproportionately high adverse human health or environmental effects as a result of the project. *We have revised the outline for our scoping document to include an analysis of environmental justice issues in section 4.2.10, Environmental Justice.*

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) the applicant's proposed action, and (3) alternatives to the proposed action.

3.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, the Pensacola Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. This alternative is the baseline environmental conditions for comparison with other alternatives.

3.1.1 Existing Project Facilities

The existing Pensacola Project includes: (1) a reinforced-concrete dam consisting of a 4,284-foot-long, multiple arch section, an 861-foot-long spillway containing 21 Tainter or radial gates, a 451-foot-long, non-overflow gravity section, and two non-overflow abutments having an overall length of 5,950 feet and a maximum height of 147 feet; (2) two auxiliary spillways, which are located about 1 mile east of the main dam, having a total length of 886 feet and containing 21 Tainter gates; (3) a reservoir—known as Grand Lake O' the Cherokees (Grand Lake)—with a surface area of 46,500 acres and a storage capacity of 1,680,000 acre-feet at a water surface elevation of 745 feet

Pensacola Datum (PD);¹¹ (4) six 15-foot-diameter and one 3-foot-diameter steel penstocks supplying flow to six turbine-generators of 17,446-kilowatt capacity¹² each and one turbine-generator of 500-kilowatt capacity located in a powerhouse immediately downstream from the dam; (5) an approximate 300-foot-wide tailrace and an 850-foot-wide spillway channel, both about 1.5 miles long; (6) six 450 to 650-foot-long, 13.8-kV generator leads connecting the turbine-generator units in the powerhouse to the project switching station; and (7) appurtenant facilities.

3.1.2 Existing Project Operation

As licensed, the project serves multiple purposes, including hydropower generation, water supply, public recreation, and wildlife enhancement. To balance the multiple uses of the reservoir, GRDA operates the project to target reservoir surface elevations known as the project's rule curve. The Commission approved a revised rule curve on August 15, 2017.¹³ Table 1 presents the target elevations during the year per the revised rule curve.

Table 1. Target Elevations for the Pensacola Project (Elevations in PD)

Period	Reservoir Elevation (feet)
January 1 through April 30	Maintain elevation at 742
May 1 through May 31	Raise elevation from 742 to 744
June 1 through July 31	Maintain elevation at 744
August 1 through August 15	Lower elevation from 744 to 743
August 16 through September 15	Maintain elevation at 743
September 16 through September 30	Lower elevation from 743 to 742
October 1 through April 30	Maintain elevation at 742

For purposes of flood control in the Grand River Basin, the Corps, Tulsa District, manages an expansive system of 11 large reservoirs, of which Grand Lake is one located

¹¹ Pensacola Datum is 1.07 feet lower than National Geodetic Vertical Datum (NGVD), which is a national standard for measuring elevations above sea level.

¹² GRDA updated the units between 1999 and 2003. This number represents the current Commission-authorized installed capacity of the upgraded units.

¹³ 160 FERC ¶ 61,001 (2017).

in the middle of the flood control system. Upstream of the Pensacola Project, the Corps manages three federal reservoirs—Marion, Council Grove, and John Redmond—with a combined storage capacity of approximately 465,000 acre-feet. Downstream of Grand Lake and GRDA's Lake Hudson (Markham Ferry Hydroelectric FERC Project No. 2183), the Corps manages Fort Gibson Reservoir (919,000 acre-feet) on the Grand River prior to its confluence with the Arkansas River.

The flood control pool associated with Grand Lake consists of the storage volume available between the target pool elevation, which varies seasonally between 741 and 744 feet, and the upper elevation of 755 feet. As part of its flood control operations, the Corps holds flowage easements between the elevations of 755 and 760 feet. These easements are in the process of being transferred to GRDA.¹⁴ When reservoir elevations are either within the flood control pool (i.e., above elevation 745 feet) or projected to rise into the flood control pool, the Corps directs the water releases from the dam under the terms of section 7 of the Flood Control Act of 1944,¹⁵ as defined in the guiding protocol of the 1992 Letter of Understanding and Water Control Agreement between GRDA and the Corps. When directed by the Corps to make lake releases, GRDA first discharges as much water as possible through the project's hydropower units. Once the project has reached the powerhouse's maximum hydraulic capacity, the Corps may direct GRDA to open one or more spillway gates if the conservation pool is still rising, but typically not unless the water surface elevation exceeds or is projected to exceed 745 feet. The Corps will then determine whether additional gates need to be opened. The target discharge rate at any time is based on the current Grand Lake water surface elevation, the current estimated Grand Lake inflow rate, and the amount of projected flooding downstream in the Grand or Arkansas River Basins.

The operating goal of the project is to use any water in the project's flood control pool for power generation, up to the maximum hydraulic capacity of the turbines, whenever possible.

GRDA also manages environmental resources at the project pursuant to plans for: dissolved oxygen monitoring and enhancement, gray bat compliance, fish and waterfowl habitat management, vegetation management, recreation management, and shoreline management.

¹⁴ Section 1321 of the Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1705 (2016).

¹⁵ Pub. L. No. 78-534, 58 Stat. 890, 33 U.S.C. § 709 (2012).

3.2 LICENSEE'S PROPOSALS

3.2.1 Proposed Project Facilities and Operation

GRDA proposes to continue to operate and maintain the project as required by its existing license. GRDA does not propose to construct any new project facilities or to modify any existing project facilities at this time. GRDA proposes to use pre-filing ILP to evaluate the need for modifications to project facilities or operations.

3.2.2 Proposed Environmental Measures

GRDA is currently proposing to continue operating the project with the environmental protection, mitigation, and enhancement (PM&E) measures described in the following section. The potential need for additional PM&E measures will be evaluated during the relicensing process.

Geology and Soils

- Continue to implement the Shoreline Management Plan to control erosion and sedimentation within the project boundary.
- Continue to implement the Vegetation Management Plan to control erosion and sedimentation within the project boundary.

Water Resources

- Continue to operate the project for maintenance of water supply, to the extent practicable.

Fish and Aquatic Resources

- Continue to implement the existing Fish and Waterfowl Habitat Management Plan.

Terrestrial Resources

- Continue to implement the Vegetation Management Plan to preserve and protect botanical resources in the project area.
- Continue to implement the Shoreline Management Plan to preserve and protect terrestrial resources in the project area.
- Continue to implement the existing Fish and Waterfowl Habitat Management Plan.

Threatened and Endangered Species

- Continue to implement the Gray Bat Compliance Plan and cave monitoring to protect the endangered gray bat.

Recreation Resources

- Continue to implement the Recreation Management Plan for management of the project's five formal recreation sites and informal public access at the project.

Land Use

- Continue to implement the project's Shoreline Management Plan to manage land use and protect resources within the project boundary.

Cultural Resources

- *Develop and implement a HPMP to manage historic properties located within the project's APE.*

3.3 DAM SAFETY

It is important to note that dam safety constraints may exist and should be taken into consideration in the development of proposals and alternatives considered in the pending proceeding. For example, proposed modifications to the dam structure, such as the addition of flashboards or fish passage facilities, could impact the integrity of the dam structure. As the proposal and alternatives are developed, the applicant must evaluate the effects and ensure that the project would meet the Commission's dam safety criteria found in Part 12 of the Commission's regulations and the Engineering Guidelines (<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp>).

3.4 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess alternative recommendations for operational or facility modifications, as well as PM&E measures identified by the Commission, the agencies, Indian tribes, NGOs, and the public.

3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

At present, we propose to eliminate the following alternatives from detailed study in the NEPA document.

3.5.1 Federal Government Takeover

In accordance with section 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to sections 14 and

15 of the FPA.¹⁶ We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

3.5.2 Non-power License

A non-power license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no governmental agency has suggested a willingness or ability to take over the project. No party has sought a non-power license, and we have no basis for concluding that the project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing the project.

3.5.3 Project Decommissioning

Decommissioning of the project could be accomplished with or without dam removal. Either alternative would require denying the relicense application and surrender or termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the project and/or removing any project facilities. The project provides a viable, safe, and clean renewable source of power to the region. With decommissioning, the project would no longer be authorized to generate power.

No party has suggested project decommissioning would be appropriate in this case, and we have no basis for recommending it. Thus, we do not consider project decommissioning a reasonable alternative to relicensing the project with appropriate environmental measures.

4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES

4.1 CUMULATIVE EFFECTS

According to the Council on Environmental Quality's regulations for implementing NEPA (40 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other

¹⁶ 16 U.S.C. §§ 791(a)-825(r).

past, present and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

4.1.1 Resources that could be Cumulatively Affected

Based on information in the PAD for the Pensacola Project, preliminary staff analysis, and comments received during scoping, we have identified geology and soils, water quantity, land use, socioeconomics, and cultural resources as resources that could be cumulatively affected by the proposed continued operation and maintenance of the Pensacola Project in combination with other hydroelectric projects and other activities in the Grand River Basin.

4.1.2 Geographic Scope

Our geographic scope of analysis for cumulatively affected resources is defined by the physical limits or boundaries of: (1) the proposed action's effect on the resources, and (2) contributing effects from other hydropower and non-hydropower activities within the Grand River Basin. Because the proposed actions would affect the resources differently, the geographic scope for each resource may vary.

We have tentatively identified the geographic scope for geology and soils to include the Grand River Basin, which extends approximately 66 miles upstream from Pensacola Dam, to the Markham Ferry Project, located approximately 30 river miles downstream of the Pensacola Project. We chose this geographic scope because the collective operation and maintenance of the project, in combination with other developmental and non-developmental uses of the Grand River Basin, may cumulatively affect geology and soils in the Grand River.

We have tentatively identified the geographic scope for water quantity to include the system of 11 dams managed by the Corps for the purposes of flood control. This system extends upstream from the Pensacola Project, to include Marion, Council Grove, and John Redmond Reservoirs and downstream from Grand Lake to Fort Gibson Reservoir on the Grand River prior to its confluence with the Arkansas River. We have chosen this geographic scope of analysis because it includes the entirety of the Grand River Basin that is managed for flood control purposes. The Corps' flood control operations in the Basin have the potential to both directly and cumulatively affect water quantity at Grand Lake.

We have tentatively identified the geographic scope for land use and cultural resources as the Grand Lake Reservoir, to elevation 760, as well as any adjacent upland areas that are periodically inundated by Grand Lake. We have chosen this geographic

scope for land use and cultural resources because existing operation and maintenance of the project, in combination with other developmental and non-developmental activities within the Grand River Basin, may cumulatively affect use of lands adjacent to the reservoir or cultural resources located on lands adjacent to the reservoir, including by flooding of adjacent lands.

We have tentatively identified Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma as the geographic scope of analysis for socioeconomic resources. These counties contain the communities that are most closely associated with Grand Lake and are most likely to be economically affected by the project's operation.

4.1.3 Temporal Scope

The temporal scope of our cumulative effects analysis in the NEPA document will include a discussion of past, present, and reasonably foreseeable future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a new license, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resources from reasonably foreseeable future actions. The historical discussion will, by necessity, be limited to the amount of available information for each resource. The quality and quantity of information, however, diminishes as we analyze resources further away in time from the present.

4.2 RESOURCE ISSUES

In this section, we present a preliminary list of environmental issues to be addressed in the NEPA document. We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's record for the Pensacola Project. This list is not intended to be exhaustive or final, but contains the issues raised to date. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the NEPA document. Those issues identified by an asterisk (*) will be analyzed for both cumulative and site-specific effects.

4.2.1 Geology and Soils

- Effects of project operation and maintenance on soil erosion and shoreline erosion.*
- Effects of project operations on sedimentation, *including the transport and subsequent deposition of potentially contaminated sediment, ~~within the project boundary.~~**

4.2.2 Water Resources

- Effects of project operation for both power generation and flood control on water quantity, including its relationship to reservoir level, flooding upstream and downstream of Pensacola Dam, and drought/low flow periods.*
- Effects of project operation on water quality, particularly on dissolved oxygen and temperature.

4.2.3 Fish and Aquatic Resources

- Effects of project operations (including fluctuations in water levels, and downstream releases) on aquatic habitat and resources in the project's vicinity (e.g., resident and migratory fish populations; fish spawning, rearing, feeding, and overwintering habitats; mussels and macroinvertebrate populations and habitat).
- Effects of entrainment on fish populations at the project.
- Effects of project operation and maintenance activities and project-related recreation on non-native invasive aquatic species, including zebra mussels (*Dreissena polymorpha*) and Asian clams (*Corbicula fluminea*).

4.2.4 Terrestrial Resources

- Effects of the frequency, timing, amplitude, and duration of reservoir fluctuations and flow releases from the project on riparian, wetland, and littoral vegetation community types.
- Effects of project operation and maintenance activities (e.g., road and facility maintenance) and project-related recreation on wildlife and wildlife habitat.
- Effects of project operation and maintenance on avian species, including avian electrocution and collision with project generator leads.
- Effects of project operation and maintenance activities and project-related recreation on non-native invasive botanical and wildlife species.
- ***Effects of project operation and maintenance activities and project-related recreation on terrestrial resources of cultural significance to Indian tribes in the project area, including wild strawberries.***

4.2.5 Threatened and Endangered Species¹⁷

- Effects of project operation and maintenance on federally listed endangered, threatened, and candidate fish and aquatic species ***and critical habitat*** including: Neosho madtom (*Noturus placidus*), Ozark cavefish (*Amblyopsis rosea*), Neosho mucket (*Lampsilis rafinesqueana*), rabbitsfoot mussel (*Quadrula cylindrica*), winged mapleleaf (*Quadrula fragosa*), and Arkansas darter (*Etheostoma cragini*).
- Effects of project fluctuations and flow releases from the project on federally listed endangered and threatened wildlife and plant species ***and critical habitat*** including: western prairie fringed orchid (*Platanthera praeclara*), gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodali*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), piping plover (*Charadrius melodus*), rufa red knot (*Calidris canutus rufa*), and American burying beetle (*Nicrophorus americanus*).

4.2.6 Recreation

- Whether existing recreation facilities and public access are adequate to meet current and future recreation demand.
- Effects of project operation (reservoir fluctuation) on access to existing recreation facilities.
- ***Effects of project operation on the visitor experience at Grand Lake.***
- Adequacy of the existing Recreation Management Plan to manage development and use of the project's recreation facilities.

4.2.7 Land Use

- Adequacy of existing Shoreline Management Plan to control non-project use of project lands (e.g., permitting piers, boat docks, and other facilities).

¹⁷ With the exception of the Arkansas darter and western prairie fringed orchid, all of the species listed in this section were included in the U.S. Fish and Wildlife Service's (FWS) official species list for the Pensacola Project generated on FWS's ECOS-IPaC website (<https://ecos.fws.gov/ipac/>) on January 10, 2018, and filed on January 11, 2018. The Arkansas darter and western prairie fringed orchid were identified by GRDA in its PAD.

- Adequacy of the existing Shoreline Management Plan to protect environmental and cultural resources at the project.
- Effects of project operations on *adjacent* tribal lands.*

4.2.8 Socioeconomic Resources

- Effects of *any proposed changes in* project operation or maintenance on socioeconomic resources.*

4.2.9 Cultural Resources

- Effects of the project operation and maintenance on historic and archeological resources *within the APE* that may be eligible for inclusion in the National Register.*
- Effects of project operation and maintenance on properties of traditional religious and cultural importance to Indian tribes *within the APE that may be eligible for inclusion in the National Register*.*

4.2.10 Environmental Justice

- *Effects of the project operation and maintenance on minority and low-income populations, including members of Indian tribes.*

4.2.11 Developmental Resources

- Effects of potential operational changes on the energy and capacity benefits of the projects, and effects of protection, mitigation, and enhancement measures on the cost of project power.

5.0 PROPOSED STUDIES

Initial study proposals from GRDA are identified by resource area, below in Table 2, and in the PAD. Further studies may need to be added to this list based on comments provided to the Commission and the licensees from agencies, Indian tribes and interested parties during the study planning process.

Table 2. Initial Study Proposals by Project Applicant (Source: PAD)

Resource Area and Issue	GRDA's Proposed Study
Geology and Soils	Incorporate and supplement existing information into a comprehensive hydraulic model to evaluate issues of sedimentation in the flood inundation area.
Recreation	Conduct a recreation facilities inventory and use survey.
Cultural Resources	Conduct a Phase 1 cultural resources background study to determine locations within the project boundary that may experience project-related effects and to identify specific targeted areas for additional investigation.
Developmental Resources	Develop an operations model to describe and assess the extent of any water storage and generation changes considered during the relicensing process.

6.0 PREPARATION SCHEDULE

At this time, we anticipate the need to prepare a draft and final NEPA document. The draft NEPA document will be sent to all persons and entities on the Commission's service and mailing lists for the project. The NEPA document will include our recommendations for operating procedures, as well as PM&E measures that should be part of any license issued by the Commission. All recipients will then have 30 days to review the EA, or 60 days to review the EIS, and file written comments with the Commission. All comments on the draft NEPA document filed with the Commission will be considered in preparation of the final NEPA document.

The major milestones, including those for preparing the NEPA document, are as follows:

<u>Major Milestone</u>	<u>Target Date</u>
License Application Filed	March 2020
Ready for Environmental Analysis Notice Issued	May 2020

Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions	July 2020
Draft NEPA Document Issued	January 2021
Comments on Draft NEPA Document Due	February 2021
Deadline for Filing Modified Agency Recommendations	April 2021
Final NEPA Document Issued	July 2021

If Commission staff determines that there is a need for additional information or additional studies, the issuance of the Ready for Environmental Analysis notice could be delayed. If this occurs, all subsequent milestones would be delayed by the time allowed for the licensee to respond to the Commission's request. *A copy of the process plan, which has a complete list of the relicensing milestones for the Pensacola Project, including those for developing the license application, was issued as part of the January 12, 2018, SD1.*

8.0 PROPOSED NEPA DOCUMENT OUTLINE

The preliminary outline for the Pensacola Project's NEPA document is as follows:

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9.0 COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. The staff has initially identified the plans listed below that may be relevant to the projects. Agencies are requested to review this list and inform the Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Pensacola Project.

Department of the Army, Corps of Engineers. Little Rock District and Tulsa District. 1991. Arkansas River Basin, Arkansas and Oklahoma, feasibility report. Little Rock, Arkansas, and Tulsa, Oklahoma. May 1991.

National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

Oklahoma Department of Wildlife Conservation. U.S. Fish and Wildlife Service. 1985. Bottomland hardwoods of eastern Oklahoma. Oklahoma City, Oklahoma. December 1985.

Oklahoma Department of Wildlife Conservation. U.S. Fish and Wildlife Service. 1989. Eastern Oklahoma wetlands plan: Lower Mississippi Valley joint venture - North American waterfowl management plan. Oklahoma City, Oklahoma. August 1989.

Oklahoma Water Resources Board. 1997. Update of the Oklahoma comprehensive water plan. Publication Number 139. Oklahoma City, Oklahoma. February 1997.

Oklahoma Water Resources Board. 2002. Oklahoma's water quality standards and implementation of Oklahoma's water quality standards. Oklahoma Administrative Code, Title 785, Chapters 45 and 46 effective July 1, 2002. Oklahoma City, Oklahoma.

Oklahoma Tourism & Recreation Department. 2001 Statewide Comprehensive Outdoor Recreation Plan (SCORP): The public recreation estate. Oklahoma City, Oklahoma.

U.S. Fish and Wildlife Service. 1979. Unique wildlife ecosystems of Oklahoma. Department of the Interior, Albuquerque, New Mexico. May 18, 1979.

U.S. Fish and Wildlife Service. 1985. Land protection plan for Texas/Oklahoma bottomland hardwoods and migratory waterfowl. Department of the Interior, Albuquerque, New Mexico. January 15, 1985.

U.S. Fish and Wildlife Service. 1986. Whooping Crane Recovery Plan. Department of the Interior, Albuquerque, New Mexico. December 23, 1986.

U.S. Fish and Wildlife Service. 1989. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

10.0 MAILING LIST

The list below is the Commission's official mailing list for the Pensacola Project. If you want to receive future mailings for the Pensacola Project and are not included in the list below, please send your request by email to efiling@ferc.gov or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: **Pensacola Hydroelectric Project No. 1494-438**. You may use the same method if requesting removal from the mailing list below.

Register online at <https://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1 866-208-3676, or for TTY, (202) 502-8659.

Official Mailing List for the Pensacola Project

Director
Bureau of Indian Affairs
P.O. Box 8002
Muscogee, OK 74401-6201

Bureau of Indian Affairs
P.O. Box 368
Anadarko, OK 73005-0368

Bureau of Land Management
P.O. Box 27115
Santa Fe, NM 87502-0115

Field Manager
Bureau of Land Management
626 E. Wisconsin Ave., Ste. 200
Milwaukee, WI 53202-4618

Bureau of Reclamation
P.O. Box 36900
Billings, MT 59107-0600

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Tulsa Field Office
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Tulsa, OK 74145

U.S. Army Corps of Engineers
Southwestern Division
1114 Commerce St.
Dallas, TX 75242-1024

Paul Mace, Chief
U.S. Army Corps of Engineers
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Scott A. Henderson
U.S. Army Corps of Engineers
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U.S. Environmental Protection Agency
Compliance & Enforcement Division
1445 Ross Ave., Ste. 1200
Dallas, TX 75202-2750

Field Supervisor
U.S. Fish and Wildlife Service
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Tulsa, OK 74129

Regional Director
U.S. Fish and Wildlife Service
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Albuquerque, NM 87102-1306

Senator James M. Inhofe
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Director
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City Clerk
City of Miami
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Robert Brooks
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Jacqueline T. Miller
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David Freede
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Quality
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Oklahoma City, OK 73101-1677

Director
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Oklahoma City, OK 73105-4201

Melvena Heisch
Oklahoma State Historic Preservation
Office
800 Nazih Zuhdi Dr.
Oklahoma City, OK 73105-7917

Ken Morris
Oklahoma Water Resources Board
3800 N. Classen Blvd.
Oklahoma City, OK 73118-2862

Town Clerk
City of Grove
104 W. 3rd St.
Grove, OK 74344-3201

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