

# Low Impact Hydropower Institute

34 Providence Street Portland, ME 04103 Tel.  
(207) 773-8190 • Fax (206) 984-3086  
[www.lowimpacthydro.org](http://www.lowimpacthydro.org)

## LOW IMPACT HYDROPOWER QUESTIONNAIRE

Bear River Hydroelectric Project (FERC No. 20)

### E. LOW IMPACT HYDROPOWER QUESTIONNAIRE

<b>Background Information</b>	
1) Name of the <i>Facility</i> .	Bear River Hydroelectric Project (FERC No. 20)
2) Applicant's name, contact information and relationship to the Facility. If the Applicant is not the Facility owner/operator, also provide the name and contact information for the Facility owner and operator.	Randy Landolt, Managing Director, Hydro Resources PacifiCorp Energy 825 NE Multnomah, Suite 1500 Portland, OR 97232 Tel: 503.813.6650 FAX: 503.813.6659 Email: <a href="mailto:randy.landolt@pacificorp.com">randy.landolt@pacificorp.com</a>
3) Location of Facility by river and state.	Bear River, Idaho
4) Installed capacity.	77 MW Soda Development: 14 MW Grace Development: 33 MW Oneida Development: 30 MW

<p>5) Average annual generation.</p>	<p>Based on the past 30 years (including 2008), the average annual generation of the project is 229.4 GWh. The average annual generation of each development is as follows:          Soda Development: 28.6 GWh          Grace Development: 135.1 GWh          Oneida Development: 60.6 GWh</p>
<p>6) Regulatory status.</p>	<p>The developments were licensed as one project for a 30-year term by FERC Orders dated December 22, 2003. A Settlement Agreement dated August 28, 2002 was incorporated into the license. Signatories to the Settlement Agreement included the resource agencies, tribes and non-governmental organizations that have jurisdiction and/or interest in the natural and cultural resources in the watershed (see Attachment 1 for a listing of the parties). Representatives from the signatory groups continue to serve in a consultation capacity as part of the Bear River Hydroelectric Projects Environmental Coordination Committee (ECC). The ECC has a role in the development of monitoring and adaptive management plans and the administration of post-licensing activities.</p> <p>The Cove development, which was also addressed in the Bear River Hydroelectric License and Settlement Agreement, was decommissioned with FERC approval by Orders dated May 23, 2006.</p>
<p>7) Reservoir volume and surface area measured at the high water mark in an average water year.</p>	<p>Soda- <i>Alexander reservoir</i></p> <ul style="list-style-type: none"> <li>• Volume (total storage capacity) = 16,300 acre-feet</li> <li>• Surface area = 1,100 acres</li> </ul> <p>Grace- <i>forebay</i></p> <ul style="list-style-type: none"> <li>• Volume (total storage capacity) = 320 acre-feet</li> <li>• Surface area = 38 acres</li> </ul> <p>Oneida- <i>Oneida Narrows reservoir</i></p> <ul style="list-style-type: none"> <li>• Volume (active storage capacity) = 10,880 acre-feet</li> <li>• Surface area = 480 acres</li> </ul>

PacifiCorp Energy  
 Bear River Hydroelectric Project (FERC No. 20)

8) Area occupied by non-reservoir facilities (e.g., dam, penstocks, powerhouse).	Soda – 1 acre Grace – 32 acres Oneida – 9 acres
9) Number of acres inundated by the Facility.	Soda - 1100 acres Grace – 38 acres Oneida – 480 acres
10) Number of acres contained in a 200-foot zone extending around entire impoundment.	Soda – 373 acres Grace – 79 acres Oneida – 265 acres
11) Please attach a list of contacts in the relevant Resource Agencies and in non-governmental organizations that have been involved in Recommending conditions for your Facility.	Please see Attachment 1.
12) Please attach a description of the Facility, its mode of operation (i.e., peaking/run of river) and a map of the Facility.	Please see Attachment 2.

<b>Questions For “New” Facilities Only:</b> If the Facility you are applying for is “new” i.e., an existing dam that added or increased power generation capacity after August of 1998 please answer the following questions to determine eligibility for the program	N/A
13) When was the dam associated with the Facility completed?	N/A
14) When did the added or increased generation first generate electricity? If the added or increased generation is not yet operational, please answer question 18 as well.	N/A
15) Did the added or increased power generation capacity require or include any new dam or other diversion structure?	N/A

<p>16) Did the added or increased capacity include or require a change in water flow through the facility that worsened conditions for fish, wildlife, or water quality, (for example, did operations change from run-of-river to peaking)?</p>	<p>N/A</p>
<p>17 (a) Was the existing dam recommended for removal or decommissioning by resource agencies, or recommended for removal or decommissioning by a broad representation of interested persons and organizations in the local and/or regional community prior to the added or increased capacity?</p> <p>(b) If you answered “yes” to question 17(a), the Facility is not eligible for certification, unless you can show that the added or increased capacity resulted in specific measures to improve fish, wildlife, or water quality protection at the existing dam. If such measures were a result, please explain.</p>	<p>N/A</p>
<p>18 (a) If the increased or added generation is not yet operational, has the increased or added generation received regulatory authorization (e.g., approval by the Federal Energy Regulatory Commission)? If not, the facility is not eligible for consideration; and</p> <p>(b) Are there any pending appeals or litigation regarding that authorization? If so, the facility is not eligible for consideration.</p>	<p>N/A</p>

A. Flows	PASS	FAIL	Applicant Answer
<p>1) Is the Facility in Compliance with Resource Agency Recommendations issued after December 31, 1986 regarding flow conditions for fish and wildlife protection, mitigation and enhancement (including in-stream flows, ramping and peaking rate conditions, and seasonal and episodic instream flow variations) for both the reach below the tailrace and all bypassed reaches?</p>	<p>YES = Pass,          Go to B          N/A = Go to A2</p>	<p>No = Fail</p>	<p><b>Yes-</b> PacifiCorp’s Bear River project is in compliance with resource agency recommendations issued after December 31, 1986 regarding flow conditions for fish and wildlife protection for all reaches. Resource agency recommendations regarding flow conditions are contained in Sections 3.2 and 3.3 of the Settlement Agreement adopted by FERC in the new license issued December 22, 2003 and the Section 401 Water Quality Certification (WQC) issued by Idaho Department of Environmental Quality (IDEQ) on June 23, 2003. The Section 401 WQC is included as Attachment A to the project license.</p> <p>The project license (with 401 WQC) and the Settlement Agreement are available on PacifiCorp’s website (follow the Project License or Settlement Agreement links on the Bear River project homepage: <a href="http://www.pacifiCorp.com/es/hydro/hl/br.html">http://www.pacifiCorp.com/es/hydro/hl/br.html</a>). A summary of the requirements for flow conditions contained in these documents follows.</p> <p><u>Flow releases:</u>          Article 408 of the project license and the Section 401 WQC established minimum instream flows below each development. These minimum flow requirements were revised May 23, 2006, when FERC issued its Cove Decommissioning Order amending Article 408. The minimum flows are:</p> <ul style="list-style-type: none"> <li>• Below the Soda dam: year-round minimum flow of 150 cfs, or inflow into the Alexander reservoir, whichever is less;</li> <li>• Grace bypass reach: year-round minimum bypass flow of 63 cfs or inflow, whichever is less, in addition to 2 cfs leakage below the Grace dam;</li> <li>• Oneida reach below the powerhouse: year-round minimum flow of 250 cfs or inflow, whichever is less, in addition to 1 cfs leakage below Oneida dam.</li> </ul> <p>Per Article 410 of the project license, PacifiCorp developed a plan to modify the flows from Kackley Spring to benefit the aquatic resources in the Bear River, based on the results of studies and monitoring outlined in the Settlement Agreement. The Kackley Springs Plan was approved by FERC Orders dated</p>

		<p>March 22, 2005. Following the completion of the studies and monitoring, the ECC agreed in 2008 to discontinue diversion of the spring directly into the Bear River and send the water down a longer route that can potentially be used by native fish for spawning and rearing. PacifiCorp completed the work on the reroute in September, 2009.</p> <p>In accordance with Article 420 of the project license, PacifiCorp developed an Operational Regime to minimize the frequency of river level fluctuations below the Oneida powerhouse, thereby reducing bank erosion and turbidity in the river. The Operational Regime was approved by FERC Orders dated August 17, 2005. The record of attainment is provided in the annual Oneida Development Operations Report filed with the IDEQ.</p> <p><u>Ramping rates:</u>          Article 412 of the project license and the Section 401 WQC established maximum ramping rates below the Soda and Oneida dams. A minor discrepancy between the project license and the Section 401 WQC was reconciled by FERC Orders issued on July 7, 2004 that modified Article 412 (b). The maximum ramping rates are:</p> <ul style="list-style-type: none"> <li>• 1.2 feet per hour in the Soda reach, ascending and descending, as measured at USGS Gage No. 10075000; and</li> <li>• 3.0 inches every 15 minutes on the descending arm of the ramp in the Oneida reach measured at a designated site between river miles 26 and 30.</li> </ul> <p>The project license and Section 401 WQC also permit PacifiCorp to increase ramping rates for emergencies, to comply with legal constraints associated with water rights, for emergency power needs, and to comply with requirements of the downstream Cutler Hydroelectric Project.</p> <p>Documentation of compliance with the minimum instream flows and ramping rate restrictions recommended by the resource agencies is provided in PacifiCorp’s annual reports (follow the Annual Reports link on the Bear River project homepage: <a href="http://www.pacificorp.com/es/hydro/hl/br.html">http://www.pacificorp.com/es/hydro/hl/br.html</a>).</p>
--	--	--

PacifiCorp Energy  
 Bear River Hydroelectric Project (FERC No. 20)

<p>2) If there is no flow condition recommended by any Resource Agency for the Facility, or if the recommendation was issued prior to January 1, 1987, is the Facility in Compliance with a flow release schedule, both below the tailrace and in all bypassed reaches, that at a minimum meets Aquatic Base Flow standards or “good” habitat flow standards calculated using the Montana-Tennant method?</p>	<p>YES =          Pass,          Go to B          NO =          Go to          A3</p>		<p>Answer not required</p>
<p>3) If the Facility is unable to meet the flow standards in A.2., has the Applicant demonstrated, and obtained a letter from the relevant Resource Agency confirming that demonstration, that the flow conditions at the Facility are appropriately protective of fish, wildlife, and water quality?</p>	<p>YES =          Pass,          go to B</p>	<p>NO =          Fail</p>	<p>Answer not required</p>

B. Water Quality	PASS	FAIL	Applicant Answer
<p>1) Is the Facility either:                      a) In Compliance with all conditions issued pursuant to a Clean Water Act Section 401 water quality certification issued for the Facility after December 31, 1986? Or                      b) In Compliance with the quantitative water quality standards established by the state that support designated uses pursuant to the federal Clean Water Act in the Facility area and in the downstream reach?</p>	<p>YES = Go to B2</p>	<p>No = Fail</p>	<p><b>Yes (a)-</b> The Bear River project is in compliance with the conditions in the Section 401 WQC issued by IDEQ on June 23, 2003.</p> <p>In accordance with the 401 WQC and Article 413 of the project license, PacifiCorp prepared and implemented Water Quality Monitoring Plans (WQMPs) for the Grace bypass reach and the Bear River below the Oneida powerhouse to monitor temperature, dissolved oxygen, nutrients, specific conductance, and turbidity. Monitoring in the Grace bypass reach serves as the basis for evaluating both the Grace development and the Soda development's effects on water quality. The WQMPs were completed on June 18, 2004 and approved by FERC Orders dated September 15, 2004.</p> <p>The 401 WQC also requires PacifiCorp to provide IDEQ with an annual Oneida Development Operations Report. PacifiCorp has submitted this report to IDEQ every year since 2004.</p>
<p>2) Is the Facility area or the downstream reach currently identified by the state as not meeting water quality standards (including narrative and numeric criteria and designated uses) pursuant to Section 303(d) of the Clean Water Act?</p>	<p>YES = Go to B3 NO = Pass</p>		<p><b>Yes-</b> TMDLs have been established pursuant to Section 303(d) of the Clean Water Act for phosphorous and total suspended solids in the Alexander reservoir, the Oneida Narrows reservoir, and the Bear River from the Alexander reservoir to the Idaho border.</p>
<p>3) If the answer to question B.2 is yes, has there been a determination that the Facility is not a cause of that violation?</p>	<p>YES = Pass</p>	<p>NO = Fail</p>	<p><b>Yes-</b> PacifiCorp has conducted extensive water quality monitoring in the Grace bypass and below the Oneida powerhouse beginning in May 2004.</p> <p>PacifiCorp submitted the 2007 Water Quality Monitoring Report for the Grace-Cove Development to IDEQ in January 2008. Based on the results of the water quality monitoring in the Grace bypass, IDEQ informed PacifiCorp in a letter</p>



			<p>dated January 20, 2009 that “PacifiCorp’s operation has not contributed to violations of State of Idaho water quality standards,” and that water quality monitoring at Grace can be discontinued (two years before scheduled, see Attachment 3).</p> <p>A final Oneida Water Quality Monitoring Report was submitted to the IDEQ on April 6, 2007. Supplemental reports and data were provided to IDEQ in February, 2009. This information documents the results of studies that PacifiCorp conducted to investigate potential connections between the facility and water quality criteria exceedances. Operational changes at Oneida to reduce potential contributions to exceedances include the elimination of peaking events and the establishment of a ramping rate based on bank stability. IDEQ has informed PacifiCorp in a letter dated July 24, 2009 that the water quality monitoring below the Oneida powerhouse demonstrates that the facility is not contributing to water quality standard exceedances (see Attachment 4).</p>
--	--	--	--

<b>C. Fish Passage and Protection</b>	PASS	FAIL	Applicant Answer
1) Is the Facility in Compliance with <i>Mandatory Fish Passage Prescriptions</i> for upstream and downstream passage of anadromous and catadromous fish issued by Resource Agencies after December 31, 1986?	YES = Go to C5 N/A = Go to C2	NO = Fail	N/A - There are no anadromous or catadromous fish in the facility area.

<p>2) Are there historic records of anadromous and/or catadromous fish movement through the Facility area, but anadromous and/or catadromous fish do not presently move through the Facility area (e.g., because passage is blocked at a downstream dam or the fish run is extinct)?</p>	<p>YES = Go to C2a NO = Go to C3</p>		<p><b>No-</b> There are no historic records of anadromous and/or catadromous fish movement through the facility area.</p>
<p>a) If the fish are extinct or extirpated from the Facility area or downstream reach, has the Applicant demonstrated that the extinction or extirpation was not due in whole or part to the Facility?</p>	<p>YES = Go to C2b N/A = Go to C2b</p>	<p>NO = Fail</p>	<p>Answer not required</p>
<p>b) If a Resource Agency Recommended adoption of upstream and/or downstream fish passage measures at a specific future date, or when a triggering event occurs (such as completion of passage through a downstream obstruction or the completion of a specified process), has the Facility owner/operator made a legally enforceable commitment to provide such passage?</p>	<p>YES = Go to C5 N/A = Go to C3</p>	<p>NO = Fail</p>	<p>Answer not required</p>

<p>3) If, since December 31, 1986:</p> <p>a) Resource Agencies have had the opportunity to issue, and considered issuing, a Mandatory Fish Passage Prescription for upstream and/or downstream passage of anadromous or catadromous fish (including delayed installation as described in C2a above), and</p> <p>b) The Resource Agencies declined to issue a Mandatory Fish Passage Prescription,</p> <p>c) Was a reason for the Resource Agencies' declining to issue a Mandatory Fish Passage Prescription one of the following: (1) the technological infeasibility of passage, (2) the absence of habitat upstream of the Facility due at least in part to inundation by the Facility impoundment, or (3) the anadromous or catadromous fish are no longer present in</p>	<p>NO =          Go to          C5          N/A =          Go to          C4</p>	<p>YES          = Fail</p>	<p><b>No</b> – The reason that agencies declined to issue a mandatory fish passage prescription for anadromous or catadromous fish was because anadromous or catadromous fish were not present in the Project.</p>
---	--	--------------------------------	--

<p>the Facility area and/or downstream reach due in whole or part to the presence of the Facility?</p>			
<p>4) If C3 was not applicable:          a) Are upstream and downstream fish passage survival rates for anadromous and catadromous fish at the dam each documented at greater than 95% over 80% of the run using a generally accepted monitoring methodology?           Or           b) If the Facility is unable to meet the fish passage standards in 4.a., has the Applicant demonstrated, and obtained a letter from the US Fish and Wildlife Service or National Marine Fisheries Service confirming that demonstration, that the upstream and downstream fish passage measures (if any) at the Facility are appropriately protective of the fishery resource?</p>	<p>YES = Go to C5</p>	<p>NO = Fail</p>	<p>Answer not required</p>

PacifiCorp Energy  
 Bear River Hydroelectric Project (FERC No. 20)

<p>5) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions for upstream and/or downstream passage of <i>Riverine</i> fish?</p>	<p>YES = Go to C6 N/A = Go to C6</p>	<p>NO = Fail</p>	<p><b>Yes-</b> The Bear River project is in compliance with mandatory Fish Passage Prescriptions and resource agency recommendations regarding riverine fish. The majority of the measures focus on restoration of Bonneville cutthroat trout. The Bonneville cutthroat trout is native to the Bear River basin and a species of special concern to the State of Idaho.</p> <p>Per Article 403 of the project license, PacifiCorp completed a Bonneville cutthroat trout Restoration Study Plan in July 2004; the Plan was approved by FERC Orders dated December 2, 2004. The results of the studies undertaken in support of restoration are provided in PacifiCorp’s annual reports.</p> <p>The U.S. Fish and Wildlife Service (USFWS) did not prescribe any fishways for the Bear River Project. However, by letter dated April 15, 2002, the USFWS requested reservation of authority to prescribe the construction, operation, and maintenance of fishways at the Bear River project. Article 414 of the project license reserves the Commission’s authority to prescribe fishways in the future.</p>
<p>6) Is the Facility in Compliance with Resource Agency Recommendations for Riverine, anadromous and catadromous fish entrainment protection, such as tailrace barriers?</p>	<p>YES = Pass, go to D N/A = Pass, go to D</p>	<p>No = Fail</p>	<p><b>N/A-</b> Due to the limited numbers of native fish currently in the Bear River, fish entrainment has not been a significant issue for the project, and consequently, the resource agencies have not made fish entrainment protection recommendations. As reflected in the Settlement Agreement, the ECC has focused on habitat restoration to increase native fish populations in the watershed.</p> <p>Per Article 403 of the project license, PacifiCorp prepared a Bonneville cutthroat trout Restoration Study Plan. The Restoration Study Plan specifically included the goal of developing “baseline habitat conditions and fish passage obstruction and diversion information for the Bear River drainage in Idaho to aid in the management of Bonneville cutthroat trout.” However, work on the irrigation diversion/barrier mapping was discontinued by the ECC in 2006 when it was learned that similar information was available from another source. In 2007 a more intensive irrigation diversion mapping study was proposed by the Idaho Department of Fish and Game (IDFG) and the ECC provided the necessary</p>

			<p>funding to implement it.</p> <p>In accordance with Article 410 of the project license, a Fish Stranding Minimization Plan was completed as part of the Bear River Hydroelectric Project Implementation Plan filed with FERC May 28, 2004. An order modifying and approving the plan was issued by FERC on March 7, 2005. The plan describes measures and agency consultation to minimize potential fish stranding resulting from release of recreation flows from the Grace development.</p>
--	--	--	---

<b>D. Watershed Protection</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1 ) Is there a buffer zone dedicated for conservation purposes (to protect fish and wildlife habitat, water quality, aesthetics and/or low-impact recreation) extending 200 feet from the high water mark in an average water year around 50 - 100% of the impoundment, and for all of the undeveloped shoreline?	YES = Pass, go to E and receive 3 extra years of certification	NO = go to D2	<b>No</b>
2 ) Has the facility owner/operator established an approved watershed enhancement fund that: 1) could achieve within the project's watershed the ecological and recreational equivalent of land protection in D.1., and 2) has the agreement of appropriate	YES = Pass, go to E and receive 3 extra years of certification	NO = go to D3	<p><b>Yes-</b> PacifiCorp has established funds to implement watershed protection and enhancement measures that were agreed to by the parties to the Settlement Agreement. Together, these funds and protection measures provide the ecological and recreational equivalent of land protection in D1 above. The funds include \$648,000 in one time contributions and up to \$567,000 annually, for the studies and implementation of the aquatic resources restoration measures outlined in Section 3.1 of the Settlement Agreement. These measures include:</p> <ul style="list-style-type: none"> <li>• <i>Habitat Restoration Program-</i> PacifiCorp is contributing \$167,000 (in 2002 dollars escalated by GDPI to payment year funds) annually to</li> </ul>

<p>stakeholders and state and federal resource agencies?</p>			<p>implement a Habitat Restoration Plan approved by FERC Orders dated March 22, 2005. The Restoration Plan was developed and the fund established per Article 405 of the project license (Section 3.1.4 of the Settlement Agreement). Habitat restoration and enhancement projects and related studies and monitoring are eligible for this funding if they are within the portion of the watershed that includes the Bear River and land drained by the Bear River and its tributaries below the point of confluence of the Bear Lake Outlet Canal with the mainstem Bear River and the Idaho-Utah border.</p> <p>The ECC selects and implements the activities that are implemented under the Habitat Restoration Program. Any remaining funds not expended in one year may be spent on land and water acquisition pursuant to Section 3.1.4 of the Settlement Agreement. Since the program’s inception in 2005, the awarded grant funding has been used as private match dollars to leverage an additional \$1,716,000 in funding for a total of \$2,495,000 spent on conservation projects in the watershed.</p> <ul style="list-style-type: none"> <li>• <i>Land and Water Conservation Fund-</i> PacifiCorp is contributing \$300,000 (in 2002 dollars escalated to funding year dollars by GDPI) annually to implement a Land and Water Acquisition Plan approved by FERC Orders dated March 22, 2005. The purpose of the Land and Water Conservation Fund is to take advantage of opportunities to purchase or lease and manage land and water rights and easements in accordance with Idaho water law and policy to benefit Bonneville cutthroat trout and other fish and wildlife resources. The following conservation land and easement purchases were entirely funded by the Bear River project Land and Water Conservation Fund and are held by Sagebrush Steppe Regional Land Trust (SSRLT):</li> </ul> <table border="1" data-bbox="940 1268 1776 1411"> <thead> <tr> <th><u>Conservation Easements</u></th> <th><u>Acres</u></th> <th><u>Watershed</u></th> <th><u>Date</u></th> </tr> </thead> <tbody> <tr> <td>Henderson Preserve</td> <td>210</td> <td>Bear River</td> <td>2008</td> </tr> <tr> <td>Cove Easement 1/Olsen</td> <td>0.25</td> <td>Bear River</td> <td>2006</td> </tr> <tr> <td>Cove Easement 2/Hansen</td> <td>0.04</td> <td>Bear River</td> <td>2006</td> </tr> </tbody> </table>	<u>Conservation Easements</u>	<u>Acres</u>	<u>Watershed</u>	<u>Date</u>	Henderson Preserve	210	Bear River	2008	Cove Easement 1/Olsen	0.25	Bear River	2006	Cove Easement 2/Hansen	0.04	Bear River	2006
<u>Conservation Easements</u>	<u>Acres</u>	<u>Watershed</u>	<u>Date</u>																
Henderson Preserve	210	Bear River	2008																
Cove Easement 1/Olsen	0.25	Bear River	2006																
Cove Easement 2/Hansen	0.04	Bear River	2006																

			<table border="1"> <tr> <td>Cove Easement 3/McCurdy</td> <td>0.68</td> <td>Bear River</td> <td>2006</td> </tr> <tr> <td>Cove Easement 4/Olsen</td> <td>0.24</td> <td>Bear River</td> <td>2006</td> </tr> <tr> <td>Cove Easement 5/Harris</td> <td>1.0</td> <td>Bear River</td> <td>2006</td> </tr> </table> <table border="1"> <thead> <tr> <th><b>Fee Title</b></th> <th><b>SSRLT Preserves</b></th> <th><b>Acreage</b></th> <th><b>Watershed</b></th> <th><b>Date</b></th> </tr> </thead> <tbody> <tr> <td>Kackley Preserve</td> <td></td> <td>157</td> <td>Bear River</td> <td>2006</td> </tr> <tr> <td>Cove Preserve</td> <td></td> <td>2.3</td> <td>Bear River</td> <td>2006</td> </tr> </tbody> </table> <p>An additional 237.5 acres of conservation land purchases held by the IDFG were also partially funded through the Land and Water Conservation Fund.</p> <ul style="list-style-type: none"> <li>• <i>Broodstock and Conservation Hatchery Program-</i> PacifiCorp has completed a funding agreement with IDFG to implement a broodstock program for Bonneville cutthroat trout. Per Article 404 of the project license, PacifiCorp will contribute up to \$100,000 annually for three years for broodstock development (Section 3.1.2.5 of the Settlement Agreement). Using the state’s Grace Hatchery near Grace, Idaho, the program will focus on enhancing Bonneville cutthroat trout in the Thatcher Reach between the Grace Dam and Oneida Reservoir. The Conservation Hatchery Program will commence on December 22, 2011. Beginning that year, per Section 3.1.3 of the Settlement Agreement, PacifiCorp will contribute up to \$100,000 annually for the conservation hatchery program for the remainder of the license term.</li> <li>• <i>Creel and Macroinvertebrate Studies-</i> PacifiCorp is contributing up to \$35,000 annually for seven years to conduct long term fish population, periphyton, pebble count and macroinvertebrate studies (Section 3.1.6 in the Settlement Agreement). Currently in the fifth year of monitoring, the studies are assessing the long term effects of experimental recreation flows released for boaters in the Grace bypass on river ecology. These studies will inform future flow releases to benefit native biological communities.</li> </ul>	Cove Easement 3/McCurdy	0.68	Bear River	2006	Cove Easement 4/Olsen	0.24	Bear River	2006	Cove Easement 5/Harris	1.0	Bear River	2006	<b>Fee Title</b>	<b>SSRLT Preserves</b>	<b>Acreage</b>	<b>Watershed</b>	<b>Date</b>	Kackley Preserve		157	Bear River	2006	Cove Preserve		2.3	Bear River	2006
Cove Easement 3/McCurdy	0.68	Bear River	2006																											
Cove Easement 4/Olsen	0.24	Bear River	2006																											
Cove Easement 5/Harris	1.0	Bear River	2006																											
<b>Fee Title</b>	<b>SSRLT Preserves</b>	<b>Acreage</b>	<b>Watershed</b>	<b>Date</b>																										
Kackley Preserve		157	Bear River	2006																										
Cove Preserve		2.3	Bear River	2006																										



			<p>In addition to the funding for the Creel and Macroinvertebrate Studies that was established through the Settlement Agreement, PacifiCorp has contributed \$117,702 to collect water quality data and perform a fish stranding study in the Grace bypass from 2008-2010. The additional resources for these efforts will further inform decision making regarding the experimental recreational flow releases, and are a prime example of PacifiCorp's commitment to meeting recreational and ecological goals in the watershed.</p>
<p>3 ) Has the facility owner/operator established through a settlement agreement with appropriate stakeholders and that has state and federal resource agencies agreement an appropriate shoreland buffer or equivalent watershed land protection plan for conservation purposes (to protect fish and wildlife habitat, water quality, aesthetics and/or low impact recreation).</p>	<p>YES = Pass, go to E</p>	<p>NO = go to D4</p>	<p>Answer not required - see response to D2.                  However, it is notable that there is also an approved Land Management and Buffer Zone Plan for the project. The Land Management and Buffer Zone Plan was completed in January 2005 in accordance with Articles 424 and 425 of the project license and Section 3.6 of the Settlement Agreement. The Plan identifies areas that are designated for "Conservation," including shoreline buffer areas required by the project license. In consultation with the ECC, PacifiCorp is establishing the buffers, which are at least 100 ft wide in most places, around Bear River, springs, and the wetland and riparian habitats that adjoin the river, springs, and tributary streams. Project lands designated for conservation are managed to retain and preserve a character of undeveloped, natural, open space and to conserve and protect fish, wildlife, scenic, historic, archaeological, and cultural values.</p> <p>In addition to the Soda, Grace, and Oneida developments, PacifiCorp has included lands in the adjacent Last Chance project and the decommissioned Cove development in land management and buffer zone planning. Collectively, approximately 1,637 acres are included in the Conservation land management classification. Buffer zone widths around protected areas vary depending on topography, land use, and other site-specific conditions. Individual site plans with refined buffer delineations are complete for the Grace/Cove, Oneida, and Soda/Alexander developments; the Grace/Last Chance Site Plan is scheduled for completion in 2009.</p>

4 ) Is the facility in compliance with both state and federal resource agencies recommendations in a license approved shoreland management plan regarding protection, mitigation or enhancement of shorelands surrounding the project.	YES = Pass, go to E	NO = Fail	Answer not required - see response to D2. However, it is notable that on April 11, 2006, FERC approved the shoreline buffer plan as required by Article 425 of the license and PacifiCorp has been implementing the plan in consultation with the ECC.
--	---------------------	-----------	--

<b>E. Threatened and Endangered Species Protection</b>	PASS	FAIL	Applicant Answer
1) Are threatened or endangered species listed under state or federal Endangered Species Acts present in the Facility area and/or downstream reach?	YES = Go to E2 NO = Pass, go to F		<p><b>Yes-</b> In a letter dated April 15, 2002, USFWS stated that the threatened bald eagle (<i>Haliaeetus leucocephalus</i>) occurs in the area of the Soda development, with the potential for occurrence of the threatened Canada lynx (<i>Lynx canadensis</i>) and threatened Ute's Ladies' tresses (<i>Spiranthes diluvialis</i>) in the lower Bear River Basin. After completion of ESA Section 7 consultation by FWS on the new project license, bald eagles were federally delisted. Two plant species that, according to the project EIS, were state listed in 2002 are found in the area: Kelsey's phlox (<i>Phlox kelseyi</i>), and red glasswort (<i>Salicornia rubra</i>). However, only the red glasswort is currently listed by the Idaho Native Plant Society (as sensitive). Neither species is federally listed.</p> <p>As a signatory to the Settlement Agreement, USFWS stated that it anticipated that the operation of the projects, with the provisions of the Agreement, would have no effect on, or is not likely to adversely affect, the bald eagle, nor did FWS anticipate adverse impacts to other listed species. In the project EIS, FERC staff concluded that current and proposed project operations would not affect the bald eagle or any other listed or candidate species.</p>
2) If a recovery plan has been adopted for the threatened or endangered species pursuant	YES = Go to E3	NO = Fail	N/A – There are not any adopted recovery plans for threatened or endangered species with the potential for occurrence in the Bear River project area. A <a href="#">Recovery Outline for the Contiguous United States Distinct Population Segment</a>

<p>to Section 4(f) of the Endangered Species Act or similar state provision, is the Facility in Compliance with all recommendations in the plan relevant to the Facility?</p>	<p>N/A = Go to E3</p>		<p><a href="#">of Canada Lynx (<i>Lynx canadensis</i>)</a> has been prepared by the USFWS, but it has not been finalized and adopted.</p>
<p>3) If the Facility has received authority to incidentally <i>Take</i> a listed species through: (i) Having a relevant agency complete consultation pursuant to ESA Section 7 resulting in a biological opinion, a habitat recovery plan, and/or (if needed) an incidental Take statement; (ii) Obtaining an incidental Take permit pursuant to ESA Section 10; or (iii) For species listed by a state and not by the federal government, obtaining authority pursuant to similar state procedures; is the Facility in Compliance with conditions pursuant to that authority?</p>	<p>YES = Go to E4 N/A = Go to E5</p>	<p>NO = Fail</p>	<p><b>N/A-</b> No federally-listed species are known to occur in the project area requiring issuance of an ESA incidental take statement. This conclusion is reflected in ESA Section 7 consultations between FWS and FERC concerning the new project license.</p>

<p>4) If a biological opinion applicable to the Facility for the threatened or endangered species has been issued, can the Applicant demonstrate that:</p> <p>a) The biological opinion was accompanied by a FERC license or exemption or a habitat conservation plan? Or</p> <p>b) The biological opinion was issued pursuant to or consistent with a recovery plan for the endangered or threatened species? Or</p> <p>c) There is no recovery plan for the threatened or endangered species under active development by the relevant Resource Agency? Or</p> <p>d) The recovery plan under active development will have no material effect on the Facility's operations?</p>	<p>YES =                  Pass,                  go to F</p>	<p>NO =                  Fail</p>	<p>Answer not required</p>
---	--	---------------------------------------	----------------------------

PacifiCorp Energy  
 Bear River Hydroelectric Project (FERC No. 20)

5) If E.2. and E.3. are not applicable, has the Applicant demonstrated that the Facility and Facility operations do not negatively affect listed species?	YES = Pass, go to F	NO = Fail	<b>Yes-</b> As noted above, the project EIS and related correspondence from USFWS for the project concluded that current and proposed project operations would not affect listed or candidate species.
---	---------------------	-----------	--

<b>F. Cultural Resource Protection</b>	PASS	FAIL	Applicant Answer
1) If FERC-regulated, is the Facility in Compliance with all requirements regarding Cultural Resource protection, mitigation or enhancement included in the FERC license or exemption?	YES = Pass, go to G N/A go to F2	NO = Fail	<p><b>Yes-</b> Article 423 of the project license requires PacifiCorp to implement the “Programmatic Agreement Among The Federal Energy Regulatory Commission And The Idaho State Historic Preservation Officer For Managing Historic Properties That May Be Affected By A License Issuing To PacifiCorp For The Continued Operation and Maintenance Of The Soda Project (FERC No. 20), Grace-Cove Project (FERC No. 2401) And Oneida Project (FERC No. 472) In Caribou And Franklin Counties, Idaho,” executed on February 25, 2003. As previously noted, the Soda, Oneida, and Grace facilities were subsequently licensed as one project under FERC license No. 20.</p> <p>Consistent with the Programmatic Agreement, PacifiCorp filed a draft Historic Properties Management Plan with FERC on March 29, 2005. The State Historic Preservation Office (SHPO) had comments on the draft that were reconciled in a subsequent draft with which SHPO concurred on July 16, 2007. The final Historic Properties Management Plan was approved by FERC Orders dated June 17, 2008. The Programmatic Agreement also requires PacifiCorp to prepare an annual report of activities implemented pursuant to the Historic Properties Management Plan and file it with FERC, SHPO, the Shoshone-Bannock Tribes, and the Bureau of Land Management (BLM). The first report is due by January 22, 2010 and activities implemented to date have been summarized in the project Annual Reports (to access the 2007 and 2008 Annual Reports, follow the Annual Reports link on the Bear River project homepage: <a href="http://www.pacificorp.com/es/hydro/hl/br.html">http://www.pacificorp.com/es/hydro/hl/br.html</a>).</p>

PacifiCorp Energy  
 Bear River Hydroelectric Project (FERC No. 20)

<p>2) If not FERC-regulated, does the Facility owner/operator have in place (and is in Compliance with) a plan for the protection, mitigation or enhancement of impacts to Cultural Resources approved by the relevant state or federal agency or <i>Native American Tribe</i>, or a letter from a senior officer of the relevant agency or Tribe that no plan is needed because Cultural Resources are not negatively affected by the Facility</p>	<p>YES = Pass, go to G</p>	<p>NO = Fail</p>	<p>Answer not required</p>
---	----------------------------	------------------	----------------------------

<b>G. Recreation</b>	<b>PASS</b>	<b>FAIL</b>	
<p>1) If FERC-regulated, is the Facility in Compliance with the recreational access, accommodation (including recreational flow releases) and facilities conditions in its FERC license or exemption?</p>	<p>YES = Go to G3</p>	<p>No = Fail</p>	<p><b>Yes-</b> The facility is in compliance with the recreational access, accommodation, and facilities conditions in the project license. Per Article 416 of the license, PacifiCorp completed a revised Recreation Management Plan which was approved by FERC on October 11, 2005. PacifiCorp has also provided \$50,000 to the BLM to upgrade the Maple Grove and Redpoint campgrounds. Annual payments of \$10,000 (in 2002 dollars escalated annually by GDPI) to the BLM for management of these campgrounds are ongoing per the terms of the license. PacifiCorp is also making annual payments of up to \$3,000 to Caribou County for management of recreational sites at the Alexander reservoir and an additional \$3,000 to Franklin County Sheriff for assistance in the Oneida Canyon (in 2002 dollars escalated annually by GDPI).</p> <p>In 2005, in accordance with Article 416 of the project license, PacifiCorp improved the put-in and take-out access points in the Grace bypass reach and in the Oneida reach below the powerhouse. Each of the four access points now</p>

			<p>includes a hand-launch boat ramp, gravel parking area, and portable restroom. PacifiCorp has also made flow information for the Grace bypass and Oneida reaches available through a website and toll-free phone number.</p> <p>In addition, per Article 418 of the project license, PacifiCorp consulted with the ECC to prepare a Boating Flow Release Plan that was approved by FERC Orders dated August 11, 2005. The Plan centers on the installation of a spill gate in Grace dam to facilitate whitewater releases required under Article 419. The facility has been releasing the flows pursuant to Article 419 since 2008. Annual whitewater release calendars are prepared in consultation with American White Water and approved by the ECC. The first release calendar was submitted to FERC in 2008.</p>
2) If not FERC-regulated, does the Facility provide recreational access, accommodation (including recreational flow releases) and facilities, as Recommended by Resource Agencies or other agencies responsible for recreation?	Yes = Go to G3	No = Fail	Answer not required
3) Does the Facility allow access to the reservoir and downstream reaches without fees or charges?	YES = Pass, go to H	No = Fail	<b>Yes-</b> Access to the reservoirs and downstream reaches of the project is provided to the public without fees or charges.

<b>H. Facilities Recommended for Removal</b>	PASS	FAIL	Applicant Answer
1) Is there a Resource Agency Recommendation for removal of the dam associated with the Facility?	NO = Pass, Facility is Low Impact	YES = Fail	<b>No-</b> The resource agencies have not recommended removal of the Oneida, Grace, or Soda dams.