

DATE: February 13, 2025

TO: Maryalice Fischer  
Certification Program Director  
Low Impact Hydro Institute  
68 Harrison Ave Ste 605 PMB 113938  
Boston, Massachusetts 02111-1929

Via email: [compliance@lowimpacthydro.org](mailto:compliance@lowimpacthydro.org)

SUBJECT: Transmittal of Material Change Explanation for Reduced Grace Development Minimum Stream Flow. Bear River Hydroelectric Project (FERC Project No. 20). LIHI #53.

Dear Maryalice:

PacifiCorp has prepared the enclosed change explanation in response to your December 11, 2024, letter requesting a targeted mid-term review for the change made to the minimum stream flow requirement at the Grace Development of the Bear River Hydroelectric Project.

If you have questions or would like to discuss the enclosed explanation of changes, please feel free to call me at (208) 339-9552 or email at [mark.stenberg@pacificorp.com](mailto:mark.stenberg@pacificorp.com).

Sincerely,



Mark Stenberg  
Principal Project Manager  
PacifiCorp – Renewable Resources

Enclosures:

- 1) Bear River Hydroelectric Project (FERC Project No. 20), LIHI Material Change Explanation for Reduced Grace Development Minimum Stream Flow.
- 2) Agency and Stakeholder Contacts
- 3) Attestation and Waiver Form

Cc: Hydro Document Services; Devin Pharis, Director, Plant Hydro East; Todd Olson, Director Licensing and Compliance.

**Bear River Hydroelectric Project  
(FERC Project No. 20)  
LIHI Material Change Explanation  
for  
Reduced Grace Development Minimum Stream Flow**

1. Project Name, LIHI#

Bear River Hydroelectric Project, Federal Energy Regulatory Commission (FERC)  
Project No. 20, LIHI #53

2. Date of submittal

February 20, 2025

3. Effective date of the material change(s)

Issuance of FERC Order Modifying and Approving Surrender of Paris Project Conduit  
Exemption and Amendment of Bear River License, August 27, 2024.

4. Identify and describe the type(s) of material change(s) that occurred:

- a. **Facility or operational change:** A permanent facility or operational feature change that changes the nature or extent of impacts related to the LIHI criteria such as those related to water quality compliance, adherence to flow requirements, changes in fish passage measures, changes to cultural or historic resources, etc.

A material change was made in the form of an operational change to the Bear River Hydroelectric Project minimum stream flow (MSF) requirement in the Grace Development's bypass reach. See explanation at 4.d. below.

- b. **Watershed change:** Changes at upstream or downstream facilities (e.g., dam removal, installation of fish passage, a new FERC license); flooding or erosion events that significantly alter river hydrology and/or facility operations; changes in water quality status in facility-affected reaches; newly identified threatened or endangered species at the facility; a newly issued biological opinion or change in river designation (e.g., Wild and Scenic River, protected status); changes in cultural or historic property designations; or other changes that directly affect the facility and are likely to change the nature or extent of impacts related to the LIHI criteria.

Not applicable.

- c. **Regulation, policy, or management plan change:** A federal, state, regional, or local regulation, policy, or management plan change that directly affects the facility and is likely to change the nature or extent of impacts related to the LIHI criteria, including but not limited to: changes in state or tribal water quality standards or other water-related regulations; new or modified instream flow policies; fishery or other resource management plans; threatened and endangered species biological opinions or recovery plans; or regional, state, or local recreation policies or plans.

Not applicable.

- d. **New FERC License or material FERC license or exemption amendment:** A new FERC license or material license or exemption amendment that affects one or more LIHI criteria.

PacifiCorp and the parties to the relicensing settlement agreement for PacifiCorp's Bear River Hydroelectric Project, FERC Project No. 20 ("Bear River Project") have established a collaborative habitat restoration project on Paris Creek, a tributary to the Bear River in Bear Lake County, Idaho. The Bear River Project settlement agreement parties also comprise membership in PacifiCorp's Bear River Hydroelectric Project Environmental Coordination Committee (ECC). This project will re-establish environmental form and function to the benefit of Bonneville cutthroat trout (BCT). Idaho's State Wildlife Action Plan identifies BCT as a Species of Greatest Conservation Need. This collaborative habitat restoration project involves PacifiCorp decommissioning the Paris Hydroelectric Project, FERC Project No. 703 ("Paris Project"). The Paris Project is a FERC License Exempt project. After decommissioning, flows currently diverted through the Paris Project canal and powerhouse will be re-established in Paris Creek for the enhancement and restoration of approximately 3.5 miles of high quality, cold-water habitat.

In pursuit of the Paris Creek restoration project, PacifiCorp filed with the FERC both an application to amend the FERC license for the Bear River Project to reduce the required minimum instream flow in the Grace Development's bypass reach and a separate petition to decommission and surrender the FERC license exemption of the Paris Project.

To partially mitigate the loss of hydroelectric generation associated with the Paris Project, and the cost of its decommissioning, PacifiCorp and the ECC agreed that PacifiCorp could apply with their support to amend PacifiCorp's FERC license for the Bear River Project to adjust the minimum instream flow requirement in the Grace Development's bypass reach. Such action would not result in long-term adverse effects and would allow the involved parties to move forward with their plans to enhance and

restore Paris Creek. The flow reduction allows PacifiCorp to increase hydroelectric generation at the Grace Development to offset costs associated with the Paris Project decommissioning.

On August 27, 2024, FERC issued an Order Modifying and Approving Surrender of Paris Project Conduit Exemption and Amendment of Bear River License. This Order approved the decommissioning of the Paris Project and amended the Bear River Project license to reduce the minimum instream flow for the Grace Development bypass reach (See Section 7.g. for link to the FERC Order). This action advances the aquatic resource restoration goals of the Bear River Project license and the associated Bear River Hydroelectric Relicensing Settlement Agreement.

5. Identify all of the LIHI criteria affected by the material change(s):

a.	Ecological Flow Regimes	Yes
b.	Water Quality	No
c.	Upstream Fish Passage	No
d.	Downstream Fish Passage and Protection	No
e.	Shoreline and Watershed Protection	No
f.	Threatened and Endangered Species	No
g.	Cultural and Historic Resources	No
h.	Recreational Resources	No

6. Identify each Zone of Effect impacted by the changes (e.g., impoundment, bypassed reach, tailrace/downstream reach) and select the appropriate Standard to indicate how the project meets the criterion (e.g., Standard A-2, Agency Recommendation for the ecological flows criterion). Refer to the Criterion tables 3-10 to select standards.

The Zone of Effect is the Grace Bypass Reach, ZoE 4. The reduction in Grace bypass reach MSF does not change the standard for Ecological Flow Regime from Standard A-2, Agency Recommendation. See Section 7 for detailed description of how Standard A-2 is maintained.

7. Provide detailed discussions for each criterion of:

- a. the specific nature of the changes, including those made in operations, facilities, maintenance practices, and/or schedules of operation of facilities (e.g., fish passage);

The Grace bypass reach stream flow is a combination of flow released from a low-level outlet valve on the Grace Dam, seepage from the dam and, spring flows in the lower part of the reach. The August 27, 2024, FERC Order authorized a reduction in MSF released

at the dam from 63 cubic foot per second (cfs) to 48 cfs. This modifies License Article 408(b) to be the lesser of inflow or 48 cfs plus 2 cfs of leakage. This change was implemented September 9, 2024. No changes in facilities, maintenance practices, schedules, or other operation was made.

This additional water for generation at the Grace Development is only useful when river flows are less than plant capacity, generally outside of the peak irrigation season. During the peak irrigation season as water flows through the development to downstream points of diversion, river flow is more than plant capacity and MSF requirements within the Grace Development bypass reach are substantially exceeded.

- b. the regulatory requirements and other commitments (e.g., settlement agreement) related to the changes;

PacifiCorp entered into the Paris Creek Restoration Agreement with the ECC, which is comprised of the following parties: PacifiCorp; United States Department of Interior (USDI) Fish and Wildlife Service; USDI Bureau of Land Management; USDI National Park Service; United States Department of Agriculture (USDA) Forest Service; Shoshone-Bannock Tribes; Idaho Department of Environmental Quality; Idaho Department of Fish and Game; Idaho Department of Parks and Recreation; Idaho Council of Trout Unlimited; Idaho Rivers United; Greater Yellowstone Coalition; and American Whitewater.

PacifiCorp's commitments under the Agreement included: (1) preparing and filing an application with FERC to amend Article 408(b) of the Bear River Project license to reduce the MSF in the Grace bypass reach to the lower of 50 cfs or inflow; (2) preparing and filing with FERC an application to decommission the Paris Project and to surrender the Paris Project license exemption; (3) approving the out-of-Action Area funding request of the ECC for the design and construction of new intakes for irrigators; and (4) completing the Paris Project decommissioning activities.

On August 27, 2024, FERC issued an Order Modifying and Approving Surrender of Paris Project Conduit Exemption and Amendment of Bear River License. This issuance was in response to PacifiCorp's March 14, 2023, submittal to FERC of a Petition to Surrender License Exemption and Decommission.

The Order allowed PacifiCorp to reduce its MSF at the Grace Development by 15 cfs. The Order additionally specified submittals and approvals required prior to commencing decommissioning of the Paris Hydroelectric Project.

- c. consultation with agencies, tribes and/or stakeholders and their recommendations (whether or not adopted by FERC);

PacifiCorp's Application for Amendment of License (See Section 7.g. for link to document) to amend the Bear River Project License to adjust the minimum instream flow requirement in the Grace Development's bypass reach contains three attachments that document support of the proposed actions. Attachment A, is the Paris Creek Restoration Agreement, developed and executed by the ECC. Attachment C, contains the ECC meeting minutes from January 18, 2023, documenting a vote of support for the submittal of PacifiCorp's applications to FERC for approval to implement the Paris Creek Restoration Agreement. Attachment D contains follow up letters of support from ECC members.

- d. results of studies conducted if applicable;

No studies were conducted. PacifiCorp and FERC's environmental assessments rely on past studies to support the analysis of effects from the proposed actions of returning full flow to the Paris Creek segment and reducing the MSF requirement at the Grace Development. Links to the PacifiCorp and FERC environmental assessments are provided in Section 7.g., below.

- e. related implementation and management plans;

MSF requirements are described in PacifiCorp's Operations and Compliance Plan, Bear River Hydroelectric Project, FERC Project No. P-20, April 24, 2013. An update to this plan reflecting the reduction in required MSF in the Grace bypass reach will be completed in 2025.

- f. discuss how the facility continues to satisfy the relevant LIHI criteria and the selected numbered standard (refer to the Criterion Tables 3-10 for requirements); and (get previous application materials and look at them)

For the Zone of Effect for the Grace Bypass Reach, Criterion A, Ecological Flow Regime, the qualifying standard is 2. The four instructions will be covered in the following order as subsections to f. Bullet one will be addressed first, then bullets two and four will be addressed together, and the third bullet will be addressed last.

ZoE 4: Grace Bypass Reach

<i>Criterion</i>	<i>Standard</i>	<i>Instructions</i>
A	2	<p><u>Agency Recommendation (see Appendix A for definition):</u></p> <ul style="list-style-type: none"> <li>• Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective).</li> <li>• Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement.</li> <li>• Explain how the recommendation relates to formal agency management goals and objectives for fish and wildlife.</li> <li>• Explain how the recommendation provides fish and wildlife protection, mitigation, and enhancement (including instream flows, ramping, and peaking rate conditions, and seasonal and episodic instream flow variations).</li> </ul>

Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective).

PacifiCorp entered into the Paris Creek Restoration Agreement with the ECC. PacifiCorp’s commitments under the Paris Creek Restoration Agreement included: (1) preparing and filing an application with FERC to amend Article 408(b) of the Bear River Project license to reduce the MSF in the Grace bypass reach to the lower of 50 cfs or inflow; (2) preparing and filing with FERC an application to decommission the Paris Project and to surrender the Paris Project license exemption; (3) approving the out-of-Action Area funding request of the ECC for the design and construction of new intakes for irrigators; and (4) completing the Paris Project decommissioning activities.

On March 16, 2023, FERC issued its environmental review with a staff recommendation that, “PacifiCorp’s proposed action includes agreements with federal land management and resource agencies and other stakeholders which should be implemented. These separate agreement documents are outside the Commission’s jurisdiction to enforce. Commission staff recommend PacifiCorp implement the stipulations included in the MOA [Memorandum of Agreement] being developed with the Idaho SHPO [State Historic Preservation Office]. Commission staff also recommend that PacifiCorp be required to complete decommissioning activities on Paris Project lands prior to the Commission finding the exemption surrender effective.”

On August 27, 2024, FERC issued an Order Modifying and Approving Surrender of Paris Project Conduit Exemption and Amendment of Bear River License.

Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement and, explain how the recommendation provides fish and wildlife protection, mitigation, and enhancement (including instream flows, ramping, and peaking rate conditions, and seasonal and episodic instream flow variations).

Two environmental assessments were completed to evaluate the decommissioning of the Paris Project and the reduction in required MSF at the Grace Development on the Bear River. PacifiCorp prepared and submitted an applicant-prepared environmental assessment as part of its application to decommission the Paris Project and reduce the Grace Development's MSF. After that submittal, FERC prepared its own environmental assessment as part of their process to evaluate the environmental effects of decommissioning and reducing the Grace Development's MSF. See Section 7.g. for links to the PacifiCorp and FERC environmental assessments.

Both environmental assessment documents address the scientific and technical basis for the recommendation and describe the target fish and wildlife resources that were considered and how the resultant flow regime supports their habitat.

To cover these topics within this change explanation, sections from the FERC environmental assessment are excerpted below. These sections discuss relevant literature and resource effects in both Paris Creek and the Grace bypass reach. From the environmental assessment, sections on water quantity, water quality, aquatic resources, environmental effects, conclusions and staff recommendation, and a finding of no significant impact are included below. Tables called out in the excerpt can be seen in Appendix C of FERC's environmental assessment at the link in Section 7.g. and literature cited can similarly be found in Appendix D at the same link.

### **3.3.2 Water Quantity**

#### ***Affected Environment***

##### **Paris Project**

Paris Creek is fed by a cold-water spring originating approximately 3.5 miles above the Paris Project. The spring supports municipal, irrigation, and hydropower uses. Approximately 250 feet below the source, water is diverted into the power canal, leaving less than 1 cfs in Paris Creek, particularly from late summer through the winter. Downstream of the Paris Project (from the tailrace), water is released into the works of two irrigation companies or returned to Paris Creek. The canal and diversion structure are not part of the Paris Project. The approximately 3.5 miles of stream from the diversion to the Paris Project are dewatered or have minimal flow from late summer to early spring



runoff, restricting aquatic habitat. The Paris Project can divert up to 38 cfs into the canal. Average monthly flows through the plant range from 3.3 to 26.5 cfs (Table 1).

### **Bear River Project**

Bear River is almost completely regulated for irrigation, resulting in the hydrology of the system behaving differently than a natural flowing river. River flows are generally higher than the natural conditions during the irrigation season (April through October) due to the irrigation releases from Bear Lake. In the non-irrigation season, flow in the river is regulated to keep reservoirs within desired operating ranges and to maintain minimum instream flows, and river flows are generally lower than natural winter conditions. Some releases may be made from Bear Lake during the non-irrigation season to meet spring flood control target elevations in Bear Lake reservoir. Additionally, if Bear Lake storage is too high, controlled releases are made to provide a flood storage reserve.

The volume and timing of water released from the storage reservoirs and dams upstream of the Grace Development, including the Alexander Reservoir at the Soda Development and further upstream at Bear Lake, vary based on the annual precipitation levels recorded in the Bear River basin during any given year. In years of low precipitation and runoff, irrigation demands are greater, begin earlier and last longer than during a normal year; as a result, releases from the Bear Lake Facilities are greater and power generation can be higher (PacifiCorp 2023c). Power generation is secondary to the primary uses of Bear Lake to provide for irrigation, flood control, and drawdown for storage of spring runoff; therefore, if Bear Lake elevations decrease below 5,914 feet msl, releases for power generation are prohibited (FERC 2003). During years of high precipitation and runoff, flow from the Bear Lake Facilities and annual power generation can be lower, except for situations when high runoff and full storage at Bear Lake occur at the same time (PacifiCorp 2023c).

The Grace Reservoir has a surface area of 38 acres and an active storage capacity of approximately 350 acre-feet. Due to the limited storage in the forebay, the Grace Development operates closer to a strictly run-of-river (inflow equals outflow) operation than the Soda and Oneida developments, which can store water to satisfy short-term irrigation demand or to maintain reservoir levels at the downstream Cutler Project. Flows entering the Grace forebay are ultimately dependent upon upstream releases from Alexander Reservoir at the Soda Development, which are subsequently influenced by irrigation deliveries from Bear Lake storage water, irrigation withdrawals, maintenance activities, winter operations, and electrical demand. After water is released from Soda Dam, two irrigation diversions owned by the Last Chance Canal Company can divert up to 658 cfs for irrigation purposes before the Bear River enters the Grace forebay, and typically diverts water mid-May through mid-October (PacifiCorp 2023c).

The Grace Development has a 6.5-mile bypass reach below the Grace Dam, known as the Black Canyon reach of the Bear River. Prior to the 2003 license issuance, the upstream portion of the Grace bypass reach was virtually dewatered except for approximately 1 to 18 cfs leakage from the dam. Existing irrigation contracts and water rights which withdraw from the Grace Reservoir must be met prior to making minimum flow releases from Grace Dam. Water is not diverted to the flowline for generation if inflow to Grace forebay is less than the required minimum flow of 63 cfs. Flow diverted for power generation at the Grace Development generally includes all available water up to the design capacity of each turbine; the maximum diversion capacity of the Grace flowline is 960 cfs.

Flow in the bypass reach is comprised of the minimum flow requirement (63 cfs or inflow, required by amended Article 408), leakage at Grace Dam (approximately 2 cfs), irrigation deliveries in excess of the flowline capacity, and discharge from five major springs in the reach (contributing an estimated 30 to 60 cfs to the downstream end of the reach). When forebay inflows exceed the amounts diverted to the Grace flowline (960 cfs), excess flows over Grace Dam are passed into the bypass reach. PacifiCorp has two available methods to provide minimum flows and to monitor compliance with the flow requirements in the bypass reach,<sup>1</sup> either through a low-level bypass valve or by using one or more of the slide gates on the dam.

Flow records in the bypass reach indicate that, on average, the lowest flows occur December through February (Table 2). Releases below the minimum flow requirement are rare but can occur when inflows fall below the 63 cfs and the Grace Development is off-line. Article 408 allows the minimum instream flow to be reduced without limitation to match inflow when inflow is less than 63 cfs; however, if allowed within operational and legal constraints, PacifiCorp voluntarily releases additional water from the Soda Development to maintain a lower minimum flow target of 40 cfs in the Grace bypass reach, avoiding extremely low bypass flows regardless of the inflow.<sup>2</sup>

Higher flows in the bypass reach occur in spring and early summer, when irrigation demand or spring runoff exceeds the maximum hydraulic capacity of the Grace Development. Infrequently, higher flows also occur during scheduled whitewater flow releases.

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<sup>1</sup> Order Approving Revised Operations and Compliance Monitoring Plan Pursuant to Article 415 (148 FERC ¶ 62,200), issued September 16, 2014.

<sup>2</sup> This is a strictly voluntary measure and is not required by the license (PacifiCorp 2013).

## ***Environmental Effects***

### **Paris Project**

The proposed action would provide a long-term benefit to Paris Creek by returning full flow to the stream channel from the headwaters downstream approximately 3.5 miles from the diversion to the power plant. Based on the flow data reported above (Table 1), a range of flows from 3.3 to 26.5 cfs would be added to the restored reach across the year.

Maintaining flows during the summer and winter months would improve the aquatic environment.

### **Bear River Project**

Minimum flows in the Grace bypass reach would continue to be influenced by upstream water rights and precipitation conditions in the Bear River Basin, and spring discharges at the downstream end of the bypass would continue to supply 30 to 60 cfs in the reach.

Since flows in the bypass reach are junior to upstream irrigation water rights, during drought years discharge into the Grace bypass reach could fall below 48 cfs. In the event that inflow is less than the minimum flow, the project would operate run-of-river; if possible given the operational and legal constraints of water allocation, PacifiCorp could continue voluntarily providing additional water from the Soda Development to protect aquatic resources in the bypass. While releases from the Grace forebay to the bypass reach under the proposed action would be reduced, the proposed 48 cfs minimum flow release would be much greater than the historical record (prior to the 2003 license) when no minimum flow requirement was mandated. Under the proposed amendment, PacifiCorp would be able to more consistently provide minimum flows at the lower threshold in the bypass reach during the winter low flow period, based on data in Table 2 indicating that all monthly average and minimum flows shown for the upstream end of the Grace bypass reach have exceeded the proposed minimum flow of 48 cfs.

The proposed amendment would allow generation to occur during lower flow conditions as PacifiCorp would be able to divert inflows above 48 cfs to the Grace flowline up to design capacity of 960 cfs, giving an additional 15 cfs for power generation. If inflows are less than 48 cfs, no water would be diverted for generation and all inflows would pass into the bypass reach. Water removed from the Bear River for power generation is returned to the river except for the amount lost to evaporation and transpiration; irrigation continues to be the largest consumptive use of water in the Bear River watershed. Based on this analysis, the reduction of minimum flows would not have an adverse effect to water quantity in the Grace bypass reach. Inflows would continue to be affected by precipitation and upstream water rights, and the altered hydrograph with inflows higher in the summer and lower in the winter, would also continue.

### 3.3.3 Water Quality

#### *Affected Environment*

##### **Paris Project**

Paris Creek is not listed as an impaired waterway. Little monitoring of water quality at the Paris Project is available. There is no baseline data for total suspended solids (TSS) and total phosphorus (Total P) in Paris Creek. However, observations indicate the creek has a minimal TSS loading during the majority of year. During spring runoff TSS may elevate slightly but flows remain clear and water quality remains high.

Increases in water temperatures above the power plant in the upper section of Paris Creek have been noted (Idaho DEQ 2022). Monitoring in Paris Creek in 2001 indicated the upper reach above the Paris Plant averages 10.6 to 24.0 degrees Celsius (°C).

Downstream of the project, temperatures ranged from 5.8 to 14.0 °C. The canal maintained the lowest temperature of 4.6 to 10.6 °C (Lyman and Carter 2015). Paris Creek monitoring in 2012 indicated that average temperatures from June to August above the power plant in the upper reach were 9.1 to 16.2 °C with a maximum temperature of 19.2 °C. Downstream of the power plant average temperatures were 7.1 to 11.0 °C with a maximum temperature of 15.1 °C. The canal daily averages were substantially lower at 5.9 to 6.7 °C with a max temperature of 7.4 °C (Lyman and Carter 2015). No recorded temperature in 2012 violated the state standard for temperature (Table 3).

##### **Bear River Project**

Idaho DEQ has designated the following beneficial uses for the Bear River in the Bear River Project area: cold-water aquatic life, salmonid spawning, and primary contact recreation. The aquatic life designation is the most conservative and relevant for the water quality parameters potentially affected by the proposed amendment, and the applicable water quality standards are provided in Table 3. The Bear River has long been manipulated for a variety of uses, which has resulted in degraded water quality through much of its mainstem. Due to this degraded condition, the Bear River is not fully supporting cold-water aquatic life, primary contact recreation, and other beneficial uses, and is listed on the 303(d) list for impaired water (ERI 2006, Idaho DEQ 2022).<sup>3</sup> Impairments in the Bear River include TSS and Total P. A Total Maximum Daily Load Plan (TMDL), which establishes the maximum amount of a pollutant allowed in a

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<sup>3</sup> Section 305(b) of the Clean Water Act (CWA) requires states to conduct biennial water quality assessments to determine the degree to which surface water resources are attaining their designated uses. These data are used to develop a state-wide list of impaired waterbodies, as required by Section 303(d) of the CWA, which typically requires the development and implementation of a Total Maximum Daily Load Plan (TMDL).

waterbody and serves as the starting point or planning tool for restoring water quality, has been developed for the Bear River.<sup>4</sup>

Although the Bear River has existing impairments, monitoring conducted by PacifiCorp pursuant to license Article 413 and water quality certification (WQC) condition 1(a) determined that operation of the Grace Development is not contributing to exceedance of the water quality criteria, and the Idaho DEQ concurred with the findings and with the discontinuation of the monitoring (PacifiCorp 2010).

To support cold water aquatic life, state water temperature standards are set at 22 °C or less with a maximum daily average of no greater than 19 °C; and to support salmonid spawning the temperature standard is 13 °C or less with a maximum daily average of no greater than 9 °C (salmonid spawning waters are those which provide or could provide a habitat for active self-propagating salmon populations). Because the Bear River is highly regulated and the natural hydrograph is altered to accommodate transfer water to irrigators or to produce electricity, in the summer there are sections of the river with limited flow and other areas of high flow. These factors can drastically alter temperature in segments of the river, and temperatures in the Bear River often exceed the Idaho DEQ criteria.

A 2018 temperature study in the Bear River from Alexander Reservoir to Oneida Reservoir (encompassing the Bear River Project) indicated that the maximum daily temperature criteria is exceeded across all sites in the reach (Table 4). Temperature studies during relicensing indicated some signs of temperature stratification in Grace forebay during in summer sampling periods, with water temperatures 22 °C at the surface and 16 °C at a depth of 29.5 feet at the upper end of the forebay.

The 2018 temperature study also indicates that the average summer temperatures in the Grace Development lower bypass reach are often lower than the mainstem of the Bear River (Table 4). This is a result of spring inflow mixing with releases from Grace Dam. This was also observed during relicensing studies, which indicated summer daily average water temperatures in the Grace bypass reach ranged from 14 to 22 °C, but that inflow from the springs (generally 9 to 12 °C) cooled the water in the reaches during the summer, with the effect greatest at the downstream end of the bypass. Higher inflows from the Grace Development can influence temperature in the lower sections of the bypass reach by mixing larger volumes of water with spring water, raising the average temperature. Temperature in the upper part of the bypass reach is typically similar to

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<sup>4</sup> The EPA approved the TMDL for the Bear River Basin/Malad River Subbasin in 2006. <https://www.deq.idaho.gov/water-quality/surface-water/total-maximum-daily-loads/bear-river-basin-malad-river-subbasin/>.

mainstem temperatures. Relicensing studies indicated that average temperatures in the Grace bypass reach exceeded the salmonid spawning criterion of 9 °C during the months of March through July, and daily average temperatures exceeded the cold-water aquatic life criterion of 19 °C in the upper end of the bypass reach in August. During periods of lower flow, temperature in the upper part of the bypass reach can exceed 24.2 °C, which would be lethal to BCT (Cirrus 2019).

The applicable Dissolved Oxygen (DO) standard in the Bear River is to maintain DO concentrations greater than 6 milligrams per liter (mg/L) at all times. Relicensing studies indicated some DO stratification in the Grace forebay during summer sampling, with DO concentrations greater than 7.5 mg/L at the surface, but as low as 1.0 to 2.0 mg/L near the bottom. That sampling also indicated DO concentrations occasionally dropped below the 6.0 mg/L criterion, to a low of 3.9 mg/L, in the upper 80 percent of the water column (as measured by depth). In the Grace bypass reach, during relicensing studies, all periodic DO measurements exceeded 6.0 mg/L. Monitoring conducted post-licensing indicated exceedances of the criteria occur in July and August, with fewer exceedances in August and with exceedances generally decreasing toward the lower bypass reach.

TSS standards recommended in the TMDL during the runoff season (e.g., March through June) are 80 mg/L for river segments above receiving water bodies (reservoirs) and 60 mg/L for all other river segments. For the remainder of the year (summer base flow July–September, and winter base flow October–February) the TSS standard is 60 mg/L and 35 mg/L, respectively (ERI 2006). Sources of TSS in the Bear River Basin may include agriculture, livestock practices, alteration of the natural hydrograph, and erosion. A loss of riparian buffers can lead to elevated erosion rates and high sediment levels. TSS load tends to be higher during the irrigation season due to higher delivery flows to downstream users.

As part of the Bear River Project Settlement Agreement, PacifiCorp in conjunction with the ECC has helped fund multiple habitat enhancement projects annually, and conservation easements have been created through purchases. Many of the funded projects have focused on stabilizing erosive streambanks, replanting riparian vegetation, screening irrigation intakes, limiting livestock in riparian areas, installing beaver dam analogs, and relocating animal feeding operations away from waterways. Other projects have installed sediment basins in fields to reduce sediment to streams. Studies conducted by the Idaho DEQ during the TMDL Five-Year Review indicated that the reach of the Bear River encompassing the Bear River Project was not impaired for TSS (Idaho DEQ 2017). The studies indicated average sediment measurements collected from the Bear River above Soda Dam to Oneida Reservoir ranged from 31 mg/L to 33 mg/L (Table 5). Based on the information, average TSS is lower throughout the Grace Development than

upstream of Alexander Reservoir. Sediment is resuspended in the reach downstream of Grace before entering Oneida Reservoir.

Total P and orthophosphorus (the dissolved portion of phosphorus) are pollution indicators and the mainstem Bear River has historically recorded high levels of both (ERI 1998). Wastewater treatment plants, agriculture, livestock grazing, and recreation are a source of nutrients in the basin. Other possible pollutant sources include urban activities, effects associated with hydropower production (e.g., ramping practices), and an altered hydrograph (ERI 2006). The Grace forebay is characterized as meso-eutrophic or moderately enriched from a nutrient standpoint. The state-recommended standard for Total P is 0.05 mg/L for river segments above a receiving water body and 0.075 mg/L for all other river segments.

Sampling conducted from 2006 to 2015 indicated that Total P in single water samples collected above Soda Dam to the Oneida Reservoir (encompassing the Bear River Project) consistently exceeded the state-recommended standard for Total P (Idaho DEQ 2017; Table 5). However, average Total P measurements taken below Grace Dam in the bypass reach were below state standards, and average Total P measurements below the Grace Development were at state standards. The sampling indicated that concentration of Total P tends to increase downstream to Oneida Reservoir.

### ***Environmental Effects***

#### **Paris Project**

Under the proposed action, no in-water work would occur as part of the decommissioning of the Paris Project facilities and no effect to TSS is expected from that work. Therefore, no CWA 401 WQC or 402 permit are needed for the decommissioning activities at the Paris Project. The decommissioning of the Paris Project would have no effect on Total P concentrations in Paris Creek as no nutrients would be mobilized by facility removal or channel restoration. For the portion of the restoration project to remove the diversion structure in Paris Creek on Forest Service lands and the construction of a new irrigation intake structure, localized ground and channel disturbances would occur. These would be temporary, and minimized through removal plans and best management practices to protect water quality and minimize sediment transport. PacifiCorp would be responsible for coordinating any permitting needs for construction activities on Forest Service and BLM lands. The Paris Creek restoration project and decommissioning of the Paris Project would substantially reduce water temperature in approximately 4 miles of Paris Creek in the reach above the power plant, improving water quality. Based on average temperature data collected in 2012, the stream could see a reduction in temperature of 4 to 5 °C during warm periods with the increase in flow to the reach. No in-water work would be required for decommissioning the Paris Project specific facilities so there would be no effect to

water quality during construction. Over the long-term, the reduction in water temperatures during warm periods would have a beneficial effect on Paris Creek.

### **Bear River Project**

Under the proposed action, no changes to water temperature and DO in the forebay and tailrace of the Grace Development are expected compared to current conditions. The exceedances from temperature and DO standards, which are typical during the summer, would continue to occur and would not be exacerbated by the proposal. Downstream of the Grace Development, the additional 15 cfs for generation would generally be available in the winter months, outside the irrigation season, which is not a critical period for temperature or DO conditions.

In the bypass reach, temperature and DO in the upper portion of the reach (upstream of the influence of the springs) would be marginally affected by the reduced minimum flow, as temperatures in this section of the bypass are already similar to forebay conditions. The reduced minimum flows in the bypass would be a factor in prolonged impairment for temperature, but this would not be significantly different from the current trends. At the downstream end of the bypass reach, where the springs enter the bypass reach, a slight cooling effect would occur due to the reduced volume of minimum flows and therefore greater influence of the springs on temperature conditions.

The reduced minimum flows would not affect TSS and Total P conditions in the Grace Development's bypass reach or tailrace, as there would be no additional disturbance of the channel and no addition of nutrients to the system as a result of the proposal. The flow fluctuations in the Bear River would remain within the current range.

The proposed reduction in minimum flow would not adversely affect the water quality conditions in the Grace bypass reach or the tailrace of the Grace Development and may marginally improve temperature conditions at the downstream end of the bypass reach.

### **3.3.4 Aquatic Resources**

#### ***Affected Environment***

#### **Paris Project**

Paris Creek is affected by limited flows that affect riverine habitat, limit fish migration, and may strand resident fish during periods with no flow. At present, the upper reach is dewatered at times but supports brook trout and mottled sculpin. During periods of sufficient flow, BCT (*Oncorhynchus clarkii utah*) may migrate upstream in the reach. Downstream of the powerhouse where flow is continuous, Paris Creek supports resident and fluvial BCT in limited numbers, brook trout, and other native fishes. Non- native



brook trout, a cold-water species, are currently found throughout Paris Creek. The population of brook trout suggests BCT are being displaced because of limited flows and limited available spawning habitats for BCT. Non-native rainbow trout are occasionally found in Paris Creek (Lyman and Carter 2015). Rainbow trout spawn during similar periods and often hybridize with BCT which poses a negative effect on BCT.

### **Bear River Project**

The Bear River in the vicinity of the Grace Development supports a variety of native and nonnative species, including several sportfish species which have been stocked to local waters (Table 6). Relicensing studies indicate that most of the sportfish species in the Grace bypass (e.g., the salmonids, smallmouth bass, walleye, and yellow perch) are located in the lower half of the reach in the vicinity of the springs (FERC 2003, Table 6). BCT are a unique subspecies of the cutthroat trout complex native to the Bonneville Basin. BCT are not currently federally listed under the ESA but are designated as a sensitive species by the Forest Service and a species of special concern by the State of Idaho. Factors leading to BCT population declines include human activities such as water development (dams and diversions), agricultural activities, energy development, mining, timber harvesting, grazing, over-fishing and the introduction of non-native species.

BCT located at the Bear River Project are within the Bear River Geographic Management Unit, a distinct area defined by historic BCT range and geographic boundaries and designated to help guide BCT conservation (Lentsch et al 2000). BCT are known to occur in many tributaries of the Bear River, upstream of Soda Dam, and in Bear Lake. While relicensing studies did not document the presence of BCT in the vicinity of the Grace Development, the species could seasonally inhabit the Grace bypass and reaches of the Bear River downstream of the Grace Project to the upstream end of the Oneida Reservoir (FERC 2003). Due to restoration efforts enacted since relicensing of the Bear River Project, populations of BCT are currently found in Bear River tributaries downstream of the Grace bypass and tailrace area.

Protection and restoration of BCT is a key issue to the Bear River Settlement Agreement and various Bear River Project license articles. Accordingly, PacifiCorp and the ECC have implemented projects to reconnect riverine habitats, restore aquatic and riparian habitats, and supplement BCT populations. The BCT Restoration Study Plan<sup>5</sup> pursuant to Article 403 required PacifiCorp to study the feasibility of improving passage at the Cove

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<sup>5</sup> Order Modifying and Approving Bonneville Cutthroat Trout Restoration Study Plan Under Article 403 (109 FERC ¶62,151), issued December 2, 2004.

development, including an assessment on decommissioning the development. Removal of Cove Dam in 2006 reconnected lower sections of the Bear River to the Grace bypass. Various aquatic and riparian habitat restoration projects funded pursuant to Articles 405 and 406 have improved habitat conditions in the Bear River Project area by acquiring available land and water rights in the project area, reducing sediment input, stabilizing stream banks, modifying channel morphology, and improving migratory corridors (PacifiCorp 2023a). BCT stocking activities are funded through Article 404, and the Idaho DFG produces BCT at the Grace Fish Hatchery and the Cove BCT broodstock ponds on PacifiCorp land near the Grace Development. Idaho DFG released 17,000 BCT in the Bear River below Grace Dam and tributaries downstream of the development (including over 6,500 released into the Grace bypass reach) in 2011 (Idaho DGF 2012), and since then has continued releasing hatchery produced BCT to continue the restoration efforts in the Bear River (PacifiCorp 2023a).

Rainbow trout, brook trout, and brown trout are the most common non-native salmonid species found in the Bear River drainage and can pose a threat to BCT populations through hybridization, competition, and predation (Idaho DFG 2022).

Rainbow trout, which were historically stocked to the area by Idaho DFG, or may have escaped into the reach from a private trout farm, can compete with native salmonids for limited resources, or may crossbreed with BCT. Brook trout and brown trout were introduced to the river by stocking events, and while they do not pose a risk to BCT through hybridization, both species are competitors and predators of BCT. Brown trout are more tolerant of warm water temperatures than Idaho's native trout species and may be able to exploit additional habitats.

Nonnative sportfish species (walleye, smallmouth bass, and yellow perch) and nonnative non-sportfish species (carp) present in the Bear River may also adversely affect BCT populations (Idaho DFG 2022). The nonnative species are generally more tolerant of a wider range of habitat conditions and may compete with and predate on native fish species. Carp can disturb sediments when feeding, which results in increased siltation and turbidity and may adversely affect water quality and smother eggs.

Paiute and mottled sculpins occur in the middle to lower sections of the Grace bypass reach. Because sculpins are susceptible to land use practices or other events that degrade water quality or quantity, substrate composition, and temperature, their presence is a potential indicator of the high-quality waters which may also be suitable for salmon and trout (Wallace and Zaroban 2013).

The land use practices and water resource management associated with development and settlement of the Bear River basin has resulted in adverse effects to aquatic resources and

ecosystem. Agricultural diversions have reduced stream flows and contributed warm water from agricultural returns, affecting the availability of cold-water habitat. Sediment inputs from agricultural sources, reductions in flushing flows caused by storage of irrigation water in Bear Lake, and interruption of sediment transport caused by numerous dams have reduced the availability of silt-free gravel substrates available for use by spawning salmonids.

The primary effects of the Grace Development on aquatic resources include inundation of riverine habitat, blockage of fish migrations, entrainment and turbine mortality, flow fluctuations associated with project operations and the delivery of irrigation water, and reduced flows in the bypass reach. Surveys in the Grace bypass reach described the upper, middle, and lower reaches of the bypass, located 0.25 miles, 3.4 miles, and 5.9 miles downstream of the Grace Dam, respectively (Cirrus 2010, Oasis 2011). Surveys have indicated that the Bear River immediately below the Grace Dam is slow moving and prone to modification of the wetted perimeter by beaver dams (Cirrus 2009).

Approximately 0.5 miles downstream of Grace Dam, the Bear River cuts through a basalt bedrock layer into the Black Canyon, leading into a section of the bypass which is considerably steep-walled and alternates between steep cascades, plunge pools, riffles and runs (Oasis 2011). Flows in the upper and middle reaches are similar and controlled by flow regulation at Grace Dam while flows in the lower reach are 30-60 cfs higher due to inflow from the springs. Substrates in the bypass reach are variable and include fines to boulders, as well as bedrock, with quality spawning gravels present in the middle reach (Oasis 2011).

As noted in Section 3.3.3, *Water Quality*, stream temperatures in the upper and middle reaches of the Grace Bypass tend to reflect summer meteorological conditions similar to Grace Reservoir surface water temperatures and exceed the salmonid threshold of 20 °C. In the lower reach, spring flows lower the water temperature. At present, the lower part of the bypass reach offers the only summer cold-water refugia in the bypass reach below Grace Dam for cold-water organisms to flourish (FERC 2003, Oasis 2011).

Benthic macroinvertebrate (BMI) studies have indicated that the BMI community in the reach directly below Grace Dam tends to be dominated by orders considered indicators of poor habitat and water quality (e.g., dipterans such as chironomids, and Acarina) while the orders typically associated with high water quality and interstitial habitat conditions (the Ephemeroptera, Plecoptera and Trichoptera taxa) were nearly non-existent (Oasis 2011). In the lower reach of the bypass, the BMI community was dominated by gastropods due to the presence of invasive New Zealand mudsnails. New Zealand mudsnails displace other macroinvertebrates through competition for food and space and have limited nutritional value for fish resulting in reduced growth. Their dominance in

the lower reach and potential upstream expansion into the bypass may limit these reaches as mainstem recovery areas for BCT (Oasis 2011).

## **Environmental Effects**

### **Paris Project**

The Paris Creek restoration project and decommissioning of the Paris Project would have a positive effect on the aquatic environment of Paris Creek by restoring flows to the headwaters. Restored flows would provide cooler water temperatures, increase flow during critical summer periods, and promote spawning by cleaning substrate of fine sediment in spawning gravels. Surveys conducted in 2001 and again in 2011 found the most abundant species in the creek were brook trout and mottled sculpin. In 2001, BCT were found in the upper reach but were not found in the 2011 survey. Below the powerhouse, BCT were sampled in both survey years in small numbers. The restoration of flows to Paris Creek would likely have a significant positive effect on BCT, restoring access and high-quality habitat from the Paris Project upstream to the headwaters. The habitat improvements in Paris Creek resulting from the proposed action would benefit native and non-native fish species, including mottled sculpin and brook trout, respectively. The Paris Creek restoration project and decommissioning of the Paris Project would have a long-term positive effect on aquatic resources.

### **Bear River Project**

The proposed action to reduce flow in the Grace bypass would affect habitat conditions and aquatic resources in the upper and middle reaches of the bypass, but effects would be attenuated in the lowermost reach of the bypass due to the inflow from the springs.

Habitat conditions in the upper and middle reaches of the Grace bypass reach are already marginal, as evidenced by the BMI community and high summer water temperatures.

The bypass reach is constricted into a U-shaped channel through the Black Canyon, therefore the reduction in minimum flow is not likely to significantly reduce the wetted channel width for the native and non-native fish present. Substrate and spawning beds would be affected by decreased minimum flow releases in the Grace bypass reach, specifically in the middle reach where quality trout spawning gravels occur, if finer sediments settle in the gravels. The habitat in the middle reach does not currently meet the spawning needs of native and non-native trout due to the high-water temperatures, therefore the potential increase in sedimentation is not likely to decrease spawning habitats available to trout in the bypass.

As discussed in Section 3.3.3, *Water Quality*, temperature and DO conditions in the upper and middle reaches of the bypass are not expected to be significantly affected from the current baseline. The fish community present in these reaches (represented primarily by

native and non-native suckers, bass, minnows and carp) is adaptable to a range of environmental conditions and has persisted even in drought years when flows have fallen below the current minimum flow of 63 cfs, therefore the reduction in minimum flows is not expected to adversely affect the fish community. Trout and sculpin were not identified in the upper reach and only infrequently found in the middle reach during surveys, and we expect this trend would not change under the proposed amendment, as those fish would likely remain in their preferred cooler habitat in the downstream reach of the bypass.

As discussed in Section 3.3.3, *Water Quality*, in the downstream reach of the bypass, the reduced minimum flow would allow the spring inflow to have a greater influence on temperature conditions, providing a slight cooling effect which would preserve or slightly improve the existing thermal refugia in that section of the bypass. The slightly cooler water would benefit the native sculpins and the native and non-native salmonids in the Grace bypass reach.

The lower reach of the bypass provides the most suitable habitat for any BCT potentially in the vicinity of the Grace Development. Although stocking of BCT has occurred near the Grace Development, surveys have not indicated BCT utilize habitat in the Grace bypass reach. The proposed lower minimum flow would not affect BCT use of the bypass reach because the presence of non-native species in the bypass reach may be a limiting factor to BCT colonizing the bypass reach, as the non-native trout compete directly with BCT for habitat and food resources or may prey on early life stages of BCT. Non-native New Zealand mudsnails are prolific in the lower bypass reach but have low nutritional value for fish and may also be a limiting factor for BCT to utilize the reach (Oasis 2011). Therefore, the Grace bypass reach is currently not serving as a recovery area for BCT in the vicinity of the Grace Development, and the proposed minimum flow change would not alter that status.

BCT mainly occur in tributaries of the Bear River and upstream of Soda Dam and in Bear Lake. Restoration of the tributary habitats pursuant to Article 405 and Bear River Project's Relicensing Settlement Agreement is critical for re-establishing BCT populations in tributaries to the Bear River. While the Grace bypass reach does not contain tributaries and does not currently support spawning BCT, the proposed action at the Paris Project (decommissioning of the Paris Project and habitat restoration in Paris Creek) would restore 3.5 miles of high-quality habitat for BCT, which would benefit the Bear River population of BCT. Further, ongoing implementation of the Bear River Settlement Agreement and requirements under the license (including the Habitat

Restoration Plan and Land and Water Acquisition Plan)<sup>6</sup> would continue to improve and protect aquatic and riparian habitats and restore migratory corridors in the Bear River Project area. These restoration programs would continue to be enacted, monitored, and adaptively managed to improve outcomes through ongoing coordination of such activities through the ECC.

The proposed action to reduce minimum flow would not adversely affect aquatic resources in the Grace bypass reach. Fish requiring cool water habitats, including salmonids introduced to the area by stocking, and native sculpins, currently occupy the middle and lower reaches of the bypass and the thermal conditions present there would persist or slightly improve under the proposed action. The Grace bypass reach does not provide BCT habitat, and that condition would not change under the proposed action.

Non-native fish would continue to occur throughout Grace bypass reach.

## **4.0 CONCLUSIONS AND STAFF RECOMMENDATIONS**

### **4.1 Conclusion**

Approval of the proposal to decommission the Paris Project and surrender the Paris Project license exemption, together with approval of PacifiCorp's companion application to amend the license for the Bear River Project to reduce the minimum instream flow for the Grace development bypass reach, is in the public interest because it would not result in long-term adverse effects and it would allow the parties to move forward with their plans to enhance and restore approximately 3.5 miles of cold-water habitat for BCT on Paris Creek. This restoration project would advance the aquatic resource restoration goals of the Bear River Project license and the associated Bear River Hydroelectric Relicensing Settlement Agreement. PacifiCorp has developed a number of separate agreements with federal land management and resource agencies, private landowners, and other stakeholders to address and mitigate for the decommissioning of the Paris Project and associated actions along Paris Creek.

Commission staff conclude there would be no long-term adverse effects from the proposed surrender of the Paris Project exemption or amendment of the project license for the Bear River Project but there would be long-term benefits.

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<sup>6</sup> *PacifiCorp*, 110 FERC ¶ 62,294 (2005) and *PacifiCorp* 110 FERC ¶ 62,296 (2005).

## **4.2 Staff Recommendations**

PacifiCorp's proposed action includes agreements with federal land management and resource agencies and other stakeholders which should be implemented. These separate agreement documents are outside the Commission's jurisdiction to enforce. Commission staff recommend PacifiCorp implement the stipulations included in the MOA being developed with the Idaho SHPO. Commission staff also recommend that PacifiCorp be required to complete decommissioning activities on Paris Project lands prior to the Commission finding the exemption surrender effective.

## **4.3 Finding of No Significant Impact**

The proposed surrender of the Paris exemption and associated amendment to the Bear River Project license would allow PacifiCorp to pursue a larger river restoration effort involving a number of other stakeholders. Based on our independent analysis, we find that the proposed surrender of the Paris Project exemption and the proposed Bear River Project license amendment would not constitute a major federal action significantly affecting the quality of the human environment.

### Explain how the recommendation relates to formal agency management goals and objectives for fish and wildlife.

The Idaho Department of Fish and Game has prepared and issued a Management Plan for the Conservation of Bonneville Cutthroat Trout in Idaho, 2022 (Management Plan). The Management Plan describes overall goals and objectives to ensure the long-term persistence and abundance of Bonneville Cutthroat Trout in Idaho through re-establishment and reducing fragmentation of habitat. The Grace Development Bypass Reach is in the Thatcher MU that covers the Bear River and tributaries from Grace Dam to Oneida Dam. The Management Plan contains no suggested conservation actions for the Grace Bypass Reach. The plan does discuss the Paris Hydro Decommissioning. According to the Management Plan the Paris Hydro Decommissioning will open the most habitat of any project completed in the Nounan MU to date. The decommissioning project will support the Management Plan goals of increasing connectivity and access to spawning habitat for fluvial fish. The combined effects of reducing minimum flow in the Grace Bypass Reach and the decommissioning collectively support the goals and objectives of the Management Plan. In addition, these actions support Bear River Project License goals of habitat enhancement for Bonneville Cutthroat Trout in the Bear River Project's action area.

- g. provide hyperlinks to relevant documents (or if not electronically available, attach to the submittal).

	Description	Link to document in FERC eLibrary
1	PacifiCorp’s Application to Amend License to Modify Grace Development’s Minimum Stream Flow for the Bear River Hydroelectric Project, March 16, 2023. Attachments include the Paris Creek Restoration Agreement, EA for Paris Project Decommissioning, ECC Meeting Minutes, and Letters of Support.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20230316-5066&amp;optimized=false">https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20230316-5066&amp;optimized=false</a>
2	FERC prepared Environmental Assessment for Surrender of Paris Project Exemption and Amendment of Bear River Project License, April 2024.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240422-3012&amp;optimized=false">https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240422-3012&amp;optimized=false</a>
4	FERC Order Modifying and Approving Surrender of Paris Project Conduit Exemption and Amendment of Bear River License Grace Development MSF, August 27, 2024.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240827-3038&amp;optimized=false">https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240827-3038&amp;optimized=false</a>

8. Include the text of existing conditions on the certificate and summarize their compliance status even if they are not associated with the criterion affected by the material change(s).

There are no conditions in the current LIHI certificate.

9. For a new FERC license, include a crosswalk table comparing the prior requirements to the new requirements in the license, mandatory prescriptions, water quality certification, and all other applicable requirements, settlement agreements, and off-license agreements and commitments.

Not applicable.

10. Provide updated lists of agency and stakeholder contacts.

See attached Table 12 and 13.



Bear River Hydroelectric Project, FERC Project No. 20  
LIHI Material Change Explanation Grace MSF  
February 13, 2025

11. Complete the Attestation and Waiver Form.

See attached Attestation and Waiver Form

12. Compile and submit all information to [compliance@lowimpacthydro.org](mailto:compliance@lowimpacthydro.org)

**Attachment: Agency and Stakeholder Contacts**

**Table 12. Current relevant state, federal, and tribal resource agency contacts (excluding FERC).**

<b>Agency Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Agency Name	Idaho Department of Parks and Recreation	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input checked="" type="checkbox"/> Recreation
Name and Title	Andrew Stokes, Manager, Bear Lake State Park	
Phone	208-530-3248	
Email address	andrew.stokes@idpr.idaho.gov	
Mailing Address	Idaho Department of Parks and Recreation PO Box 83720 Boise ID 83720-0065	

<b>Agency Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Agency Name	Bureau of Land Management	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input checked="" type="checkbox"/> T&E Species <input checked="" type="checkbox"/> Cultural/Historic <input checked="" type="checkbox"/> Recreation
Name and Title	Blaine Newman, Field Manager	
Phone	208-201-1970	
Email address	blaine_newman@blm.gov	
Mailing Address	Pocatello Field Office 4350 S Cliffs Drive Pocatello, ID 83204	

<b>Agency Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Agency Name	USDA-Forest Service	<input type="checkbox"/> Flows <input checked="" type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input checked="" type="checkbox"/> Watershed <input checked="" type="checkbox"/> T&E Species <input checked="" type="checkbox"/> Cultural/Historic <input checked="" type="checkbox"/> Recreation
Name and Title	Corey Lyman, Fisheries Biologist	
Phone	208-313-4084	
Email address	corey.lyman@usda.gov	
Mailing Address	Caribou-Targhee National Forest 1405 Hollipark Drive Idaho Falls, ID 83401	

<b>Agency Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Agency Name	Shoshone-Bannock Tribes	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input checked="" type="checkbox"/> T&E Species <input checked="" type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title	Hunter Osborne, Fisheries Biologist	
Phone	208-221-4872	
Email address	hunter.osborne@sbtribes.com	
Mailing Address	P.O. Box 306 Fort Hall, ID 83203	

<b>Agency Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Agency Name	Idaho Department of Environmental Quality	<input type="checkbox"/> Flows <input checked="" type="checkbox"/> Water Quality <input type="checkbox"/> Fish/Wildlife <input checked="" type="checkbox"/> Watershed <input type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title	Jennifer Cornell, Water Quality Regional Manager	
Phone	208-251-9941	
Email address	jennifer.cornell@deq.idaho.gov	
Mailing Address	Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201	

<b>Agency Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Agency Name	U.S. Fish and Wildlife Service	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input checked="" type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title	Matt Bringhurst, Wildlife Biologist, Conservation Partnerships	
Phone	208-241-1833	
Email address	Matthew_Bringhurst@fws.gov	
Mailing Address	4425 Burley Drive, Suite A Chubbuck, ID 83202	

<b>Agency Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Agency Name	Idaho Department of Fish and Game	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input checked="" type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title	Patrick Kennedy, Regional Fisheries Manager	
Phone	208-899-7603	
Email address	pat.kennedy@idfg.idaho.gov	
Mailing Address	Southeast Regional Office 1345 Barton Road Pocatello, ID 83204	

<b>Agency Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Agency Name	National Park Service	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input checked="" type="checkbox"/> Recreation
Name and Title	Susan Rosebrough-Jones, Planner	
Phone	206-220-4121	
Email address	susan_rosebrough@nps.gov	
Mailing Address	909 First Avenue Seattle, WA 98104-1060	

**Table 13. Current engaged stakeholder and tribal contacts.**

<b>Stakeholder Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Organization Name	American Whitewater	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input checked="" type="checkbox"/> Recreation
Name and Title	Charles Vincent, Regional Coordinator	
Phone	801-243-4892	
Email address	clvincent@xmission.com	
Mailing Address	1800 E 3990 So Salt Lake City, UT 84124	

<b>Stakeholder Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Organization Name	Trout Unlimited	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input checked="" type="checkbox"/> Watershed <input checked="" type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title	Jim DeRito, Bear River Program Director	
Phone	208-360-6165	
Email address	JDeRito@tu.org	
Mailing Address	47 N 300 East Providence, UT 84332	

<b>Stakeholder Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Organization Name	Greater Yellowstone Coalition	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input checked="" type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title	Kathy Rinaldi, Idaho Conservation Coordinator	
Phone	208-709-4543	
Email address	krinaldi@greateryellowstone.org	
Mailing Address	60 E. Little Ave., Suite 101 PO Box 1072 Driggs, ID 83422	

<b>Stakeholder Contact</b>		<b>Area of Responsibility (check applicable boxes)</b>
Organization Name	Idaho Rivers United	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input type="checkbox"/> T&E Species <input type="checkbox"/> Cultural/Historic <input checked="" type="checkbox"/> Recreation
Name and Title	Nick Kunath, Conservation Program Manager	
Phone	208-343-7481	
Email address	nkunath@idahorivers.org	
Mailing Address	P.O. Box 633 Boise, ID 83701	



**Attachment: Attestation and Waiver Form**

### **B.3 Attestation and Waiver Form**

All applications for LIHI Certification must include the following statement before they can be reviewed by LIHI:

#### **ATTESTATION**

*As an Authorized Representative of PacifiCorp - Renewable Resources,*

*the Undersigned attests that the material presented in the application is true and complete.*

*The Undersigned acknowledges that the primary goal of the Low Impact Hydropower Institute's certification program is public benefit, and that the LIHI Governing Board and its agents are not responsible for financial or other private consequences of its certification decisions.*

*The Undersigned further acknowledges that if LIHI Certification of the applying facility is granted, the LIHI Certification Mark License Agreement must be executed prior to the final certification decision and prior to marketing the electricity product as LIHI Certified® (which includes selling RECs in a market that requires LIHI Certification).*

*The Undersigned further agrees to hold the Low Impact Hydropower Institute, the Governing Board, and its agents harmless for any decision rendered on this or other applications, from any consequences of disclosing or publishing any submitted certification application materials to the public, or on any other action pursuant to the Low Impact Hydropower Institute's certification program.*

#### **FOR PRE-OPERATIONAL CERTIFICATIONS:**

*The Undersigned acknowledges that LIHI may suspend or revoke the LIHI Certification should the impacts of the facility, once operational, fail to comply with the LIHI program requirements.*

Authorized Representative:

Name: Mark Stenberg

Title: Principal Project Manager

Authorized Signature: 

Date: February 13, 2005