

FEDERAL ENERGY REGULATORY COMMISSION
Washington, DC 20426
October 2, 2023

OFFICE OF ENERGY PROJECTS

Project No. 2842-045 – Idaho
Idaho Falls Hydroelectric Project
Idaho Falls Power

Project No. 2952-073 – Idaho
Gem State Hydroelectric Project
Idaho Falls Power

VIA FERC Service

Reference: Scoping Document 1 for the Idaho Falls (P-2842-045) and Gem State (P-2952-073) Hydroelectric Projects

To the Parties Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document (PAD) filed on August 2, 2023, by Idaho Falls Power for relicensing the Idaho Falls Project No. P-2842 and Gem State Project No. P-2952 (projects). The projects are located on the Snake River, in Bonneville and Bingham Counties, Idaho.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the “NEPA document”) which will be used by the Commission to determine whether, and under what conditions, to issue new licenses for the projects. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the NEPA document is thorough and balanced. The Commission’s scoping process will satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

We invite your participation in the scoping process and are circulating the attached Scoping Document 1 (SD1) to provide you with information on the projects. We are also soliciting your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the NEPA document. We are also requesting that you identify any studies that would help provide a framework for collecting pertinent information on the resource areas under consideration and necessary for the Commission to prepare the NEPA document for the project.

Project Nos. 2842-045 and 2952-073

We will hold two scoping meetings. A daytime meeting will be held at 9:00 a.m. Mountain Daylight Time (MDT) on October 26, 2023, at the Hilton Garden Inn– South Fork River Meeting Room in Idaho Falls, Idaho. An evening meeting will be held at 7:00 p.m. MDT on October 26, 2023, at the same location. We will also visit the Idaho Falls and Gem State Project facilities on October 25, 2023, starting at 1:00 p.m. MDT.

We invite all interested agencies, Native American Tribes, non-governmental organizations, and individuals to attend one or all these meetings. Further information on the scoping meeting and environmental site review is available in the enclosed SD1.

SD1 is being distributed to both Idaho Falls Power’s distribution list and the Commission’s official mailing list (see section 9.0, *Mailing List*, of the attached SD1). If you wish to be added to or removed from the Commission’s official mailing list, please send your request by email to FERCOnlineSupport@ferc.gov. In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All written or emailed requests must specify your wish to be added to, or removed from, the mailing list, and must clearly identify the following on the first page, as appropriate: **Idaho Falls (P-2842-045) and/or Gem State (P-2952-073) Hydroelectric Projects.**

Please review the SD1 and, if you wish to provide comments, follow the instructions in section 6.0, *Request for Information and Studies*. If you have any questions about SD1, the scoping process, or how Commission staff will develop the NEPA document for this project, please contact Matt Cutlip at (503)-552-2762 or matt.cutlip@ferc.gov. Additional information about the Commission’s licensing process and the projects may be obtained from our website, www.ferc.gov. The deadline for filing comments is **November 30, 2023**. The Commission strongly encourages electronic filings.

Enclosure: Scoping Document 1

SCOPING DOCUMENT 1

IDAHO FALLS HYDROELECTRIC PROJECT
(FERC NO. 2842-045)

GEM STATE HYDROELECTRIC PROJECT
(FERC NO. 2952-073)

IDAHO



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

October 2023

TABLE OF CONTENTS

1.0 INTRODUCTION 1

2.0 SCOPING 4

2.1 PURPOSES OF SCOPING 4

2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW 5

3.0 PROPOSED ACTION AND ALTERNATIVES 7

3.1 NO-ACTION ALTERNATIVE 7

 3.1.1 Project Area 7

 3.1.2 Existing Project Facilities 8

 3.1.3 Existing Project Operation 10

3.2 APPLICANT’S PROPOSAL 11

 3.2.1 Proposed Operation and Environmental Measures..... 11

3.3 PROJECT SAFETY..... 11

3.4 ALTERNATIVES TO THE PROPOSED ACTION 11

3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY..... 11

 3.5.1 Federal Government Takeover 12

 3.5.2 Non-power License 12

 3.5.3 Project Decommissioning..... 12

4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES 13

4.1 CUMULATIVE EFFECTS 13

4.2 RESOURCE ISSUES 14

 4.2.1 Aquatic Resources..... 14

 4.2.2 Terrestrial Resources..... 14

 4.2.3 Threatened and Endangered Species 14

 4.2.4 Recreation and Land Use 14

 4.2.5 Environmental Justice 15

 4.2.6 Cultural Resources..... 15

5.0 PROPOSED STUDIES 15

6.0 REQUEST FOR INFORMATION AND STUDIES 16

7.0 CURRENT PROCESSING SCHEDULE 18

8.0 COMPREHENSIVE PLANS 19

Project Nos. 2842-045 and 2952-073

9.0 MAILING LISTS 21

APPENDIX A – STUDY PLAN CRITERIA

APPENDIX B – PROCESS PLAN AND SCHEDULE

Project Nos. 2842-045 and 2952-073

LIST OF FIGURES

Figure 1: Location of the Idaho Falls and Gem State Projects (Source: PAD)..... 3

LIST OF TABLES

Table 1. Idaho Falls Power’s initial study proposals for the Idaho Falls and Gem State projects. (Source: PAD) 15

SCOPING DOCUMENT 1

Idaho Falls Hydroelectric Project (FERC No. 2842-045) Gem State Hydroelectric Project (FERC No. 2952-073)

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On August 2, 2023, Idaho Falls Power filed notices of intent (NOI) and a pre-application document (PAD) for new licenses for the Idaho Falls Hydroelectric Project (FERC No. 2842-045) and the Gem State Hydroelectric Project (FERC No. 2952-073) (collectively referred to as the “projects”).²

The projects are located on the Snake River in Bonneville and Bingham Counties, Idaho (Figure 1). The Idaho Falls Project includes three hydroelectric developments: Upper Plant Development, City Plant Development, and Lower Plant Development and has a total installed capacity of 24.6 megawatts (MW). The Gem State Project has one hydroelectric development and a total installed capacity of 22.6 MW. The average annual energy production for the Idaho Falls Project and Gem State Project is approximately 138,000 and 132,000 megawatt-hours (MWh), respectively. Both projects occupy federal land administered by the U.S. Bureau of Land Management. A detailed description of the projects is provided in section 3.0.

The National Environmental Policy Act (NEPA) of 1969,³ the Commission’s regulations, and other applicable laws require that we independently evaluate the

¹ 16 U.S.C. § 791(a)-825(r).

² The current license for the Idaho Falls Project was issued with an effective date of February 1, 1979, for a term of 50 years and expiring on January 31, 2029. The current license for the Gem State Project was issued with an effective date of December 1, 1983, for a term of 50 years and expiring on November 30, 2033. On October 12, 2021, the Commission granted Idaho Falls Power’s request to accelerate the license expiration date for the Gem State Project to align the relicensing processes for both projects.

³ 42. U.S.C. §§ 4321-4370(f).

Project Nos. 2842-045 and 2952-073

environmental effects of licensing the projects as proposed and consider reasonable alternatives to the proposed action. We will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the “NEPA document”) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The Commission’s scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

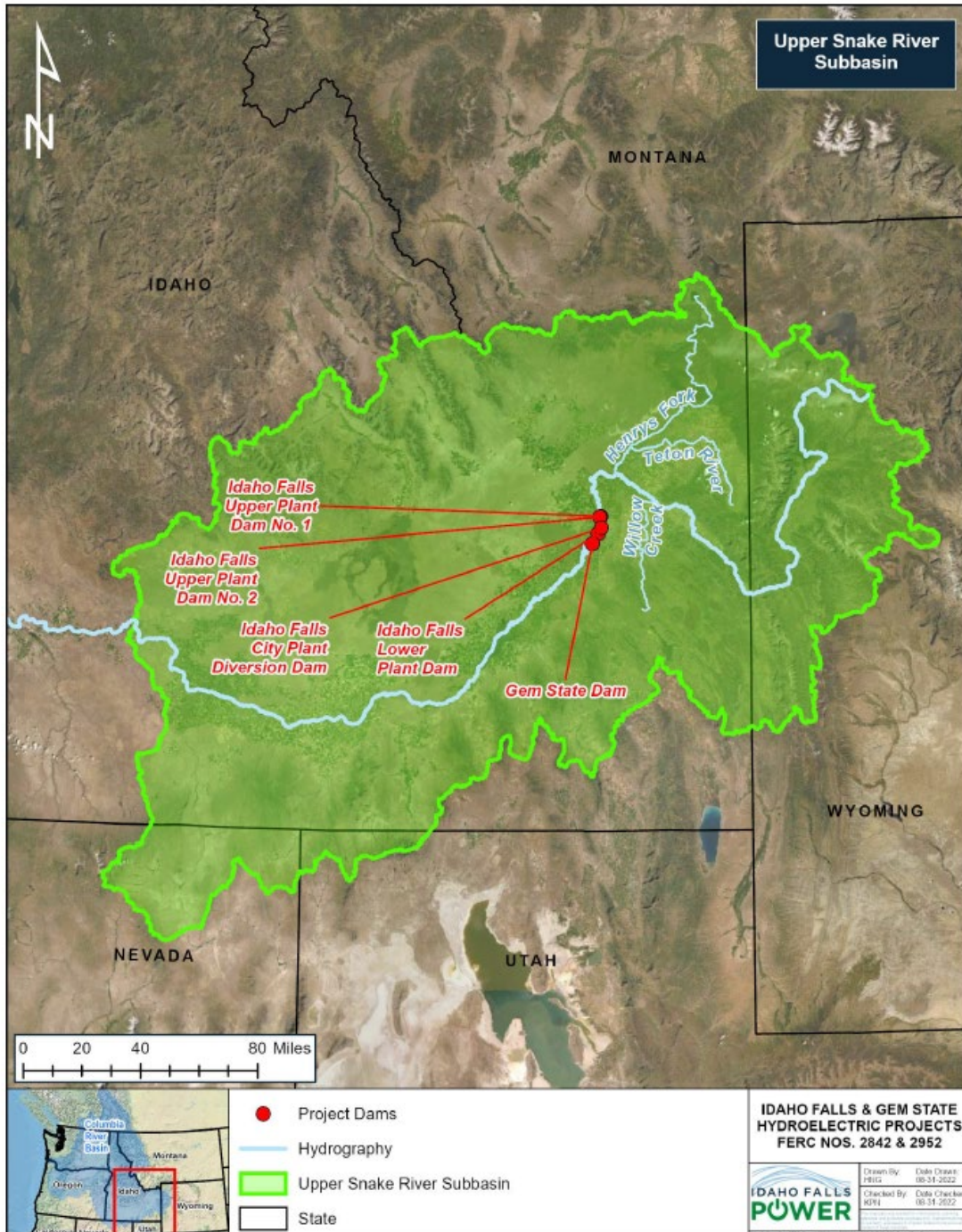


Figure 1: Location of the Idaho Falls and Gem State Projects (Source: PAD).

2.0 SCOPING

This Scoping Document 1 (SD1) is intended to advise all participants as to the potential scope of the NEPA documentation and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and development of the license application; (2) a description of the proposed action and alternatives to the proposed action; (3) a preliminary identification of environmental issues; and (4) a preliminary list of comprehensive plans that are applicable to the project.

2.1 PURPOSES OF SCOPING

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

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

2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW

During preparation of the NEPA document, there will be several opportunities for the resource agencies, Native American Tribes, NGOs, and the public to provide input. These opportunities will occur:

- during the public scoping process and study plan meetings, when we solicit oral and written comments regarding the scope of issues and analysis for the NEPA document;
- in response to the Commission's notice that the project is ready for environmental analysis; and
- after issuance of the NEPA document when we solicit written comments on the document.

In addition to written comments solicited by this SD1, we will hold two public scoping meetings and an environmental site review near the project. A daytime meeting will focus on concerns of the resource agencies, Native American Tribes, and NGOs, and the evening meeting will focus on receiving input from the public. We invite all interested agencies, Native American Tribes, NGOs, and the public to attend one or both meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. All interested parties are also invited to participate in the environmental site review. The times and locations of the meetings and environmental site review are as follows:

Project Nos. 2842-045 and 2952-073

Daytime Scoping Meeting

DATE: Thursday, October 26, 2023

TIME: 9:00 a.m. MDT

LOCATION: Hilton Garden Inn – South Fork River Meeting Room

ADDRESS: 700 Lindsay Boulevard, Idaho Falls, ID 83402

Evening Scoping Meeting

DATE: Thursday, October 26, 2023

TIME: 7:00 p.m. MDT

LOCATION: Hilton Garden Inn – South Fork River Meeting Room

ADDRESS: 700 Lindsay Boulevard, Idaho Falls, ID 83402

On-Site Environmental Site Review

DATE: Wednesday, October 25, 2023

TIME: 1:00 p.m. – 4:00 p.m. MDT

LOCATION: Idaho Falls Power, 140 S. Capital Avenue Idaho Falls, ID 83402.

The site review will begin at the Idaho Falls Power offices and head south to three additional locations to view the Idaho Falls and Gem State Projects, with approximately 15 minutes of travel time between each location. Those that attend are responsible for their own transportation. Carpooling is encouraged. Please contact Richard Malloy with Idaho Falls Power at (208) 612-8428, or via email at rmalloy@ifpower.org, on or before October 13, 2023, if you plan to attend the site review.

Commission staff will moderate the scoping meetings. The meetings will begin promptly at their respective start times listed above. At the start of each meeting, staff will provide further instructions regarding the meeting setup, agenda, and how participants can provide their comments and questions during the meeting. The scoping meetings will be recorded by a court reporter, and all statements will become part of the Commission’s public record for the project. Oral comments will initially be limited to 5 minutes in duration. Interested parties who choose not to speak or who are unable to attend the scoping meetings may provide written comments and information to the Commission as described in section 6.0, *Request for Information and Studies*. These meetings are posted on the Commission’s calendar located on the internet at <https://www.ferc.gov/news-events/events> along with other related information. Click on the “Scoping Meeting” link on the left side of the page.

Project Nos. 2842-045 and 2952-073

Please note, that if no participants join the meetings within 30 minutes after the start time, staff will end the meeting. The meetings will end after participants have commented or at the specified end time (listed above), whichever occurs first.

Meeting participants should be prepared to discuss their issues and/or concerns as they pertain to the licensing of the Idaho Falls and Gem State Projects. It is advised that participants review the PAD to prepare for the scoping meetings. Copies of the PAD may be viewed on the Commission's website (www.ferc.gov), using the "eLibrary" link. Enter the docket numbers, P-2842 and/or P-2952, to access the documents. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

Following the scoping meetings and comment period, all issues raised will be reviewed and decisions made as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant effects, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be given in the NEPA document.

If we receive no substantive comments on SD1, then we will not prepare a Scoping Document 2 (SD2). Otherwise, we will issue SD2 to address any substantive comments received. The SD2 will be issued for informational purposes only; no response will be required. The NEPA document will address recommendations and input received during the scoping process.

3.0 PROPOSED ACTION AND ALTERNATIVES

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

3.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, the projects would continue to operate as required by the current project licenses (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

3.1.1 Project Area

Project Nos. 2842-045 and 2952-073

The projects are located on the upper Snake River, near and within the city of Idaho Falls, Idaho. The drainage area of the Snake River at the projects is about 9,800 square miles.

3.1.2 Existing Project Facilities⁴

3.1.2.1 Idaho Falls Project

The Idaho Falls Project consists of three hydroelectric developments, several segments of transmission line, and numerous recreation facilities.

Upper Plant Development

The Upper Plant Development is located about 2 miles upstream of Idaho Falls and consists of two diversion dams, one on each side of a river island, a powerhouse, and additional facilities described below. Dam No. 1 is located on the east side of the river island and is a 23-foot-high, 600-foot-long concrete and earth-fill diversion dam with two 150-foot-long, 10-foot-wide pelican flap gates and a 130-foot-long uncontrolled spillway. Dam No. 2 is located on the west side of the river island about 1,200 feet downstream of Dam No. 1 and is a 33-foot-high, 470-foot-long concrete and earth-fill diversion structure with one 40-foot-long by 11-foot-wide pelican gate. Additional project facilities include: (1) a 100-acre reservoir extending about five miles upstream with a storage capacity of approximately 800 acre-feet at an elevation of 4,734.7 feet⁵; (2) a 39.44-foot-high, 14-foot-wide intake conveying flow to a 140-foot-long, 38-foot-wide powerhouse, integral to Dam No. 2, and containing one generating unit with a capacity of 7.2 MW; (3) a 0.5-mile-long, 46-kilovolt (kV) transmission line connecting to the Paine substation; and (4) appurtenant facilities.

⁴ The description of some of the project facilities in the PAD (e.g., impoundment lengths, distances between project features, river mile designations) appears to be inaccurate. Therefore, we modified the project facility descriptions based on aerial imagery and other information in the project record (e.g., environmental and dam safety inspections reports). We expect that a more accurate project description will be provided in the license application.

⁵ All elevations are National Geodetic Vertical Datum of 1929 (NGVD 29).

Project Nos. 2842-045 and 2952-073

Flow from the powerhouse is discharged back to the west side of the river island, creating an approximately 0.5-mile-long bypassed reach on the east side of the island downstream of Dam No. 1.

There are three unnamed recreation sites at the Upper Plant Development that provide one boat launch, tailwater and reservoir fishing access, parking, a mile-long trail, and an overlook.

City Plant Development

The City Plant Development is located within the city of Idaho Falls and the dam is about 4 miles downstream of the Upper Plant Development. The City Plant Development consists of the following facilities: (1) a 1,970-foot-long concrete dam with an average height of about 7 feet that is equipped with one 40-foot by 5-foot Bascule gate; (2) a 50-acre reservoir extending about one mile upstream with a storage capacity of approximately 400 acre-feet at an elevation of 4,694 feet; (3) a 39.44-foot-high, 14-foot-wide reinforced concrete intake structure, integral to the east abutment of the dam, that conveys flow to a 140-foot-long, 38-foot-wide powerhouse containing one generating unit with a capacity of 7.2 MW; (4) a 115-foot-long, 50-foot-wide control/maintenance building adjacent to powerhouse; (5) a 350-foot-long tailrace returning flow to the Snake River; (6) a 300-foot-long, 46-kV transmission line connecting to the city of Idaho Falls substation; and (7) appurtenant facilities.

Recreation facilities at the City Plant Development include a fishing access area, the historic landmarks Eagle Rock Crossing and Keefer's Island, and four parks: John's Hole Forebay Park, Pederson's Sportsman's Park, Russell Freeman Park, and South Capital Park.

Lower Plant Development

The Lower Plant Development is located immediately downstream of the City Plant Development and consists of the following facilities: (1) a 14-foot-high, 1,380-foot-long concrete dam consisting of two sections: a 930-foot-long overflow section, and a 450-foot-long non-overflow section with eight 20-foot by 14-foot radial gates and one 42-foot by 12-foot pelican gate; (2) a 100-acre reservoir extending about 1.5 miles upstream with a storage capacity of approximately 800 acre-feet at an elevation of 4,674 feet; (3) a 39.44-foot-tall, 14-foot-wide reinforced concrete intake; (4) an 85-foot-long, 80-foot-wide powerhouse containing two generating units each with a capacity of 1.5 MW (Powerhouse 1); (5) a 140-foot-long, 38-foot-wide powerhouse containing one generating unit with a

Project Nos. 2842-045 and 2952-073

capacity of 7.2 MW (Powerhouse 2); (6) an 80-foot-long tailrace; (7) a 1,000-foot-long, 46-kV transmission line connecting to the Rack substation; and (8) appurtenant facilities.

There is one recreation facility at the Lower Plant Development: the 13.9-acre South Tourist Park. It consists of a boat ramp and dock facilities with adjacent parking, informal swimming and fishing access, a restroom connected to city water and sewer systems, 16 designated camping areas, picnic tables, garbage cans, lighting, playground equipment, and access to the Greenbelt trail.

3.1.2.2 Gem State Project

The Gem State Project is located immediately downstream of the Lower Plant Development and includes the following facilities: (1) a 40-foot-high, 900-foot-long earth and rock-filled dam; (2) a 7,300-foot-long earth fill dike on the west bank and a 10,400-foot-long earth fill dike on the east bank; (2) a 305-acre reservoir extending about 4 miles upstream with a storage capacity of approximately 5,000 acre-feet; (3) two 45-foot-high, 25.16-foot-wide reinforced concrete intakes; (4) a powerhouse containing one generating unit with a capacity of 22.3 MW; (5) a spillway with five 46-foot-wide, 31-foot-high radial gates; (6) an approximately 100-foot-wide tailrace canal extending about 0.5 mile downstream; (7) a 1.4-mile-long, 161-kV transmission line; and (8) appurtenant facilities.

The tailrace canal returns powerhouse flows to the river about 0.5 mile downstream of the dam, creating an approximately 0.5-mile-long bypassed reach

Recreation facilities at the Gem State Project include the upper and lower marinas, fishing access near the tailrace and at a separate fishing pond south of the powerhouse, and a parking area near the fishing pond.

3.1.3 Existing Project Operation

All four developments at both projects operate in a run-of-river mode where outflow approximates inflow on a continual basis. At each development, Idaho Falls Power maintains stable reservoir elevations and diverts up to the maximum hydraulic capacities of the turbines (i.e., 6,000 cfs at the Upper Plant, 6,000 cfs at the City Plant, 8,440 cfs at the Lower Plant, 7,000 cfs at the Gem State Plant) through the powerhouses for power generation. Flows more than the maximum turbine capacities are passed over the spillways.

At the Upper Plant and Gem State Plant, the current licenses require Idaho Falls Power to maintain minimum flows of 100 cfs and 20 cfs, respectively, in the bypassed

Project Nos. 2842-045 and 2952-073

reaches. There are no minimum flow requirements at the City Plant and Lower Plant.

3.2 APPLICANT'S PROPOSAL

3.2.1 Proposed Operation and Environmental Measures

Idaho Falls Power proposes to continue to operate the projects in the same manner described above in section 3.1.3. Idaho Falls Power does not propose any new construction, modifications to the existing facilities, or any new environmental protection, mitigation, and enhancement (PM&E) measures.

3.3 PROJECT SAFETY

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

The projects have been operating for more than 40 years under the current licenses and during this time Commission staff have conducted operational inspections focusing on the continued safety of the structure, identification of unauthorized modifications, efficiency and safety of operations, compliance with the terms of the license, and proper maintenance.

3.4 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess all alternative recommendations for operational or facility modifications, as well as protection, mitigation, and enhancement measures identified by the Commission, the agencies, Native American Tribes, NGOs, and the public.

3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

Project Nos. 2842-045 and 2952-073

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

3.5.1 Federal Government Takeover

In accordance with § 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to sections 14 and 15 of the FPA.⁶ We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

3.5.2 Non-power License

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

3.5.3 Project Decommissioning

As the Commission has previously held, decommissioning is not a reasonable alternative to relicensing in most cases.⁷ Decommissioning can be accomplished in different ways depending on the project, its environment, and the particular resource

⁶ 16 U.S.C. §§ 791(a)-825(r).

⁷ See, e.g., *Eagle Crest Energy Co.*, 153 FERC ¶ 61,058, at P 67 (2015); *Public Utility District No. 1 of Pend Oreille County*, 112 FERC ¶ 61,055, at P 82 (2005); *Midwest Hydro, Inc.*, 111 FERC ¶ 61,327, at PP 35-38 (2005).

needs.⁸ For these reasons, the Commission does not speculate about possible decommissioning measures at the time of relicensing, but rather waits until an applicant actually proposes to decommission a project, or a participant in a relicensing proceeding demonstrates that there are serious resource concerns that cannot be addressed with appropriate license measures and that make decommissioning a reasonable alternative.⁹ Idaho Falls Power does not propose decommissioning, nor does the record to date demonstrate there are serious resource concerns that cannot be mitigated if the project is relicensed; as such, there is no reason, at this time, to include decommissioning as a reasonable alternative to be evaluated and studied as part of staff's NEPA analysis.

4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES

4.1 CUMULATIVE EFFECTS

According to the Council on Environmental Quality's regulations for implementing NEPA (50 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

⁸ In the unlikely event that the Commission denies relicensing a project or a licensee decides to surrender an existing project, the Commission must approve a surrender "upon such conditions with respect to the disposition of such works as may be determined by the Commission." 18 C.F.R. § 6.2 (2019). This can include simply shutting down the power operations, removing all or parts of the project (including the dam), or restoring the site to its pre-project condition.

⁹ See generally *Project Decommissioning at Relicensing*; Policy Statement, FERC Stats. & Regs., Regulations Preambles (1991-1996), ¶ 31,011 (1994); see also *City of Tacoma, Washington*, 110 FERC ¶ 61,140 (2005) (finding that unless and until the Commission has a specific decommissioning proposal, any further environmental analysis of the effects of project decommissioning would be both premature and speculative).

Project Nos. 2842-045 and 2952-073

Based on our review of the PAD and preliminary staff analysis, we have not identified any resources that could be cumulatively affected by the proposed operation and maintenance of the Idaho Falls and Gem State Projects.

4.2 RESOURCE ISSUES

In this section, we present a preliminary list of environmental issues to be addressed in the NEPA document. We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's record for the Idaho Falls and Gem State Projects. This list is not intended to be exhaustive or final, but contains those issues raised to date that could have substantial effects. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the NEPA document.

4.2.1 Aquatic Resources

- Effects of continued project operation and maintenance on water quality, including dissolved oxygen and water temperature, in the impoundments and affected stream reaches of the Snake River.
- Effects of minimum flows on fish habitat in the bypassed reaches.
- Effects of continued project operation and maintenance on impingement, entrainment, and turbine mortality of fish.

4.2.2 Terrestrial Resources

- Effects of continued project operation and maintenance on riparian, littoral, and wetland habitat and associated wildlife.

4.2.3 Threatened and Endangered Species

- Effects of project operation and maintenance on the yellow-billed cuckoo and Ute-ladies' tresses, which are federally listed as threatened, and the monarch butterfly, which is a candidate species for listing.

4.2.4 Recreation and Land Use

Project Nos. 2842-045 and 2952-073

- Effects of continued project operation and maintenance on recreational use in the project area, including the adequacy of existing recreational access and facilities in meeting recreation needs.

4.2.5 Environmental Justice

- Effects of continued project operation and maintenance on identified environmental justice communities.

4.2.6 Cultural Resources

- Effects of continued project operation and maintenance activities on historic and archaeological resources, traditional cultural properties, and access to exercise traditional practices and treaty rights.

5.0 PROPOSED STUDIES

Depending upon the findings of studies completed by Idaho Falls Power and the recommendations of the consulted entities, Idaho Falls Power will consider, and may propose certain other measures to enhance environmental resources affected by the projects as part of the proposed action. Idaho Falls Power’s initial study proposals are identified by resource area in table 1. Detailed information on Idaho Falls Power’s initial study proposals can be found in the PAD. Further studies may need to be added to this list based on comments provided to the Commission and Idaho Falls Power from interested participants, including Indian tribes.

Table 1. Idaho Falls Power’s initial study proposals for the Idaho Falls and Gem State Projects. (Source: PAD)

Resource Area	Idaho Falls Power’s Proposed Study
1. Aquatic Resources	Water quality monitoring study to assess water quality conditions in the project reservoirs and the affected stream reaches of the Snake River.
	Fish assemblage study to characterize the species composition and relative abundance of white sturgeon and salmonid species in the Snake River within the project boundaries.
	Desktop fish entrainment study to assess potential for fish

Resource Area	Idaho Falls Power’s Proposed Study
	injury and mortality due to turbine entrainment.
	Aquatic habitat assessment to characterize and map aquatic habitat, including spawning habitat, in affected stream reaches.
2. Terrestrial Resources	Botanical survey to determine the potential presence of special-status plants (including potentially suitable habitat), or invasive species within the project boundaries.
	Wildlife study to determine the potential presence of special-status animals during the breeding season, including the yellow-billed cuckoo.
3. Land Use	Project lands and roads study to determine whether the existing project boundaries encompass all lands and roads needed for project operations, and to assess the condition of roads and access trails used for project access.
4. Recreation Resources	Recreation use and needs study to characterize existing recreation use and access and assess future recreation needs.
	Existing recreation facilities condition assessment to evaluate the condition of and public accessibility to existing recreation facilities directly related to the projects.
5. Cultural Resources	Cultural resource study to identify cultural resources within the area of potential effect (APE), determine eligibility for NRHP listing, and determine project effects.
6. Tribal Resources	Tribal resource study to identify tribal resources within or immediately adjacent to the APE.

6.0 REQUEST FOR INFORMATION AND STUDIES

We are asking federal, state, and local resource agencies, Native American Tribes, NGOs, and the public to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the project-specific and cumulative effects associated with licensing the Idaho Falls and Gem State Projects. The types of information requested include, but are not limited to:

Project Nos. 2842-045 and 2952-073

- information, quantitative data, or professional opinions that may help define the geographic and temporal scope of the analysis (both site-specific and cumulative effects), and that helps identify significant environmental issues;
- identification of, and information from, any other EA, EIS, or similar environmental study (previous, on-going, or planned) relevant to the proposed licensing of the Idaho Falls and Gem State Projects;
- existing information and any data that would help characterize environmental conditions and habitats and in the assessment of project effects on environmental resources;
- the identification of any federal, state, or local resource plans, and any future project proposals in the affected resource area (e.g., proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs), along with any implementation schedules);
- documentation that the proposed project would or would not contribute to cumulative adverse or beneficial effects on any resources. Documentation can include, but need not be limited to, how the project would interact with other projects in the area and other developmental activities; study results; resource management policies; and reports from federal and state agencies, local agencies, Native American Tribes, NGOs, and the public;
- documentation showing why any resources should be excluded from further study or consideration; and
- study requests by federal and state agencies, local agencies, Native American Tribes, NGOs, and the public that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the NEPA document for the project.

All requests for studies filed with the Commission must meet the criteria found in Appendix A, *Study Plan Criteria*.

The requested information, comments, and study requests should be submitted to the Commission no later than **November 30, 2023**. All filings must clearly identify the

Project Nos. 2842-045 and 2952-073

following on the first page, as appropriate: **Idaho Falls (P-2842-045) and/or Gem State (P-2952-073) Hydroelectric Projects**. Scoping comments may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website <https://ferconline.ferc.gov/FERCOOnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Register online at <https://ferconline.ferc.gov/FERCOOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOOnlineSupport@ferc.gov.

Any questions concerning the scoping meetings, environmental site reviews, or how to file written comments with the Commission should be directed to Matt Cutlip at (503)-552-2762 or matt.cutlip@ferc.gov. Additional information about the Commission's licensing process and the projects may be obtained from the Commission's website, www.ferc.gov.

7.0 CURRENT PROCESSING SCHEDULE

The decision on whether to prepare and EA or EIS will be determined after the license application is filed and we fully understand the scope of effects and measures under consideration. The NEPA document will be distributed to all persons and entities on the Commission's service and mailing lists for the Idaho Falls and Gem State Projects. The NEPA document will include our recommendations for operating procedures, as well as environmental protection and enhancement measures that should be part of any license

Project Nos. 2842-045 and 2952-073

issued by the Commission. The comment period will be specified in the notice of availability of the NEPA document.

A copy of the approved process plan, which has a complete list of licensing milestones for the projects, including those for developing the license application, is attached as Appendix B to this SD1.

8.0 COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. Commission staff has preliminarily identified and reviewed the plans listed below that may be relevant to the Idaho Falls and Gem State Projects. Agencies are requested to review this list and inform the Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR § 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <https://cms.ferc.gov/media/list-comprehensive-plans-0>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the projects:

Bureau of Land Management. 2015. Record of Decision and Approved Resource Management Plan for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah. Washington, D.C. September 2015.

Bureau of Land Management. 2019. Idaho Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment. Boise, Idaho. March 2019.

Bureau of Land Management. Forest Service. 1991. Snake River final activity/operations plan. Department of the Interior, Idaho Falls, Idaho. Department of Agriculture, Idaho Falls, Idaho. February 1991.

Idaho Department of Water Quality. 2018. Water Quality Standards. Boise, Idaho.

Project Nos. 2842-045 and 2952-073

Idaho Department of Fish and Game. 2005. Idaho comprehensive wildlife conservation strategy. Boise, Idaho. September 2005.

Idaho Department of Fish and Game. 2007. Management plan for the conservation of Bonneville cutthroat trout in Idaho. Boise, Idaho. November 2007.

Idaho Department of Fish and Game. 2007. Management plan for the conservation of Yellowstone cutthroat trout in Idaho. Boise, Idaho. April 2007.

Idaho Department of Fish and Game. 2008. Idaho mule deer management plan: 2008-2017. Boise, Idaho. March 2008.

Idaho Department of Fish and Game. 2008. Management plan for the conservation of Snake River white sturgeon in Idaho. Boise, Idaho. September 2008.

Idaho Department of Fish and Game. 2010. Mule deer initiative action plan. Boise, Idaho. 2010.

Idaho Department of Fish and Game. 2019. Fisheries Management Plan, 2019- 2024. Boise, Idaho. 2019.

Idaho Department of Fish and Game. Bonneville Power Administration. 1986. Pacific Northwest Rivers Study. Final report. Boise, Idaho.

Idaho Department of Parks and Recreation. 2018. Idaho Statewide Comprehensive Outdoor Recreation Plan 2018-2022. Boise, Idaho.

Idaho Water Resource Board. 2009. Eastern Snake Plain aquifer comprehensive aquifer management plan. Boise, Idaho. January 2009.

Idaho Water Resource Board. 2012. Idaho State water plan. Boise, Idaho. November 2012.

Northwest Power and Conservation Council. 1988. Protected areas amendments and response to comments. Portland, Oregon. Council Document 88-22. September 14, 1988.

Northwest Power and Conservation Council. 2014. Columbia River Basin Fish and Wildlife Program. Portland, Oregon. Council Document 2014-12.

Project Nos. 2842-045 and 2952-073

October 2014.

Northwest Power and Conservation Council 2020. 2020 Addendum to the 2014 Columbia River Basin Fish and Wildlife Program. Portland, Oregon. Council Document 2020-9. October 2020.

Northwest Power and Conservation Council. 2022. The 2021 Northwest Power Plan. Portland, Oregon. Council Document 2022-03. February 2022.

U.S. Fish and Wildlife Service. 2013. Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report. Denver, Colorado. February 2013.

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

9.0 MAILING LISTS

The list below is the Commission's official mailing list for the Idaho Falls and Gem State Projects. If you want to receive future mailings for these proceedings and are not included in the list below, please send your request by email to FERCOnlineSupport@ferc.gov. In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All written or emailed requests to be added to the mailing lists must clearly identify the following, as appropriate: **Idaho Falls (P-2842-045) and/or Gem State (P-2952-073) Hydroelectric Projects**. You may use the same methods if requesting removal from the mailing list below.

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

Project Nos. 2842-045 and 2952-073

Official Mailing List for the Idaho Falls Project

Bonneville County Sheriff's Department 605 N. Capital Ave. Idaho Falls, ID 83402-3582	Idaho Department of Lands Director P.O. Box 83720 Boise, ID 83720-0050
Richard Malloy Engineering, Compliance Manager Idaho Falls Power 140 So. Capital Idaho Falls, ID 83402	Gary Bachman Westcoast AGS Services (USA), Inc. 1050 Thomas Jefferson St. NW Washington, D.C. 20007-3877
Mark O. Gendron Manager City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405-0220	Nez Perce Tribe P.O. Box 305 Lapwai, ID 83540-0305

Official Mailing List for the Gem State Project

Dalan Andrews President 676 E. 1550 N. Shelley, ID, 83274-5034	Idaho Department of Lands Director P.O. Box 83720 Boise, ID 83720-0050
Kevin Richert Idaho Falls Post Register P.O. Box 1800 Idaho Falls, ID 83403-1800	Richard Malloy Engineering, Compliance Manager Idaho Falls Power 140 So. Capital Idaho Falls, ID 83402
Bruce Deming Westcoast AGS Services (USA), Inc. 1050 Thomas Jefferson St. NW Seventh floor Washington, D.C. 20007-3877	Mark O. Gendron Manager City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405-0220

Project Nos. 2842-045 and 2952-073

Nez Perce Tribe
P.O. Box 305
Lapwai, ID 83540-0305

Kelsey Edmo
Chairman
Shoshone-Bannock Tribes of the Fort Hall
Reservation
P.O. Box 306
Fort Hall, ID, 83203-0306

APPENDIX A
STUDY PLAN CRITERIA
18 CFR Section 5.9(b)

Any information or study request must contain the following:

1. Describe the goals and objectives of each study proposal and the information to be obtained;
2. If applicable, explain the relevant resource management goals of the agencies or Native American Tribes with jurisdiction over the resource to be studied;
3. If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study;
4. Describe existing information concerning the subject of the study proposal, and the need for additional information;
5. Explain any nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements;
6. Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate filed season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge; and
7. Describe considerations of level of effort and cost, as applicable, and why proposed alternative studies would not be sufficient to meet the stated information needs.

**APPENDIX B
PROCESS PLAN AND SCHEDULE**

Shaded milestones are unnecessary if there are no study disputes. If the due date falls on a weekend or holiday, the due date is the following business day. Early filings or issuances will not result in changes to these deadlines.

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Idaho Falls Power	NOI/PAD and Request to Utilize the Traditional Licensing Process filed	8/2/23	5.5, 5.6
FERC	Initiate Tribal Consultation	8/17/23	5.7
FERC	Issue Notice of Commencement of Proceeding and Scoping Document 1	10/1/23	5.8
FERC	Scoping Meetings and Project Site Visit	10/25/23 and 10/26/23	5.8(b)(viii)
All Stakeholders	File Comments on PAD/Scoping Document 1 and Study Requests	11/30/23	5.9
FERC	Issue Scoping Document 2 (if necessary)	1/14/24	5.10
Idaho Falls Power	File Proposed Study Plan	1/14/24	5.11(a)
All Stakeholders	Proposed Study Plan Meeting	2/13/24	5.11(e)
All Stakeholders	File Comments on Proposed Study Plan	4/13/24	5.12
Idaho Falls Power	File Revised Study Plan	5/13/24	5.13(a)
All Stakeholders	File Comments on Revised Study Plan	5/28/24	5.13(b)
FERC	Issue Director's Study Plan Determination	6/12/24	5.13(c)
Mandatory Conditioning Agencies	File Any Study Disputes	7/2/24	5.14(a)

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Dispute Panel	Select Third Dispute Resolution Panel Member	7/17/24	5.14(d)(3)
Dispute Panel	Convene Dispute Resolution Panel	7/22/24	5.14(d)
Idaho Falls Power	File Comments on Study Disputes	7/27/24	5.14(i)
Dispute Panel	Dispute Resolution Panel Technical Conference	8/1/24	5.14(j)
Dispute Panel	Issue Dispute Resolution Panel Findings	8/21/24	5.14(k)
FERC	Issue Director's Study Dispute Determination	9/10/24	5.14(l)
Idaho Falls Power	First Study Season	Summer 2024	5.15(a)
Idaho Falls Power	File Initial Study Report	6/12/25	5.15(c)(1)
All Stakeholders	Initial Study Report Meeting	6/27/25	5.15(c)(2)
Idaho Falls Power	File Initial Study Report Meeting Summary	7/12/25	5.15(c)(3)
All Stakeholders	File Disagreements/Requests to Amend Study Plan	8/11/25	5.15(c)(4)
All Stakeholders	File Responses to Disagreements/Amendment Requests	9/10/25	5.15(c)(5)
FERC	Issue Director's Determination on Disagreements/Amendments	10/10/25	5.15(c)(6)
Idaho Falls Power	Second Study Season (if needed)	Spring/Summer 2025	5.15(a)
Idaho Falls Power	File Updated Study Report	6/12/26	5.15(f)
All Stakeholders	Updated Study Report Meeting	6/27/26	5.15(f)
Idaho Falls Power	File Updated Study Report Meeting Summary	7/12/26	5.15(f)

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
All Stakeholders	File Disagreements/Requests to Amend Study Plan	8/11/26	5.15(f)
All Stakeholders	File Responses to Disagreements/Amendment Requests	9/10/26	5.15(f)
FERC	Issue Director's Determination on Disagreements/Amendments	10/10/26	5.15(f)
Idaho Falls Power	File Preliminary Licensing Proposal (or Draft License Application)	9/3/26	5.16(a)-(c)
All Stakeholders	File Comments on Preliminary Licensing Proposal (or Draft License Application)	12/2/26	5.16(e)
Idaho Falls Power	File Final License Application	1/31/27	5.17
Idaho Falls Power	Issue Public Notice of Final License Application Filing	2/14/27	5.17(d)(2)