



State of Utah

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DIVISION OF WATER QUALITY
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August 30, 2022

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE TO ISSUE A SECTION 401 WATER QUALITY CERTIFICATION

PURPOSE OF PUBLIC NOTICE

The purpose of this public notice is to declare the State of Utah's intention to issue a Section 401 Water Quality Certification with Conditions under the authority of the Federal Clean Water Act (33 U.S.C. § 1341), and consistent with the Utah Water Quality Act, Title 19, Chapter 5, Utah Code and Utah Administrative Code R317-15.

PERMIT INFORMATION

PERMITTEE NAME: PacifiCorp
MAILING ADDRESS: 825 Multnomah, Suite 1800 Portland, OR 97232
PROJECT LOCATION: The proposed project is located in Box Elder and Cache Counties near Logan and Collinston, Utah. The project is approximately located at 41.836463 and -112.048239..
DWQ CERTIFICATION NO.: DWQ-2022-07001
WATERCOURSES: Bear River, Cutler Reservoir, and Bear River tributaries (Bear River-2-1 AU^[1])

BACKGROUND

PacifiCorp proposes to renew their FERC license for the Cutler Hydroelectric Project. The project is located on the Bear River within Box Elder County and Cache County. The nearest cities are Collinston and Logan Utah. The project utilizes the Cutler dam which is formed at the confluence of the Bear, Logan, Spring Creek and Little Bear Rivers. The project has been in use since 1927 following the construction of the dam. The project operates by diverting flows from the Bear River and the Cutler Reservoir is utilized for minor load-following purposes when inflows are sufficient. The project produces approximately 5,053 megawatt hours of electrical energy that serves residential and commercial users. PacifiCorp operates four additional hydroelectric plants along the Bear River in Idaho.

¹ The DWQ delineates streams, rivers, lakes and reservoirs into discrete units called Assessment Units. Assessment Units (AUs) are used in identifying waters of the State that have been assessed to determine if they are supporting their designated beneficial uses. See <https://deq.utah.gov/water-quality/water-quality-assessment-map> for additional information.

The project boundary includes approximately 9,277 acres of surface water including the Cutler Reservoir and the Bear River and its tributaries. The upland areas surrounding Cutler Reservoir include shoreline and wetland areas. The Cutler Reservoir provides an 8,563-acre-foot storage capacity for the project. The project proponent proposes a variety of best management practices (BMPs) to minimize or mitigate any water quality impacts to the surrounding area. Most notably the project proponent plans to limit erosion and sedimentation by preserving vegetated buffer zones, monitoring recreational activity such as boating that may cause bank erosion, monitoring and implementing bank stabilization measures, minimizing flow fluctuations during period of ice buildup, and following erosion and sediment control plans. PacifiCorp also works closely with federal, state and local agencies to complete water quality monitoring and to ensure that wildlife and vegetative habitats are preserved and maintained. In 2001 PacifiCorp completed construction on a six-acre wetland complex in South Marsh as mitigation for the development of recreational sites. The site is managed by the Utah Division of Wildlife Resources.

PacifiCorp did not present any alternative sites for the proposed project. The permanent nature and high cost of constructing hydroelectric power plants and dams makes any alternative sites infeasible. The Cutler Hydroelectric project also works in cooperation with PacifiCorp's other hydroelectric projects along the Bear River in Idaho which would mean that alternative projects would also have a cascading impact for the project proponent. The maintenance of the Cutler dam and reservoir provides an important impact to the surrounding area in addition to providing electrical energy. The dam and reservoir provide water storage for livestock and agricultural uses as well as recreation for surrounding residents. The marshes caused by the construction of the Cutler Reservoir provide critical wetland and wildlife habitat as well.

PUBLIC COMMENTS

Public comments are invited any time prior to the deadline of the close of business on **September 30, 2022**. Written public comments can be submitted to: Andrea Kilbane, General Permitting Section, Utah Division of Water Quality, PO Box 144870, Salt Lake City, Utah 84114-4870 or by email at: wqcomments@utah.gov. After considering public comments the Utah Division of Water Quality may execute the Certification issuance, revise it or abandon it. The Certification is available for public review under <https://deq.utah.gov/water-quality/water-quality-public-notices>. If internet access is not available, a copy may be obtained by calling Andrea Kilbane at 385-501-9586.