

March 22, 2021

**VIA ELECTRONIC FILING**

Kimberly D. Bose  
Secretary, Federal Energy Regulatory  
Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Status of Informal Consultations; Application for Surrender of License for Major Project and Removal of Project Works and Request for Expedited Review, FERC Nos. 14803-001, 2082-063**

Dear Secretary Bose:

On February 26, 2021, the Renewal Corporation submitted its final design specifications and sixteen management plans stating specific actions that the Renewal Corporation will take to implement its Definite Decommissioning Plan.<sup>1</sup> In that filing, the Renewal Corporation advised the Commission that, by the end of this month, it would provide the Commission with an update on the status of informal consultation under the National Historic Preservation Act, the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. The Renewal Corporation now files the following documents in support of the Amended Surrender Application<sup>2</sup> for the Commission's review and formal consultation.

**Draft Biological Assessment**

The Renewal Corporation's Draft Biological Assessment (Draft BA) is attached to this letter (with appendices Attachments A-1 through A-12). The Draft BA was prepared in consultation with the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) by the Renewal Corporation. As part of this consultation, the Renewal Corporation convened an Aquatic Technical Work Group comprised of fisheries scientists representing the California Department of Fish and Wildlife, the Oregon Department of Fish and Wildlife, USFWS, NMFS, the Yurok Tribe, the Karuk Tribe and the Klamath Tribes. The Draft BA was prepared in accordance with

<sup>1</sup> *Definite Decommissioning Plan Final Design and Management Plans*, (Feb. 2021), FERC Accession no. 20210226-5093 (Final Design and Management Plans).

<sup>2</sup> *Amended Application for Surrender of License for Major Project and Removal of Project Works and Request for Expedited Review*, (Nov. 2020), FERC Accession no. 20201117-5191.

Section 7(c) of the Endangered Species Act and Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq.). The Draft BA is ready for Commission review and formal consultation with the Services.<sup>3</sup>

### **National Historic Preservation Act Memorandum of Agreement**

On November 10, 2016, the Commission designated the Renewal Corporation and PacifiCorp as the non-federal representatives for purposes of Section 106 of the National Historic Preservation Act.<sup>4</sup> Consistent with its obligations under the KHSA, the Renewal Corporation initiated informal consultation with the California and Oregon State Historic Preservation Officers, the Karuk Tribe, the Yurok Tribe of the Yurok Reservation, the Klamath Tribes, the Hoopa Valley Tribe, the Resighini Rancheria, the Cher-Ae Heights Indian Community of Trinidad Rancheria, Quartz Valley Indian Community of the Quartz Valley Reservation of California, the Confederated Tribes of The Siletz Indians of Oregon, the Shasta Nation, the Shasta Indian Nation, the Modoc Nation (*née*, Modoc Tribe of Oklahoma), and other interested parties.

On February 26, 2021, the Renewal Corporation filed a draft Historic Properties Management Plan for the Proposed Action.<sup>5</sup> The Renewal Corporation now submits for the Commission's review a draft Memorandum of Agreement (MOA) (Attachment B) and the consultation record documenting compliance with Section 106 (Attachment C). Subject to any further direction that the Commission may wish to provide, the Renewal Corporation has concluded informal consultations and respectfully requests that the Commission take what additional steps it deems necessary to provide notice to Advisory Council pursuant to 36 C.F.R. § 800.6 of its resolution of adverse effects.<sup>6</sup>

Should Commission Staff require any further information, please direct any such requests to counsel as identified below.

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<sup>3</sup> The Renewal Corporation's adaptive management plans for Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*) are now included in the Renewal Corporation's Aquatic Resources Management Plan. The Aquatic Resources Management Plan filed with FERC on February 26, 2021 did not include these adaptive management plans; see *Final Design and Management Plans*, at Exhibit A. These plans were developed in coordination with the Draft BA. The Aquatic Resources Management Plan in its entirety is now provided at Appendix D to the Draft BA.

<sup>4</sup> *Notice of Applications Filed with the Commission*, (Nov. 2016), FERC Accession no. 20161110-3055.

<sup>5</sup> *Final Design and Management Plans*, at Exhibit F.

<sup>6</sup> At such time the Commission may, in its discretion, invite the Council to participate in the consultation and execute the MOA.

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Respectfully submitted,

*s/ Markham A. Quehrn*

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cc: Service List (FERC Nos. P-14803-001 and P-2082-063)