

159 FERC ¶ 62,341

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Grand River Dam Authority

Project No. 1494-434

ORDER APPROVING REVISED SHORELINE CLASSIFICATION MAPS

(Issued June 27, 2017)

1. On January 19 and 23, 2017, Grand River Dam Authority (GRDA or licensee), licensee for the Pensacola Hydroelectric Project No. 1494, filed revised shoreline management classification (shoreline classification) maps and associated Geographic Information System (GIS) data showing “sensitive” designated shoreline areas at the project pursuant to the Commission’s Order on Rehearing issued October 20, 2016 (October 2016 order).¹ The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa counties, Oklahoma. The project does not occupy federal lands.

2. On October 17, 2013, Commission staff issued an Order Modifying and Approving Shoreline Management Plan (SMP) for the project.² The approved SMP creates six shoreline classifications on lands adjacent to the project reservoir,³ one of which is Responsible Growth.⁴ During the development of the shoreline classifications, the U.S. Fish and Wildlife Service and the Oklahoma Department of Wildlife

¹ 157 FERC ¶ 61,037.

² 145 FERC ¶ 62,041.

³ The six shoreline classifications include Project Operations; Municipal/Public Use; Stewardship; Wildlife Management; Responsible Growth; and Responsible Growth - Wetlands.

⁴ The Responsible Growth shoreline classification contains project lands managed exclusively to accommodate reasonable demands for public and private uses that are conducive to the protection and enhancement of Grand Lake’s environmental, recreational, and socioeconomic resources. Responsible Growth areas contain existing residential and/or commercial uses and areas of limited or no development not otherwise classified in the SMP.

Conservation (collectively, resource agencies) identified “sensitive”⁵ shoreline areas throughout the reservoir shoreline, including an estimated 41 miles of “sensitive” shoreline area within the portion of the shoreline classified as Responsible Growth.

3. Ordering paragraph (C) of the October 2013 order required GRDA, in part, to file revised maps identifying the project lands with the designated shoreline management classifications and overlaying the lands identified as “sensitive” by the resource agencies that the licensee classified as Responsible Growth. On July 1, 2014, and supplemented on October 31, 2014, and March 16, 2015, GRDA filed revised maps. By order issued March 30, 2016 (March 2016 order),⁶ Commission staff approved specific GRDA shoreline classification maps for the project, as well as a map that depicted the areas designated as “sensitive” on lands classified as Responsible Growth.⁷ The order also required GRDA to file, for Commission approval, a revised “SMC Classifications All” map and a revised “Shoal Islands” map. On June 28, 2016, GRDA filed the two revised maps, which were approved by Commission staff on August 15, 2016.⁸

4. On April 29, 2016, GRDA filed a timely request for rehearing of the March 2016 order. As part of its rehearing request, GRDA proposed to submit a new map showing those areas within the Responsible Growth classification that have been designated as “sensitive” by the agencies. GRDA also proposed to consult with the resource agencies at the time a permit is requested on these lands. The Commission’s Order on Rehearing issued October 20, 2016 granted GRDA’s rehearing request. Ordering paragraphs (B) and (D) of the October 2016 order required GRDA to file a new map showing those areas designated as “sensitive” within lands classified as Responsible Growth, as well as GIS data of such areas, respectively.

5. GRDA’s proposed revised maps show the currently approved shoreline classifications at the project and also areas designated as “sensitive” within the SMP’s

⁵ GRDA states that areas designated by the agencies as “sensitive” generally contain wetlands, steep slopes, shallow areas, or “sensitive” aquatic or terrestrial habitat.

⁶ Order Modifying and Approving Shoreline Management Classification Maps and Management Provisions (154 FERC ¶ 62,211).

⁷ The March 2016 order approved 16 of the 18 proposed shoreline management classification maps, which are titled: Bee Creek, Blackberry Island, Council Cove, Drowning Creek, Duck Creek, Elk River, Hickory Islands, Honey Creek, Monkey Island, Neosho River, Pensacola Dam, Spring River, Twin Bridges, Upper Horse Creek, Upper Spring River, and Upper Woodward Hollow.

⁸ Order Approving Revised Shoreline Classification Maps (156 FERC ¶ 21,119).

Responsible Growth classified lands. GRDA labels these “sensitive areas” as Responsible Growth – Sensitive. GRDA also states that in preparing the current maps, it discovered some additional small areas to be designated as Responsible Growth – Sensitive. In total, the eighteen revised maps and locational data show approximately 41 miles of the project reservoir shoreline classified as Responsible Growth – Sensitive. The revised shoreline classification maps would replace the eighteen currently approved shoreline classification maps for the project. GRDA’s filing also includes the required GIS data showing the areas designated as “sensitive”. GRDA acknowledges its requirement to consult with the resource agencies on “sensitive” lands within the Responsible Growth classification, as required in paragraph (C) of the October 2016 order.⁹

6. GRDA’s filing meets the requirements of ordering paragraphs (B) and (D) of the October 2016 order. The revised maps accurately depict the project’s shoreline classifications, and “sensitive” designated areas” in a user friendly format that would enhance GRDA’s implementation of the approved SMP. For these reasons, the revised maps should be approved and replace the current shoreline classification and “sensitive area” maps approved by Commission staff’s March and August 2016 orders.

7. The filed GIS data accurately represents the linear extent of the shoreline identified as “sensitive” within the Responsible Growth classified lands and is consistent with the information presented in the revised maps.

⁹ Ordering paragraph (C) of the October 2016 order requires GRDA to consult with the resource agencies on any permit request it receives for proposed uses allowed under paragraph (b) of Article 410 of its project license on land identified as “sensitive” and classified as Responsible Growth, as shown in the map filed under ordering paragraph (B) of the October 2016 order.

The Director orders:

(A) Grand River Dam Authority's revised shoreline classification maps filed on January 19 and 23, 2017 for the Pensacola Hydroelectric Project No. 1494 pursuant to ordering paragraphs (B) and (D) of the Commission order issued October 20, 2016, is approved. The approved maps supersede the shoreline classification and "sensitive area" maps approved by Commission staff orders issued March 30 and August 15, 2016.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2016). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Robert J. Fletcher
Land Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

P-1494-434.DOCX.....1-4