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July 24, 2023

**VIA ELECTRONIC FILING**

Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Re: Pensacola Hydroelectric Project, FERC Project No. 1494-438  
Additional Information and Analyses Requested by Commission Staff and  
Response to Request for Contaminated Sediment Transport Study**

Dear Secretary Bose:

In the ongoing relicensing of the Pensacola Hydroelectric Project No. 1494 (Project), staff of the Federal Energy Regulatory Commission (Commission or FERC) staff on March 14, 2023, issued their Determination on Requests for Study Modifications and New Studies (Determination),<sup>1</sup> following the Grand River Dam Authority's (GRDA) Updated Study Report (USR) filed in September 2022<sup>2</sup> and the ensuing USR meeting and public comment period. In their Determination, Commission staff approved several minor changes to the FERC-approved Hydrologic and Hydraulic (H&H) Modeling Study and Sedimentation Study. In addition, Commission staff stated their intent to make a final determination on the long-standing request in this relicensing effort for GRDA to undertake a proposed Contaminated Sediment Transport Study.

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This letter responds to staff's Determination.

<sup>1</sup> Determination on Requests for Study Modifications and New Studies for the Pensacola Hydroelectric Project, Project No. 1494-438, Accession No. [20230314-3035](#) (issued Mar. 14, 2023) (hereinafter, 2023 SMD).

<sup>2</sup> Updated Study Report, Project No. 1494-438, Accession No. [20220930-5106](#) (filed Sep. 30, 2022).

### ***H&H Modeling Study***

In their March 14 Determination, Commission staff requested GRDA to conduct several “extreme” simulations using the H&H Modeling Study’s HEC-RAS model, as an accommodation to the City of Miami, Oklahoma.<sup>3</sup> Specifically, staff requested that GRDA simulate fictional scenarios in which the U.S. Army Corps of Engineers (CORPS) would hold the elevation at Pensacola Dam steady at flood stage, while the incoming flood passed the Corps-monitored upstream U.S. Geological Survey (USGS) gages near Commerce and Miami (68 and 58 miles upstream of the dam, respectively) and continue to hold the elevation at Pensacola Dam steady at flood stage until the incoming flood reached Pensacola Dam.<sup>4</sup>

GRDA has completed this request, the results of which appear in **Attachment A** to this letter, *Supplementary Analysis No. 1: Hydrologic and Hydraulic Modeling: Fictional Scenarios in which the U.S. Army Corps of Engineers Fails to Adhere to its Water Control Manual Until the Peak Inflow Reaches Pensacola Dam* (SA1). This new, quantified analysis reported in SA1 resulted in the same conclusions presented in GRDA’s USR: that is, that starting elevations at Pensacola Dam within GRDA’s anticipated operational range—even considering extreme, fictional scenarios in which the Corps would disregard its Water Control Manual by failing to respond to an incoming flood event until the peak flow reaches Pensacola Dam—have an immaterial impact on upstream water surface elevations, inundation, and duration for a range of inflow events.

After years of study and analysis, including extreme events like these, Commission staff, GRDA, and all relicensing participants can confidently conclude that Project operations are not the cause of flooding within and in the vicinity of the City of Miami.

### ***Sedimentation Study***

Also in their March 14 Determination, Commission staff accepted a request by the Local Environmental Action Demanded Agency, Inc. (LEAD) for GRDA to run the sediment transport model at higher water levels to determine effects of Project operations in the redistribution of toxic sediment, directing GRDA to add a modeling run with a starting elevation of 755 feet. In addition, staff directed GRDA to modify the Tar Creek boundary condition in the 1-D Upstream Hydraulic Model and re-run the sediment transport model to update the Sedimentation Study results, as needed to account for these changes recommended by staff.

GRDA has completed this request, the results of which appear in Attachment B to this letter. **Attachment B-1** contains the *Grand Lake Sedimentation Study: Revised Updated Study Report* (Revised Sedimentation Study Report), which details the additional work to the sediment transport modeling work recommended by FERC staff, and concludes that sediment loading, a natural phenomenon outside GRDA’s control, generally has the largest impact on upstream water

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<sup>3</sup> 2023 SMD at B-8.

<sup>4</sup> *Id.*

levels in the Neosho River, overshadowing any impacts caused by Project operations. The Revised Sedimentation Study Report demonstrates that Project operations, sediment loading, and future geometry show immaterial changes to water levels in the vicinity of the City of Miami. GRDA does not control the volume of incoming sediment, and the simulations reported in the Revised Sedimentation Study Report indicate that, much like the findings of the H&H Modeling Study, nature dictates incoming sediment loads and therefore water levels in the study area, not Project operations. For convenience, a redlined version of the Revised Sedimentation Study Report, showing all changes to the prior version of this report since it was last filed as part of the USR, appears in **Attachment B-2**.

### ***Proposed Contaminated Sediment Transport Study***

Commission staff's March 14 Determination indicated their intent to make a determination on the repeated requests by the City of Miami and LEAD on their proposed Contaminated Sediment Transport Study. Staff explained:

As discussed in the approved study plan, the results of the H&H and Sedimentation Studies are necessary to evaluate the potential for project operation to affect flooding, peak flows, and sediment transport in the project headwaters. These studies are nearly complete, but as recommended in this SMD, the 1-D UHM requires modification to revise the downstream boundary condition for Tar Creek at the Neosho River confluence. In addition, modifications to the sediment transport model are needed to account for the corrections to the 1-D UHM. Until the modifications recommended in this SMD are completed, it remains premature to make a determination on the need for the City's requested Contaminated Sediment Transport Study. As discussed in Appendix B, this letter provides 30 days from the issuance date of this determination for GRDA to file an updated Sedimentation Study Report. After that update is filed, a determination will be made on the Contaminated Sediment Transport Study.<sup>5</sup>

As detailed in **Attachment C, Response to Requests for Contaminated Sediment Transport Study for the Relicensing of the Pensacola Hydroelectric Project (FERC No. 1494)**, the Commission should reject the proposed Contaminated Sediment Transport Study. Not only do the now-final H&H Modeling Study and Sedimentation Study demonstrate that Project operations are not the cause of overbank flooding in and around the City of Miami, but the study involves matters that are within the exclusive authority of the Corps (exercising flood control jurisdiction) and the U.S. Environmental Protection Agency (EPA) (exercising authority under the Comprehensive Environmental Response, Compensation, and Liability Act); involves a matter in which GRDA bears no responsibility; proposes methods that have been rejected by EPA's Contaminated

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<sup>5</sup> *Id.* at C-3. Later, Commission staff approved GRDA's request for an extension of time until July 24, 2023, to file these additional analyses. See Extension of Time for Filing Modifications to Updated Study Report, Project No. 1494-438, Accession No. [20230329-3039](#) (issued Mar. 29, 2023).

Sediments Technical Advisory Group; seeks information that is already abundantly available; and involves a multi-year effort that would cost millions of dollars, delay this relicensing process, and fail to produce reliable information to the Commission in this proceeding.

***Availability of Updated Modeling Data***

Modeling files supporting the new analyses of both SA1 and Revised Sedimentation Study Report are available to Commission staff and all relicensing participants at the following location:

[July 24, 2023 Filing](#)

***Conclusion***

GRDA appreciates this opportunity to submit additional information that has now finalized not only the H&H Modeling Study and Sedimentation Study, but the entire Commission-approved study plan for the relicensing of the Project. GRDA also appreciates Commission staff's due consideration of GRDA's strong objections to the proposed Contaminated Sediment Transport Study. While GRDA agrees with the City of Miami and LEAD that addressing the significant adverse effects to human health caused by historic mining activities within the Tri-State Mining District and the Tar Creek Superfund Site is a matter that is vital to our community, this is not a matter that can or should be addressed in this relicensing effort.

Should you have any questions regarding the enclosed reports or the above link, please do not hesitate to contact Jacklyn Smittle, at 918-981-8473, or by email at [jacklyn.smittle@grda.com](mailto:jacklyn.smittle@grda.com).

Sincerely,



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Enclosure

cc: Attached Distribution List

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## **ATTACHMENT A**

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**Supplementary Analysis No. 1: Hydrologic and Hydraulic Modeling: Fictional Scenarios  
in which the U.S. Army Corps of Engineers Fails to Adhere to its Water Control Manual  
Until the Peak Inflow Reaches Pensacola Dam**

## **ATTACHMENT B-1**

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**Grand Lake Sedimentation Study: Revised Updated Study Report (Clean Version)**

## **ATTACHMENT B-2**

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**Grand Lake Sedimentation Study: Revised Updated Study Report (Redlined Version)**

## **ATTACHMENT C**

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**Response to Requests for Contaminated Sediment Transport Study for the Relicensing  
of the Pensacola Hydroelectric Project (FERC No. 1494)**