



OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC NOTICE

May 9, 2016

This is to give notice that the Oklahoma Department of Environmental Quality (DEQ) has received an application for a Water Quality Certification for proposed activities in Grand Neosho River and Grand Lake O’ The Cherokees. Under Section 401 of the Clean Water Act (CWA), the State is required to review any Federal permit regarding activities in navigable waters. The purpose of the Certification review, according to DEQ regulations [[Title 252, Chapter 611-3-1\(a\)](#)], is to determine whether the proposed discharge will comply with the [Oklahoma Water Quality Standards](#) (Title 785, Chapter 45 of Oklahoma Administrative Code), and Sections 301, 302, 303, 306, and 307 of the CWA.

This Public Notice opens on May 9, 2016 and will close on June 8, 2016.

The proposed activity is a non-capacity related amendment of the Federal Energy Regulatory Commission (FERC) license for FERC Project No. 1494 (henceforth to be called the “Project”). The Project is operation of the Pensacola Dam hydroelectric facility on the Grand Lake O’ Cherokees in Craig, Delaware, Mayes, and Ottawa Counties. GRDA seeks to change the rule curve requirement under Article 401 of the Project license during the August 15 through October 31 period each year, for purposes of promoting public safety, water quality, and recreational enhancement through a peak public recreation period of the year. The proposed change is as follows:

Period	Reservoir Elevation, feet (Pensacola Datum)
May 01 – May 31	Raise elevation from 742 to 744
Jun 01 – Jul 31	Maintain elevation at 744
Aug 01 – Aug 15	Lower elevation from 744 to 743
Aug 16 – Sep 15	Maintain elevation at 743
Sep 16 – Sep 30.....	Lower elevation from 743 to 742
Oct 1 – Apr 30.....	Maintain elevation at 742

GRDA also seeks to implement a Storm Adaptive Management Plan and Drought Adaptive Management Plan in conjunction with the requested changes to the rule curve. The Project is located on Lower Grand Lake O’ Cherokees in Section 14, Township 23 North, Range 21 East, in Mayes County, Oklahoma.

A copy of the proposed conditional Certification is enclosed.

If you have any concerns regarding the proposed Water Quality Certification, please submit your comments in writing by the end of the workday on June 6, 2016 to:

Elena Jigoulina
Water Quality Division
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677
(405) 702-8200
Water.Comments@deq.ok.gov



You are receiving this notice because you are either on DEQ’s list to receive all public notices or you are located downstream in an affected watershed. If you are receiving this notice in error, are getting multiple notices, or do not want to receive future notices, please let us know. In addition, public notices are also sent out about proposed changes in Waste Load Allocations, the Integrated Report, TMDLs, 401 Certification requests, 404 projects, stormwater permits, and the CPP.

If you would like to receive any or all of these public notices via e-mail, please send your e-mail address to Water.Comments@deq.ok.gov. Also, please let us know if you want to receive notices for the entire State or just for your [watershed](#). **By receiving PDF public notices via e-mail, you will help save money and the environment by reducing the amount of paper we use to mail them.** In addition to helping the environment, you will be able to click on helpful FYI hyperlinks.



Note to newspapers: This notice is for informational purposes only. Do not publish in the legal section or as a legal notice.

June XX, 2016

Darrell Townsend II, Ph.D.
Director of Ecosystems Management
Grand River Dam Authority
Ecosystems and Education Center
PO Box 70
Langley OK 74350

Re: Water Quality Certification for amendment to the Pensacola Dam License (FERC License No. 1494).

We have received your request for a Water Quality Certification under Section 401 of the Federal Clean Water Act [(1972)], for the activities to be permitted under the FERC license on Neosho River and Lower Grand Lake O' the Cherokees in Section 14, Township 23 North, Range 21 East, in Mayes County, Oklahoma. DEQ rules governing 401 Water Quality Certification are contained in Oklahoma Administrative Code (O.A.C.) § 252:611-3 (2011) pursuant to 27A O.S. § 2-6-103(C)(2) (OSCN 1999). For copies of the DEQ rules and regulations related to the 401 procedures, please access it online at www.deq.state.ok.us/rules/611.pdf or contact the DEQ Office of External Affairs at (800) 869-1400.

We have reviewed and examined the proposed project and its environmental impacts as described in the *Pensacola Project FERC Project No. 1494, Comment Draft Application for Non-Capacity Related Amendment of License* of March 16, 2016. The Lower Grand Lake O' The Cherokees and Neosho River are assigned the following beneficial uses through the Oklahoma Water Quality Standards (WQS): Warm Water Aquatic Community, Public and Private Water Supply, Agriculture: Livestock and Irrigation, Primary Body Contact Recreation, and Aesthetics (OAC 785:45 Appendix A, Table 1). To obtain a copy of the most recent version of the Oklahoma WQS, please go online to http://www.owrb.ok.gov/util/rules/pdf_rul/current/Ch45.pdf or contact the Oklahoma Water Resources Board at (405) 530-8800.

The proposed activity is a non-capacity related amendment of the Federal Energy Regulatory Commission (FERC) license for FERC Project No. 1494. The Project is operation of the Pensacola Dam hydroelectric facility on the Grand Lake O' Cherokees in Mayes County. GRDA seeks to change the rule curve requirement under Article 401 of the Project license during the August 15 through October 31 period each year, for purposes of promoting public safety, water quality, and recreational enhancement through a peak public recreation period of the year. The proposed change is as follows:

Period	Reservoir Elevation, feet (Pensacola Datum)
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GRDA also seeks to implement a Storm Adaptive Management Plan and Drought Adaptive Management Plan in conjunction with the requested changes to the rule curve.

The Oklahoma Department of Environmental Quality grants Clean Water Act 401 Water Quality Certification for the amended Pensacola Dam License (FERC License No. 1494) subject to the following conditions.

The conditions for the amended Pensacola Dam License (FERC License No. 1494) are:

- 1) This Certification does not authorize any discharge or dredging of soil material in or into the Neosho River or Grand Lake O' Cherokees.
- 2) The reservoir surface elevation will be maintained between 744 and 742 feet, as requested in the proposed project.
- 3) Emergency and Routine Maintenance shall be permitted under the appropriate U.S. Army Corps of Engineers Permit.
- 4) The results of all ongoing testing of dissolved oxygen mitigation measures, as required by the project license, shall be submitted annually to the DEQ. The DEQ will use the monitoring results to track project's progress toward meeting and remaining in compliance with state water quality standards. DEQ reserves the right to revoke this certification if the activity causes degradation of the water quality of the Grand Lake or Neosho River.

If you have any questions regarding this Certification, feel free to contact Elena Jigoulina at 405-702-8200.

Sincerely,

Joe Long, Environmental Programs Manager
Watershed Planning Section
Water Quality Division

Cc: Director, Oklahoma Department of Wildlife Conservation
Director, U. S. Fish and Wildlife Service, Tulsa
Lauren Poulos, EPA Region 6 (6WQ-EM)
Julie Bays, Public Protection Unit Chief, Attorney General of Oklahoma
Director, Oklahoma Conservation Commission
Stephen Bowler, FERC, FERC Project Number 1494
Jeanne Edwards, FERC, FERC Project Number 1494