

FEDERAL ENERGY REGULATION COMMISSION

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WEBER HYDROELECTRIC PROJECT

SCOPING MEETING

October 6, 2015

1:00 P.M.

LOCATION:

Ben Lomond Hotel
2510 Washington Blvd.
Ogden, UT

* * *

Kellie Peterson

- Registered Professional Reporter -
- Certified Shorthand Reporter -

P R E S E N T E R S

FERC: Claire McGrath

PacifiCorp: Eve Davies

Gaddis Consulting: Ben Gaddis

1 October 6, 2015

1:00 P.M.

P R O C E E D I N G S

2

3 BEN GADDIS: Let's get started today.

4 Hopefully, everybody has an agenda. There is one here, a
5 larger version, and then there's one that is a handout in
6 the back as well.

7 So a couple of quick things and then we will
8 do introductions. One is, we do have a court reporter,
9 Kellie Peterson, and I had to look at the name because I
10 couldn't remember. So a cupful of quick instructions for
11 that is if you have a question or a statement or
12 something like that, please just say your name so that
13 she captures that, and then she may, if you are sort of
14 mumbling, she may say, "Please speak up," so just make
15 sure she can hear you. Any other instructions? Okay.

16 So why don't we start with introductions. My
17 name is Ben Gaddis, and I am just helping with the
18 facilitation process. I think we can probably turn it
19 over to you for now.

20 FRANK SHRIER: I am Frank Shrier with
21 PacifiCorp. I am a fish biologist on this project.

22 BUFFY MORRIS: I am in the property
23 department at PacifiCorp.

24 KARI LUNDEEN: Kari Lundeen with the Division
25 of Water Quality.

1 GEORGE WEEKLEY: George Weekley with US Fish
2 and Wildlife Service.

3 PAUL BADAME: Paul Badame with Utah Division
4 of Wildlife in Salt Lake.

5 PAUL BURNETT: I'm Paul Burnett. I work for
6 Trout Unlimited and coordinator for Weber restoration
7 program.

8 PAUL THOMPSON: And I will complete the line
9 of Pauls here, Paul Thompson with Utah Division of
10 Wildlife Resources, northern region aquatic manager out
11 of Ogden.

12 BEN GADDIS: Yes, you have to change your
13 name to Paul, George. You are not allowed on this
14 project because you don't have the right name.

15 TROY STOUT: Troy Stout with Weber Basin
16 Water.

17 JEFF MORGAN: Jeff Morgan, Weber Basin Water.

18 CHARLIE ROSIER: Charlie Rosier, Uintah,
19 Wasatch, Cache National Forest.

20 DAWN ALVAREZ: Dawn Alvarez, Forest Service,
21 regional office.

22 IVAN RAY: Ivan Ray, I'm Weber River Water
23 Users Association and Davis and Weber Counties Canal
24 Company.

25 JOE HASSELL: I am Joe Hassell, and I am with

1 FERC.

2 CLAIRe MCGRATH: I am Claire McGrath, also
3 with FERC.

4 QUINN EMMERING: Quinn Emmering, with FERC as
5 well.

6 KYLE OLCOTT: Kyle Olcott, also with FERC.

7 MIRIAM HUGENTOBLER: I'm Miriam Hugentobler,
8 project coordinator.

9 BEN GADDIS: And we've got two more.

10 LINDSEY KESTER: Lindsey Kester with SWCA,
11 Environmental Consultants.

12 EVE DAVIES: And Eve Davies.

13 BEN GADDIS: I think at this point I will
14 turn it over to Claire and Eve for some additional
15 project information, a lot of details, and we will move
16 forward from that.

17 CLAIRe MCGRATH: So, again, my name is Claire
18 McGrath. I work for FERC. I am the project coordinator
19 for the Weber project. The scoping meeting is slightly
20 different than some you may have been to. In the
21 alternative licensing process, this scoping meeting is
22 led by the applicant, so we are working together on this,
23 but you will see a lot of the content of the meeting will
24 be given by PacifiCorp.

25 I wanted to start out with procedural

1 information about the FERC hydropower licensing process
2 so you have a good idea of what is happening now and the
3 steps that are going to occur through pre-filing
4 activities before the license application and files and
5 post filing activities.

6 So the purpose of scoping today is to provide
7 information on the processes I just mentioned, the
8 existing project, facilities and operations, as well as
9 any proposed new project, facilities and operations. The
10 real purpose here is to get solicit input from you on any
11 issues or potential impact on the environment or the
12 community and to invite your oral and written comment.

13 And then Eve is going to be talking about, in
14 real detail, about the issues and also about what is
15 going to happen tomorrow at the site visit and tomorrow
16 afternoon at the study planning meetings that we are
17 going to be having.

18 So just a little bit about FERC. FERC is a
19 federal agency, and we are responsible for the oversight
20 of non federally operated hydroelectric projects. We are
21 an independent regulatory agency. We are led by a
22 five-member commission that is appointed by the president
23 and confirmed by the Senate. And FERC regulates natural
24 gas, electric power, oil pipeline, hydropower.

25 And this is a schematic to kind of show you

1 how license holders interact with the hydropower program
2 at FERC. We have three divisions; the Division of
3 Hydropower Licensing, the Division of License
4 Administration and Compliance that would interact with
5 the license holder after they received their license, in
6 terms of compliance activities and monitoring reporting
7 activities. Then we have a Division of Dam Safety and
8 Inspections, that most of those engineers work from our
9 regional offices.

10 So those of us here work within the Division
11 of Hydropower Licensing, and the Division of Hydropower
12 Licensing is organized by geography, so all of us work
13 for the west branch, and it includes the Western states
14 excluding the Pacific Northwest. So we are pretty
15 familiar with Western water issues and the particular
16 threatened and endangered species issues that we will be
17 seeing on this project.

18 And our team is composed of technical experts
19 in the fields that you see here today. I am the
20 coordinator. I am also a fisheries biologist. Joe is an
21 engineer. Kyle is a recreational planner and Quinn is a
22 terrestrial biologist, but we have all of these
23 specialists that will be working on the activity as it
24 proceeds.

25 So we have three hydropower licensing

1 processes by which you can undergo licensing activities;
2 the integrated licensing process, which is our default
3 process, the traditional licensing process, which is the
4 original process that predated the integrated, and then
5 we have this alternative licensing process. That's the
6 process that we are using for the Weber project.

7 If you are interested in more information on
8 these licensing processes and detail about each step,
9 there is a lot of information on our website. There are
10 three brochures that I would encourage you to take that
11 are back there by the signup information, and that will
12 sort of direct you to our website, where to go for
13 questions, where to go for process information, and where
14 to go for help with any commenting or filing that you
15 want to do related to the project.

16 So the alternative licensing process is a
17 little different from the integrated, or the ILP, or the
18 traditional, which we call the TLP, and the biggest
19 difference is that it's collaborative. It involves a
20 wider range of participants at an earlier stage, and the
21 goal is to accelerate the environmental review process by
22 combining four things; the pre-filing consultation
23 process, whereby we get all stakeholders together to talk
24 about the issues early on in the process so that some of
25 those issues and related PM&E measures can be addressed

1 in a draft application and into a license application,
2 leaving fewer loose ends to deal with later.

3 We want to, early on, evaluate project
4 impacts pursuant to NEPA. We want to integrate other
5 federal and state regulatory reviews, and the desire, not
6 uncommon with the ALP process, would be to involve in
7 those negotiation processes, which could lead to a
8 settlement agreement among interested parties.

9 The ALP allows -- provides for an
10 applicant-prepared environmental assessment, or
11 third-party Environmental Impact Statement, to be
12 submitted along with the license application. We will
13 talk more about PacifiCorp's intentions on those lines.

14 This is just a little schematic if you're
15 more familiar with the ILP or TLP as to when things
16 occur, and it shows with the ALP that we really want to
17 front load the scoping process that we are working within
18 right now. The consultation regarding study planning and
19 carrying out the studies, that's already underway, and
20 PacifiCorp will talk more about that.

21 And then preparation of an applicant-prepared
22 environmental assessment, all done before the application
23 is filed, and ideally, again, a lot of the issues have
24 already been collaboratively worked through with the
25 stakeholders so that we can very efficiently move right

1 into FERC's staff environmental assessment. Our
2 environmental assessment will use PacifiCorp's draft
3 environmental assessment, but ours will be prepared with
4 an independent evaluation.

5 So, again, just to summarize, the ALP is
6 collaborative, it's flexible, it's streamlined, it is
7 applicant driven, but you need to note that FERC state
8 and federal resource agencies still exercise all of our
9 authorities and obligations. So the fact that it is
10 collaborative doesn't mean that we kind of loosen the
11 requirements of the process. They are all still in
12 there.

13 I am going to go through this quickly. Eve
14 will talk about it more directly with how it fits into
15 where the Weber project is going. But these are the
16 pre-filing steps, so pre-filing before formal license
17 application is filed. The applicant files their Notice
18 of Intent and pre-application document. That was done at
19 the end of May for Weber. The applicant forms work
20 groups and develops a communications protocol and builds
21 consensus; that is underway.

22 We acted on the ALP request, and with input
23 from stakeholders supporting that ALP request, we
24 approved that request; PacifiCorp issues a scoping
25 document, and right now, here we are in steps 5 and 6

1 with scoping meeting and studies planning underway. The
2 hope is that any disputes about studies that need to be
3 conducted or the methods related to those studies can be
4 dealt with internally by the working group in a
5 collaborative fashion. If that kind of comes to a
6 standstill or if there's disagreements that can't be
7 dealt with collaboratively, FERC can step in and help
8 with the dispute resolution in that process.

9 The applicant issues a Scoping Document 2 in
10 most cases, and what that means is we have a Scoping
11 Document 1. Hopefully you picked up a copy of it. It's
12 a bound packet of information that was prepared by
13 PacifiCorp. If there is any new issues that are brought
14 up as part of this scoping process, or significant
15 comments that are brought up, we will amend that scoping
16 document. In this case, PacifiCorp would amend that
17 scoping document, or FERC might choose to do it, and
18 publish a Scoping Document 2 that summarizes all the
19 issues that are identified thus far in the process.

20 The studies will be conducted over the next
21 one to three years, and at that point, if there's
22 additional studies needed based on the findings of the
23 initial studies, that would be the time for that input
24 from stakeholders. And PacifiCorp will issue an
25 applicant-prepared draft environment assessment.

1 The last step of pre-filing would be if there
2 are any disputes that come out of that draft
3 environmental assessment, or issues that are unresolved,
4 in terms of draft PM&E measures. There may be a meeting
5 to resolve some of those.

6 And then finally, the applicant would file
7 their final draft environmental assessment. That
8 launches us into post filing activities. We'd send out a
9 notice of license application that would go out to the
10 large mailing list, a supplemental mailing list. We will
11 review the application. If there is any missing
12 information that we need in order to conduct our
13 environmental analysis, we would then ask for that
14 additional information at that time. Then finally, issue
15 a notice of acceptance.

16 At that time, we would go to the state and
17 federal agencies and ask them for their final conditions,
18 mandatory conditions, that they would be requesting with
19 the license, and we would do our environmental analysis
20 and issue a draft environmental analysis or a draft
21 Environmental Impact Statement, and receive comment on
22 that, revise as needed, and issue a final yay, prior to a
23 license order.

24 Eve is going to cover in detail the process
25 schedule that we are -- that is underway for the

1 PacifiCorp project, so I will kind of skip over this. As
2 I mentioned, we are just in that scoping step right now.
3 So if you want more information on understanding the
4 process, again, I urge you to go look at our website.
5 There is a lot of information there. This brochure is
6 really a useful document just for folks who are new to
7 the process, or not so new, but there's just lots of
8 useful tidbits in there.

9 If you are not already a member of the ALP
10 working group and want to be involved in the
11 collaborative process, I guess what you need to do is
12 send an email to Miriam, and she will put you on email
13 list. And then if you want to receive the official
14 project correspondent directly from FERC, there are some
15 options that I wanted to clarify, so I will bring that up
16 next.

17 Let me see. Yes, I will talk about the
18 mailing list in a second, but if you want to send
19 official comments on the project, and as far as
20 PacifiCorp, they would be doing filing, we urge you to do
21 that all electronically. I have provided a guide to
22 electronic information at FERC, and we have a whole
23 system where you can E-register. So, essentially, you
24 set yourself up with an account on our electronic system.
25 File comments, E-subscribe, and what that will do is you

1 can say, "I want to receive an email any time anything
2 happens on this project," in terms of PacifiCorp filing a
3 document, another stakeholder filing comments, or FERC
4 issues any project correspondence. You just get an email
5 saying, "Hey, this has been posted to the document," with
6 a link to get to it. It is very easy, very timely, and
7 you don't have to wait for snail mail, so I encourage you
8 to do that.

9 Comments, again, we encourage you to file
10 them electronically, and the how-to is in that hydropower
11 licensing get involved and guide to electronic
12 information at FERC. So this one, your guide to
13 electronic information, how to file comments
14 electronically, if you're really opposed to doing things
15 electronically, you can do it by paper, and this is the
16 address that you need to send it to at 888 First Street
17 in Washington.

18 Any project correspondence that you send in,
19 please put the project name, Weber hydroelectric project,
20 and P-1744. That is the project number. We would like
21 to solicit your comments on either the pre-application
22 document, the scoping document or meeting, and any
23 comments you might have at this point on the study
24 planning process. Those comments related to scoping are
25 due in 30 days, November 5th.

1 We can discuss this as the meeting goes on.
2 With the ALP, there is a lot of communication that occurs
3 amongst the working group, and I would encourage you, if
4 you have a comment that you really want to make sure FERC
5 hears and doesn't get lost in the process, go ahead and
6 file it independently to FERC using the E-filing system.

7 If you are just working with the working
8 group in terms of study planning, you would like to see
9 X, Y, and Z done, and you are comfortable that resolution
10 of any questions or comments you have will be taken into
11 account with that working group, you don't need to file
12 directly to FERC. Just have that happen in the study
13 planning process, and as these key milestones arrive, go
14 ahead and check and make sure that your comments are
15 incorporated into whatever study plan documents are
16 filed, things like that.

17 I would like to request from you all updates
18 on two things; one is any related comprehensive plans
19 that you might have, watershed plans, state, species
20 plan, things like that. FERC maintains a list of
21 comprehensive plans that we look at, that we must look at
22 in our environmental analysis, and we make sure that the
23 project is consistent with those plans. You can get a
24 list of those comprehensive plans from the FERC website.
25 That has also been included in the scoping document.

1 There is a whole process that needs to happen to get a
2 given plan accepted as a -- considered as a comprehensive
3 plan by FERC.

4 We will also take input on other kinds of
5 plans or sort of watershed development plans, reports,
6 things like that. You can file those to the project
7 docket, and we will consider them, but if you have an
8 update to a comprehensive plan, just make sure that gets
9 filed in a timely fashion so that we are dealing with the
10 latest plans.

11 So I touched on earlier, the mailing list can
12 get a little confusing, particularly with ALP, so I
13 wanted to try to straighten that out as best I can. So
14 we have the email mailing list. That is managed by
15 PacifiCorp for the working group. And contact Miriam to
16 get on that or to change contact information for that.

17 FERC has an official service list for the
18 project. That official service list, folks on that will
19 receive hardcopies of project correspondences. So make
20 sure you want to be on that list, if you put yourself on
21 it, because you are going to get paper letters for a lot
22 of milestones in the process. There is a supplemental
23 list. All of those folks that we consider kind of anyone
24 that we would want to make aware of a major milestone in
25 the process, like a notice of license application or the

1 notice of scoping, those are identified in the
2 pre-application document. You will receive notice of the
3 large project milestones.

4 But if you are just wanting to keep abreast
5 of the project and comment at the times when it is
6 important to comment, I just recommend you E-subscribe;
7 again, use the brochure to figure out how do that, and in
8 that case, you will get a quick and dirty little email
9 any time there is issuance, or, you know, someone files
10 something to document. That is the best way to stay up
11 on the project without getting a lot of hardcopy mail.

12 If you have any issues whatsoever with the
13 E-system at FERC, there is really easy online technical
14 assistance. That is the number right there, or email.
15 They are very timely at getting back to you. I always
16 get a call back within an hour when I ask them questions.
17 And that is all I have on the FERC process.

18 I will take questions, if you have any, on
19 the FERC process. What we are going to do next is Eve is
20 going to come up and talk about the specifics of the
21 Weber project and where we are and their plans for
22 relicensing. And then at the end of that, we can have
23 comment and discussion. Are there any questions related
24 specifically to the FERC process?

25 FRANK SHRIER: I just want to clarify, once

1 we get into post filing, under the -- I'm Frank Shrier --
2 under the post filing, even with ALP, you are still in an
3 ex parte; is that right?

4 CLAIRE MCGRATH: Yes, thank you. We are
5 still in an ex parte. So after the license application
6 is filed, our ex parte rules apply, which means that we
7 cannot have exclusive conversations to any party of the
8 proceeding. So if you want to give us a call and talk
9 about the merits of the project, we can't do that without
10 noticing all stakeholders in the project and inviting
11 them to participate in that communication. We can have,
12 you know, individual conversations before filing.

13 So sometimes that is hard because I know some
14 of the other federal agencies don't operate that way, and
15 they don't understand that. It might be the Forest
16 Service or the Fish and Wildlife Service calling up and
17 saying, "Hey, what's going on with this 10(j)," we can't
18 talk one on one with you until we let everybody on the
19 mailing list know that that meeting is happening, and
20 invite them if they are interested. Thank you for
21 bringing that up.

22 JOE HASSELL: Joe Hassell, we can talk about
23 process?

24 CLAIRE MCGRATH: Process, yes.

25 FRANK SHRIER: Yes, process questions.

1 CLAIRE MCGRATH: Yes, process questions about
2 "Hey, when are my comments due," or that kind of thing,
3 send me an email, give me a call. Any other questions?
4 Yes, one more, please.

5 IVAN RAY: Ivan Ray. So, Claire, if -- the
6 question I wrote down as I was going through here is you
7 mentioned about the environmental assessment will have a
8 secondary review; is that correct?

9 CLAIRE MCGRATH: The applicant will -- what
10 you did to the ALP is in lieu of this section E of the
11 document, they will be preparing their own environmental
12 assessment. That is your plan. Right?

13 EVE DAVIES: Yes, we call it the APEA, so you
14 will hear about that from me.

15 CLAIRE MCGRATH: Applicant-prepared
16 environmental assessment. We want you to know that we
17 don't take that and plug that into our process. We
18 actually conduct an independent review as we would for
19 any project, any license application, where we --
20 hopefully, they have done a good job of collecting
21 relevant information for us and discussing the issues as
22 they have been discussed between the stakeholders, but
23 our staff-issued environmental assessment is an
24 independent objective document separate from that.

25 IVAN RAY: Okay. So, basically, it will be

1 PacifiCorp who will do that environmental review; is that
2 in --

3 EVE DAVIES: We will write the APEA, and then
4 my understanding is that then FERC will take the
5 information that we use to help -- help give them the
6 information they need, but they may need to ask for
7 additional information, and they will basically be doing
8 a whole additional assessment on top of ours, in addition
9 to ours.

10 IVAN RAY: And that will be before the
11 approval?

12 FRANK SHRIER: In other words, when we hand
13 over the APEA, the NEPA process becomes FERC's process,
14 and we don't -- other than providing additional
15 information, it is not our process anymore. That is your
16 document.

17 CLAIRE MCGRATH: Right, right, that is
18 correct. So as long as PacifiCorp submits a draft APEA,
19 or a draft of their own environmental assessment, there
20 will be an opportunity for you to comment on that at that
21 time. If you are like, "Hey, you missed the boat on
22 this. I brought this up in the working group, and it's
23 not addressed," then hopefully that can get resolved
24 before they submit their final EA to us. And then we
25 will do our environmental analysis, and you will again

1 have an opportunity to comment on our analysis before we
2 issue a final.

3 IVAN RAY: So one last thing, Ivan Ray still.
4 So has this process been streamlined, shall we say, in
5 the last few years so it's not as big? Because I heard
6 it was, and we're considering filing some FERC permits
7 for hydro -- low-head hydro and so forth, so, but I heard
8 it had been streamlined, so saying, say, in the last four
9 years.

10 CLAIRE MCGRATH: Joe?

11 JOE HASSELL: We have issued a number of
12 conduit exemptions for irrigation companies. That might
13 be what you are talking about, but they are very
14 specific. They just involve -- you know, if you have a
15 ditch or maybe a pipe, and you own all the rights and you
16 are not on any federal land, and you are taking it from
17 your intake location to your reservoir, and right at the
18 bottom, you want to put a powerhouse, those people are
19 getting conduit exemptions, and they are getting them, I
20 would say within, you know, a couple months of when they
21 -- when they apply, but this is not one we have here.

22 CLAIRE MCGRATH: No. All of the regulatory
23 steps are still taken. The goal is to just work through
24 some of the disagreements and issues earlier in the
25 process.

1 EVE DAVIES: And, Ivan, it depends on how big
2 your facility is and if there are federal lands involved,
3 and that is really whether you get to go to a more
4 streamlined approach versus the traditional.

5 CLAIRE MCGRATH: So write down conduit
6 exemption, go to the FERC website, and look up what you
7 would need to be to fit within the scope of a conduit
8 exemption. And that essentially means that you're exempt
9 from the NEPA process. You get a categorical exclusion
10 from that process. And there is a lot of information on
11 our website to describe what that would look like.

12 Any other questions, process-related
13 questions at this time? Okay.

14 EVE DAVIES: I think while we are on the
15 subject, I just wanted to mention that in terms of the
16 mailing list, so we have a lot of mailing lists going
17 right now that Claire had just eluded to, so the mailing
18 list that is most relevant for all of you folks is the
19 one that Miriam keeps.

20 And that lists sort of -- you know, we have
21 it kind of organized. There is a list of folks that we
22 have been working with routinely and that have replied
23 that they are interested and that want to be on the
24 working group, and these are folks that we have been
25 meeting with over quite a bit of the last year. We will

1 continue to keep doing that. We will provide all of the
2 documents that we ever file, we are going to send those
3 to you electronically, as long as they are not too big.
4 So I definitely would E-file because then you'd know if
5 anybody says anything about the project. But we will
6 send you everything that we have to send out, we will
7 continue to do that.

8 We are going to probably dropkick --
9 regulatory, we had to notify the 22 towns within a
10 certain radius, tribes throughout the entire region, not
11 just a couple of them that might actually have an
12 interest, and quite a few other folks that have never
13 replied to us on anything. We have gotten no comments
14 from the general public and really nobody except for the
15 folks we have reached out to. So we are going to shorten
16 our mailing list that we send stuff out to.

17 Understand that when we get to these major
18 phases that Claire was just talking about, then we will
19 -- you know we will expand the list back out again, but
20 in the interim while we are basically working with people
21 who have indicated they have an interest with us at any
22 time, you know we won't dropkick you if you don't show up
23 at a meeting or whatever, but if you ever show your face
24 here and sent me or Miriam an email, any kind of interest
25 level, you will be on the mailing list unless you

1 indicate otherwise. And then, again, those official FERC
2 mailing lists, if you sign up for those, you will get
3 hardcopies of everything. So that is up to you.

4 Okay. One other note on processes. Quite a
5 few of you have seen quite a bit of this before, not all
6 of it, so if you want to check your email for the next
7 ten minutes, take a nap, whatever, I won't be offended.
8 I am all about multitasking. So some parts of this are
9 different, but some of the project facilities are exactly
10 the same. They haven't changed. They are 120 years old
11 now, so we haven't changed them.

12 Okay, go ahead, Lindsey, thanks.

13 Okay. So, first, I want to talk a little bit
14 about the point of today. So everyone knows that our
15 current license was issued in 1989. It expires on June
16 1, May the 31st, right in there. The Federal Power Act
17 governs the process that we need to re-license the
18 project, and FERC is the primary federal oversight agency
19 for that. We are beginning that process, so the whole
20 point of today specifically, and tonight, the public
21 meeting, is to request input and comments on our project.

22 We put in the PAD, the NOI, on May 29th of
23 this year. We included that communication protocol that
24 we all worked out together in a couple of meetings. FERC
25 noted acceptance of our request to use the alternative

1 license process in August. Between July and September,
2 we drafted the five study plans that you have all
3 received copies of. In fact, we worked with quite a few
4 on those to actually complete those study plans.

5 Today is the scoping meeting. Tomorrow is
6 the site visit. And then the study plan meetings, which
7 we are -- we have accelerated the process just a little
8 bit because we really want to get to the part that I
9 think most people are here to -- most people have
10 expressed an interest in working on the fish passage
11 pieces, and to do that, we need to get these plans in and
12 get them officially approved and get through those.
13 There's some other big pieces that have definitely come
14 up in terms of recreation and other issues that I have
15 been talking with folks about.

16 So we need to meet those process milestones
17 and to help us guide the relicensing project. And,
18 again, just as a reminder to what Claire was saying, this
19 part of the process, we conduct in collaboration with
20 FERC; but in the end, they do their own independent
21 review of all the information that we provide.

22 So for anybody who hasn't been onsite, I was
23 thinking George, maybe a few others in here, here is
24 Weber Canyon, I-84, you can see running through the
25 project. You are going to hear a lot today about the

1 linear nature of this project. It is certainly true.
2 That shows the forebay. This is the rest stop off the
3 freeway that we will take a look at. Here is our rest
4 area, here is the forebay, the diversion dam. The yellow
5 is our pipe, the blue is the Weber River here, and then
6 down at this end here is the powerhouse area. You can
7 see the powerhouse itself, older cottages, substation.

8 The older -- we have talked about this
9 before, our old FERC boundary actually includes a little
10 bit of the freeway and other things that we don't have
11 any interest in being the FERC project boundary, so that
12 is something we need to address this license. I'm not
13 sure why it wasn't addressed the last license, but there
14 you are. And here you will also note the Weber Davis
15 Canal Company's diversion. That is not part of our
16 project, but it is within the FERC project boundaries.

17 JOE HASSELL: Eve, you just said something --
18 I didn't quite catch it, the thing about it wasn't taken
19 care of, in fact, last license; what are you referring
20 to?

21 EVE DAVIES: The FERC project boundary,
22 because the freeway was built right before the last time
23 we relicensed this, maybe a little bit -- maybe a couple
24 decades before the last time we relicensed. So that
25 would have been the time, you know, during the last

1 license, I would assume, would be the time that we would
2 make a major -- you know, we would make changes to
3 Exhibit G, but they've remained unchanged for decades.
4 And so I am not exactly sure why it didn't change. None
5 of those people are around from either your outfit or
6 mine, so I have no idea why. So we didn't change Exhibit
7 G, which basically includes parts of the freeway lanes
8 and other items.

9 JOE HASSELL: Because we -- there is a big
10 push -- I mean, if we re-license nowadays, we are talking
11 a lot of acreage out of licenses.

12 EVE DAVIES: Yes, we are with you. Right on,
13 right on.

14 JOE HASSELL: But if there is some project
15 purpose, we don't do it.

16 EVE DAVIES: Right. And I can't think of any
17 project purpose for any several lanes of I-84 in our FERC
18 boundary license.

19 SPEAKER: Does it ensure ingress and egress?

20 EVE DAVIES: No, over here it does, but our
21 actual ingress isn't included. So things that we do need
22 aren't in it, like the recreation site. That's another
23 big mess. So, you know, there are some issue with the
24 FERC project boundary, and we have every intention of
25 addressing those during this license process. They

1 haven't been. I don't know why. But we will fix it.
2 They are not wholesale changes because you can see, it's
3 a really small project acreage, so we just mostly need to
4 make the edges right, make it fit what is actually out
5 there on the ground now.

6 FRANK SHRIER: The other part is Weber Davis
7 diversion is in there, too. It doesn't need to be. It
8 is not a part of our plan.

9 EVE DAVIES: Yes, why would we torture them
10 with our FERC project boundary? Oh, is that going into
11 the record? That is awesome.

12 BEN GADDIS: That, too.

13 EVE DAVIES: We just talked about that, Paul.
14 You need to get a little closer so you can kick me, Paul.

15 Okay. So project overview, again, it's a
16 really old project, constructed back in 1908, 1910. We
17 have water rights dated from 1903 that allows us 365
18 cubic feet of water per second in the project. We have
19 contracts with the BOR, the first one in 1938, a
20 subsequent one in 1965, that basically allow for water to
21 be diverted away from our project to do things like fill
22 Echo Reservoir and Deer Creek and other important large
23 water storage projects here in the area. So those are
24 really important to a lot of folks, and that's a part of
25 the project.

1 The run-a-river project is a relatively small
2 27-foot-high, 114-foot-long concrete diversion dam.
3 9,000 plus feet of concrete and steal pipeline. 185 feet
4 of head. Almost 4 megawatts at full load, 330 cfs, and
5 we have some cool Francis reaction turbine in there. Our
6 transmission line is 77 feet long, 46 kV. Okay.

7 JOE HASSELL: Another question. But it says
8 a 27-feet-high dam?

9 EVE DAVIES: Yes.

10 JOE HASSELL: Is the only difference for --
11 that is needed for the fish ladder slightly smaller than
12 that?

13 EVE DAVIES: Yes. In fact, Frank, we've
14 looked at them before. I want to say we talked about 14
15 feet, maybe, maybe 18 feet. I can't remember.

16 FRANK SHRIER: I think we are right at 20.

17 EVE DAVIES: Okay. Or 20.

18 FRANK SHRIER: 20 feet to accomplish the
19 ladder.

20 EVE DAVIES: Okay. So these are the -- so
21 this actually shows the original spillway of the project.
22 It changed, I am reasonable certain, in response to the
23 construction of the Weber Davis project, but, so the
24 project was operated slightly different than it is now,
25 historically.

1 Okay. Again, just another older picture.
2 This one actually does show the original Weber Davis dam
3 structure and canals in there. So this one is taken a
4 little bit later but still prior to the freeway being
5 built. Okay.

6 Okay. So here is a little -- some more
7 specifics on the dam itself. It's 27-feet high. There
8 is 8-and-a-half acre forebay. Again, when I am talking
9 about the linear nature of this project, it is quite
10 literally bounded by the railroad on one side, and
11 usually either one lane of the freeway, or both lanes of
12 the freeway. So it's either encompassed by the freeway,
13 in between the lanes of freeway, or the freeway is on one
14 side and the railroad is on the other.

15 Everything that we have here is long, skinny,
16 and there's multiple pipelines in the vicinity. So it's
17 a narrow canyon, a narrow, steep-walled canyon.

18 This is the area where we have been talking
19 about now for quite a while with a bunch of folks with a
20 need to create a fish passage at that facility. So on
21 the original blueprints for the drawings, it is listed as
22 a fish ladder, but we know it really couldn't have ever
23 operated as a fish ladder. We call it the ice chute, and
24 that's what we use it for, is we sluice ice down that in
25 the winter time. So this was taken from a few angles.

1 That is the slide gate. We also use that to provide the
2 minimum flow on the river, and this is from another
3 angle. That is that same slide gate there and the top of
4 the catwalk across the dam. So these are all things you
5 see tomorrow if you're so inclined.

6 Okay. The penstock, just like I said, almost
7 2 miles long. It's buried throughout much of its length.
8 There's the two freeway crossings, a river crossing and a
9 railroad crossing. You can see the first of the freeway
10 crossings, so that is looking downstream from about the
11 point of where the recreation site is, looking downstream
12 towards what you can't see is the river taking a big,
13 wow, a big bend there, the horseshoe bend or scrambled
14 eggs is that section of the river.

15 This is the trestle crossing over the river,
16 so here is where originally -- actually just on the north
17 side of this pipe right here, when they built the,
18 freeway DOT asked us to move the pipe, which we did. We
19 have a letter, there is no agreement, but we have a
20 letter that talks about it. And we actually shifted the
21 pipe, so there is a funny kink in the pipe now to get out
22 of the way of the freeway just in that location, but we
23 didn't get out of the -- we didn't get out of each
24 other's right of way. So they are in our FERC project
25 boundary, and we are in their right of way. It is kind

1 of a messy situation that I am certain was never
2 anticipated in the '60s. It's, you know, a whole
3 different era now for environmental analysis, etc.

4 SPEAKER: Is that picture looking south?

5 EVE DAVIES: That picture is looking west, so
6 standing at the bank at the drop section, so one more
7 drop, right there underneath the freeway. So that is
8 where -- where the horseshoe is kind of west, it goes
9 westerly before it starts -- sorry, you are right. It
10 goes southerly before it turns back westerly. You are
11 right.

12 So that is upstream. That is downstream.
13 There is a big drop and then it turns and goes right this
14 way towards the powerhouse.

15 Okay. The powerhouse itself, again, it is
16 almost 4 MWs. This is the original generator and
17 turbine. This project generates on average almost 17
18 gigawatt hours. And then from that 1938 contract, where
19 the water is diverted away from us, especially during dry
20 years for most of the winter, sometimes all of the
21 winter, that gets us about a quarter, about another
22 quarter of the annual generation.

23 And that, we don't get money for that. It is
24 actually a weird, complicated, old contract that gives us
25 the actual generation at the Deer Creek facility on the

1 Provo River. Strange but true. So we get -- this
2 generation is actually just wheeled onto the grid sort of
3 in our name. It becomes our generation instead of their
4 generation. So for a total of roughly almost 20 gigawatt
5 hours a year of generation. Okay.

6 So this is the powerhouse and the substation,
7 and that is why the transmission line to the project is
8 so short. Okay. Oh, I should say, the substation is
9 actually a Rocky Mountain Power asset. It is not part of
10 the generation project, and that is something that,
11 again, it is not noted right now in the Exhibit Gs, but
12 we would note that. So I don't think it would make sense
13 to put a donut hole in the Exhibit Gs, but we wanted to
14 note that the substation is not part of this project.

15 Okay. So here is where we are in the
16 process. In May, you guys all know because you heard the
17 panic in my voice when I said, "We've got to get you a
18 PAD in three days instead of three weeks," and we
19 finished the communications protocol, and we got our
20 request to use the ALP in -- Claire and I talked about,
21 as have we, talked about the three license processes.

22 Again, as reminder, we are collaborative as
23 all get-out here. So the ALP requires collaboration, but
24 I think that works really well for this group. There's
25 been a lot of chance to talk with folks and to work

1 together on things that I think most of the resource
2 specialists are interested in having happen. So that is
3 what we are interested in also.

4 Right now, we are in the scoping process, and
5 to begin the study plans negotiation, I would really like
6 to get those study plans in officially. What we have now
7 is preliminary study plans, but I would like to get those
8 in officially.

9 In fact, I have a question at some
10 appropriate time for you, Claire, about that, whether or
11 not they should be submitted in mass or in pieces.

12 But, essentially, I would like to get all of
13 those submitted officially before the end of this year so
14 that we can have the official review time on that and get
15 to our first study season by late winter. I would like
16 to be starting early next year on the water quality and
17 fisheries study.

18 So the study plan report and six-month
19 process plan report is a fixture of the ALP process that
20 requires us to let FERC know what we are up to every six
21 months or so, presumably, so they know we are making
22 progress.

23 Draft and final license application will be
24 submitted, potentially also a settlement agreement if we
25 all decide if that makes sense. We will submit the

1 applicant-prepared EA, then FERC will complete their
2 separate NEPA process that we talked about. And by 2020,
3 we should have a new license theoretically.

4 So you have seen this before. We just took
5 the other half off of it because we looked at it sort of
6 from the ALP versus the ILP in the past. So it is a
7 little bit easier to read now. We are essentially right
8 here in the study plans and scoping meeting, and this
9 whole schematic is right there in the back. So if you
10 care to take a look at it a little bit more, it is right
11 there for you to do so.

12 Also note that we call it the APEA, and I
13 think on here they call it the preliminary draft EA on
14 here, so the terminology is a little bit off but
15 same-same.

16 Okay. So let's shift for just a few minutes
17 and talk about potential and typical license issues. So
18 similar to any environmental analysis that you have ever
19 seen, there's every resource issue you can imagine,
20 social economics and aesthetics and lots of other things.
21 So I've already shortened this list. This is not the
22 universe of possible issues. This is the list of things
23 that we first started thinking we needed to probably
24 spend some time working with at Weber.

25 So the Weber project, we are not proposing

1 any changes, we are not proposing any modifications to
2 the project. And by that, I mean the type of
3 modification that would allow us to generate more power,
4 so modifications to the project facilities. We are
5 looking strictly for a project re-license, and we are
6 also -- we have been talking quite a bit about putting in
7 a fish ladder, so that would change the diversion dam,
8 but that's the only modification of the project
9 facilities that we are envisioning.

10 So I just put a star next to the ones that we
11 actually have put together our study plans for. So these
12 are the issues that we think actually have something of
13 merit for us to look at that relicensing could affect
14 those. There's a whole lot of the project that we don't
15 expect any changes to or any impact to, or that there is
16 anything more to say about it. So that is where our
17 study plans have been focused, and we have talked about
18 that with most of you folks in the past already.

19 Okay. So we will start with water quality.
20 So we have a water quality study plan that you folks have
21 already had a chance to look at. We are proposing to
22 look at standard water quality parameters at three sites,
23 above, below, and in the bypassed reach, and we are going
24 to talk about that a little bit more. I have one of
25 those to look at.

1 So fisheries resources, we have a fisheries
2 study plan. There's two components, both the upstream
3 passage and entrainment. We will talk about that a
4 little bit more. Terrestrial wildlife and botanical
5 resources, we have a terrestrial resource study plan. We
6 call it the threatened endangered sensitive terrestrial
7 species and noxious weeds. We completed that study plan
8 already in the summer and actually have already done a
9 first season of work on that.

10 Recreation resource -- recreation resources,
11 oh, look, it's on there twice. So we propose a needs and
12 opportunities study to address recreation access under
13 the I-84 bridge that several people commented on and also
14 to look at whitewater boater flows and facility upgrades.

15 So land rights isn't really a study, per se,
16 but, again, related to Exhibit G in trying to understand,
17 there are some fairly complicated ownership because when
18 the Union Pacific Railroad came through, they were
19 granted every other square mile of land, as, you know,
20 their reward, the bonus payment for completing the
21 transcontinental railroad. This place is just lousy with
22 history. And so we have kind of complicated land --
23 underlying land ownership in portions of that. Portions
24 of the project are on the forest, portions are on the
25 Union Pacific Railroad. We are not sure exactly and

1 precisely 100 percent which portions are which because we
2 are still trying to get the survey out of our
3 contractors. But we do have preliminary information.
4 And Buffy has a map for us that we can look at if anybody
5 is interested in seeing basically what we found out to
6 date, but that is underway.

7 And culture resources, again, that is one
8 we've already completed, both the study plan, some
9 initial consultation with SHPO, and then actually the
10 work also.

11 So let's talk about sort of what -- you know,
12 we started off saying, you know, we had a couple of main
13 issues with this license, so these photos are courtesy of
14 folks over at UDWR. So you can see the bluehead sucker
15 and fluvial Bonneville cutthroat trout. These were all
16 taken at the Weber diversion dam, and I only bring that
17 up because I think it is just indicative of just how
18 important that reach of the river is for these two
19 species. So both of these species are at risk and of
20 concern to lot of different folks. So that is why we are
21 going to spend so much time talking about them.

22 So Bonneville cutthroat trout were previously
23 proposed for listing but found to not be warranted, but
24 we believe there is a chance bluehead suckers could be
25 proposed for listing due to some genetic work that took

1 place recently. Both species have stronghold populations
2 in the reach of the river between the dam and the
3 powerhouse. That is important to us because that is also
4 -- for us, because that is the bypassed reach of the
5 river, so that is where our minimum flows go, and so that
6 is important for us to make sure that we know what is
7 happening in that reach of the river.

8 Only recently, the Bonneville cutthroat trout
9 population in the Weber River was discovered to retrain
10 this fluvial life history trait, only the second
11 population known to do so and the only in Utah. Again,
12 just to point out, that fish passage at that -- at that
13 dam is considered to be one of the highest priorities for
14 fisheries passage in the State of Utah.

15 Okay. So let's talk a little bit about
16 proposed studies. Okay. So this part is new for
17 everyone, so you can all wake up and stop checking your
18 emails for a few minutes. So the studies that we are
19 proposing for fisheries and water quality, looking at,
20 you know, standard stuff, temperature, pH, dissolved
21 oxygen, turbidity, nutrient levels.

22 We are interested in looking at three
23 monitoring points. Data would be collected hourly for an
24 entire year. And the three points we want to look at are
25 above the project area, in the bypassed reach, and

1 immediately below the powerhouse. So this is something
2 that we have worked on -- talked with a few folks. This
3 is the reach of the river that is immediately upstream of
4 the project. So that's the freeway, obviously, and right
5 over here is just downstream. Here is the rest area.

6 So this is -- Troy, what is name of this exit
7 here at the top of the canyon where you turn around?

8 TROY STOUT: Mountain Green.

9 EVE DAVIES: Mountain Green, so this is the
10 Mountain Green exit. This is the --

11 And, Kari, can you confirm?

12 This bridge right here, this is where the
13 state had done all their water quality monitoring is
14 right here, off of this bridge. So we were looking at
15 this bridge because it is -- you know, it's smart.
16 Right? To take the same data and have -- you know, have
17 that all be same-same. However, this is Weber Basin
18 Water Conservancy District's facility, so you can see --

19 And, Troy, if you want to speak up on this at
20 all, feel free.

21 But they both pump water out of here and then
22 discharge water back in at this location here. So
23 because of that, we had concerns that water quality here
24 wouldn't capture any of the effect from what is going on
25 with Weber Basin Water Conservancy District, so if we

1 look at the site here as being our ambient conditions,
2 that really wouldn't capture what is really actually
3 coming into the project, which happens for a whole mile
4 yet above the project.

5 So we are now looking at possibly -- so this
6 site right here is US/GS cableway location, so we are
7 looking at maybe trying to use the US/GS cableway. This
8 railroad bridge, I will have to pay Lindsey extra to hang
9 off of that bridge, to get a probe on there, but we're
10 looking at locations where probes can be in the center of
11 the river and easily retrievable and be still safe, etc.,
12 so we are still kind of working through that a little
13 bit.

14 We have spoken with Kari, you know, about
15 sort of what are the complications there with getting an
16 ambient, so we want to have -- be able to look backwards
17 at data, but we also don't want to confuse the issues
18 there. Fortunately, DEQ is actually going to be doing
19 their intensive monitoring on the Weber River the same
20 year that we are starting to do our monitoring, so we
21 actually going to be six months off. Ours will start
22 hopefully very early in the year. Their's won't start
23 until about September.

24 KARI LUNDEEN: They start this month.

25 EVE DAVIES: Excellent. I thought it was a

1 year from now. That is awesome.

2 So I think that we were talking about maybe
3 ways that we should work together to make sure that we
4 were covering all the bases there.

5 Can I ask you, are you also looking at
6 additional sites on the Weber River, or just this one,
7 and the one that is 13 miles downstream?

8 KARI LUNDEEN: We have many sites on the
9 Weber.

10 EVE DAVIES: Great, okay.

11 CLAIRE MCGRATH: Can I ask a question? So is
12 that intensive monitoring that's done, is that like a
13 rotating panel that occurred historically, or is this
14 new, intensive monitoring?

15 KARI LUNDEEN: So, this is Kari,
16 historically, we used to go every year all over the
17 state, but about six years ago, we shifted to a rotating
18 basis. So this will be the first time the Weber has been
19 visited in about six years, but they go out every month
20 and collect samples throughout the entire watershed.

21 JOE HASSELL: This is Joe. Could you
22 describe this intensive -- I mean, is it just chemical?
23 Physical? Is it metals? What is it?

24 KARI LUNDEEN: This is water chemistry and
25 flow.

1 FRANK SHRIER: So no metals?

2 KARI LUNDEEN: Metals every other month.

3 GEORGE WEEKLEY: But you are not getting into

4 biological --

5 KARI LUNDEEN: No, not this one.

6 FRANK SHRIER: What about pesticides, do you

7 look at that as well?

8 KARI LUNDEEN: We do but not on a routine

9 sampling. I think that is separate program.

10 JOE HASSELL: We were discussing the proper

11 location for the upstream?

12 EVE DAVIES: Yes. What I am saying is that

13 we were originally going to go here, but then once we

14 figured out how this whole system works, we are now

15 saying we want to be downstream from Weber Basin Water

16 Conservancy District. Some are here, here, maybe over

17 here by the rest area. That is just the upstream. And

18 then in the bypassed reach, we have a couple places, the

19 trestle bridge, some other places that may make sense to

20 actually look at that.

21 The downstream site is sort of pesky, too,

22 because I think you can see from the photos the intake

23 and the diversion dam for Weber Davis Canal -- for the

24 Weber Davis Canal is immediately below our powerhouse.

25 So, you know, we will work with Kari and work, you know,

1 with folks to make sure that they are comfortable with
2 the locations. But there really isn't a great, you know,
3 downstream because I think -- I think the project, being
4 in such close proximity to the Weber Davis canal intake
5 and their diversion dam is going to sort of funkify (sic)
6 the river there.

7 FRANK SHRIER: But at the same time, we want
8 to get that point where it bypassed the water, rejoins
9 the powerhouse water so we have that mixed shown, but it
10 is just right in front of the canal. Makes it kind of
11 problematic.

12 CHARLIE VINCENT: It seems like you almost
13 have to take it on river left because it is not really
14 going to be very safe on the right because it's kind of a
15 sliding hill and all of that.

16 EVE DAVIES: So those are all -- you know,
17 the exact locations have yet to be determined, but, you
18 know, we know where in space we are planning on putting
19 our sampling, but exact locations will probably take a
20 while. And I intend to wait until January when it is,
21 you know, arctic Siberian north in there that kind of
22 gets no sunlight in the wintertime. So it is super fun
23 to do that in January.

24 FRANK SHRIER: The water is the lowest.

25 JOE HASSELL: I am sorry, I am not as

1 familiar with this Weber River Basin as all of you guys
2 are, but this diversion, could you tell me about that a
3 little bit?

4 EVE DAVIES: Which one? There are so many in
5 this reach.

6 JOE HASSELL: There is a bunch of them that
7 are going out and taking water from the Weber and
8 diverting it into reservoirs?

9 EVE DAVIES: Yes, there's actually a
10 transbasin diversion that happens really quite a bit
11 higher up, quite a couple of large water storage
12 projects, and then down here, it is more irrigation.
13 Excuse me?

14 JOE HASSELL: Right here.

15 EVE DAVIES: Right here?

16 JOE HASSELL: Yes.

17 EVE DAVIES: So this is the Weber Basin Water
18 Conservancy District structure. I will let Troy, back in
19 the back, answer any real specific questions, but I can
20 tell you that they both pump water out and return flow
21 water into that same location, depending on what time of
22 year.

23 Is that generally correct, Troy?

24 TROY STOUT: Up above, you have Weber Basin's
25 water like what we call a gateway canal, and that canal

1 stretcher goes through the mountain and actually feeds
2 Weber and Davis Counties with a good portion of their
3 drinking water, but they also have a generating plant
4 just up above here where we can divert excess water and
5 divert it back into Weber River.

6 At the same time, if needed, that gateway
7 canal needs to be taken offline for maintenance, there is
8 a pump intake right there that will actually pump up and
9 still supply drinking water.

10 JOE HASSELL: So you are pumping water out of
11 the Weber River?

12 EVE DAVIES: Yes, except for when they pump
13 it back in.

14 FRANK SHRIER: Does it pump back in or does
15 it freely flow back in?

16 TROY STOUT: It is an overflow from our
17 canal. It discharges water most of the year and comes
18 down the spillway there.

19 EVE DAVIES: And you can see it right here.
20 You can see the water come down the spillway and entering
21 the stream right here. So you the see the color change
22 there on the slide.

23 IVAN RAY: Eve, Ivan Ray. Just a comment, I
24 don't think the Weber Basin pumps out of the river that
25 often, do you?

1 SPEAKER: No, no.

2 IVAN RAY: Just in rare maintenance

3 situations?

4 SPEAKER: It is typically once year for about

5 maybe 30 to maybe 60 days at the most.

6 EVE DAVIES: In the fall usually. Right?

7 SPEAKER: In the fall, yes.

8 EVE DAVIES: So when they are working on

9 their canals. It is a complicated system. Then

10 immediately below the powerhouse, so then there is our

11 intake that is a mile below this, and we have --

12 BEN GADDIS: I brought this up, but there is

13 a slide also. You can take a closer look at it later.

14 The powerhouse is down here.

15 EVE DAVIES: Right. So this diversion that

16 we were just talking about is roughly right over here,

17 and then here is our diversion right here, so -- and that

18 is about a mile, roughly, in distance. And then a little

19 less than two miles down is the powerhouse, and then

20 here, this is the Weber Davis Irrigation Company

21 diversion that is literally right below the powerhouse.

22 JOE HASSELL: Joe again. How far back does

23 your pool go from your diversion?

24 EVE DAVIES: So the existing FERC project

25 boundary shows that, you know, the area of influence. I

1 don't see MUCH of an area of influence beyond the rest
2 area of the freeway. So we will take a look at that
3 tomorrow if you want to take a look at it, but there is
4 not much.

5 SPEAKER: (Inaudible.)

6 EVE DAVIES: We have eight acres is the
7 forebay, and it is just like a wide river there. So this
8 is probably a grand total of -- if you look at this whole
9 reach, that is probably half a mile. I would think it is
10 a quarter mile, maybe a little more than a quarter mile
11 where I think we are affecting the river flow generally,
12 in terms of slowing the water, etc., etc.

13 IVAN RAY: Ivan Ray again. One more brief
14 picture, but Weber Basin has -- diverts their water at
15 their canal at Peterson Stoddard, so that is about seven,
16 eight miles southeast. So that canal we keep talking
17 about is perched on the hill, which is south of the Weber
18 River but runs parallel down the canyon until it hits
19 here, then the overflows, the power generation water,
20 goes down the spillway. So I didn't know if you had that
21 picture, Joe, but that is how it goes.

22 JOE HASSELL: I was just looking at that
23 picture.

24 EVE DAVIES: It's complicated for being a
25 small river, to be honest, to be frank. I guess they all

1 are. We use our water -- we really use our water here in
2 the West.

3 Back to our proposed studies. So we
4 currently have 34 to 50 cfs minimum flow that has been in
5 place since about the '40s which resulted in a stronghold
6 population for both species. We believe the resource is
7 being protected, so we have not proposed any instream
8 flow studies. There is a fair amount of telemetry work
9 that has been completed by UDWR and TU in terms of how
10 fish move in the area, fish population, fish sizes, etc.,
11 fish movements.

12 We created sort of -- part of our proposal is
13 to create the fish package work group, so that is any
14 interested stakeholders, you know, a subset, basically of
15 us. The two studies that we have proposed are the
16 upstream fish passage design, so not really much of a
17 study. What we said is we want to skip straight to the
18 design step. So our proposed study there is to actually
19 design the passage. We think that is what is most needed
20 and most effective for the resource, and I think we have
21 a fairly wide agreement amongst folks that that is where
22 we need to get to.

23 And then the second study is looking at the
24 necessity of downstream fish passage and the effects of
25 entrainment. So I call it the who and what study, so it

1 is basically who, if anyone, is getting entrained. So
2 entrained just means sucked in, so they are taking the
3 ride. And then if they do, who is that? Like what size
4 are they, what species are they, and what happens to them
5 on the flip side? So, and there are details in the
6 fisheries proposal about how we would try and look at
7 those two things.

8 So those are the two studies for fisheries.
9 Again, it is fairly bare bones, but we think that is what
10 this river needs. There is also a bluehead sucker
11 spawning study that is going on, and we are interested.
12 We have committed some resources to that ongoing study to
13 help assist us on ongoing work that is happening already.

14 GEORGE WEEKLEY: Who is doing that study?

15 EVE DAVIES: Phaedra Budy is doing that work.

16 PAUL THOMPSON: She is with Utah State and
17 she is working jointly with UDWR to complete that study.

18 EVE DAVIES: All right. Another study, so
19 you will see here a picture of the yellow-billed cuckoo.
20 That's it. That's the only thing you will see on the
21 project. Just teasing. We think if anything, they may
22 fly through the area and use the area maybe as migrants,
23 but there is really no good habitat for them there. So I
24 included a picture because that is all we will ever see
25 of them.

1 So there's no studies proposed for a
2 terrestrial general wildlife, especially given the
3 project features. The entire project is buried
4 throughout its length. There are no open canals. The
5 freeway on the railroad tracks limit potential for intact
6 wildlife habitat in the project area, and we really -- it
7 is the tough place, you know, for the large terrestrial
8 animals to make a living. We are not really interested
9 in trying to make life better for them between the
10 freeway and tracks because then they will just get
11 smacked when they try to leave the area again.

12 Terrestrial TES wildlife species, we just
13 talked about that. There were none identified with
14 potential breeding or nesting habitat in the project
15 area, and I should have put a couple of Ps as the project
16 area on there. The PAD ID'd a possible yellow-billed
17 cuckoo and sage-grouse and smooth green snake in the
18 project vicinity, but in project area, the only potential
19 was for the yellow-billed cuckoo occasional migrant.

20 For threatened, endangered botanical
21 resources; the study plan addresses the potential for Ute
22 ladies' tresses. The PAD ID'd -- there's another plant
23 that is in the vicinity, but, again, not in the river
24 bottom area. So no habitat in the project area. We
25 searched potential habitat, the Weber River margin, and

1 those riparian gravel bars for Ute ladies' tresses in
2 August, and also for two other species that the Forest
3 Service requested that we look for. Those were Forest
4 Service sensitive species. No special status species
5 were identified.

6 The US Fish and Wildlife Service asked
7 specifically that we look in subsequent seasons, which we
8 will do. We don't expect that to change, but
9 occasionally, they do. There was a population of over
10 1,000 individual from a known population up in Mendon,
11 Utah, not too far away, a very different habitat, but
12 they went from 11 or 1,200 individuals counted one year
13 to about, I don't know, maybe more than 15, but it wasn't
14 very many the next year. You know, they have before been
15 observed in the area. We don't expect to find them, but
16 we will look again for two more years.

17 We circulated the preliminary draft
18 terrestrial TES and noxious weed study plan in July. We
19 addressed some minor comments we got from the Forest
20 Service and the US Fish and Wildlife Service, and the
21 work is now complete in that study plan, with the
22 exception of those two follow-up looks that we will do
23 for Ute ladies' tresses, and we would handle that in a
24 study report if we were to find something.

25 Okay. Proposed studies, recreation. So this

1 is the one section in the PAD that I would say got
2 somewhat of a rewrite from when we had the original draft
3 PAD that I sent out to folks in March or April of this
4 year and compared to the version that actually was
5 submitted to FERC.

6 We did a fairly large scale rewrite on the
7 recreation to include the fact that we had -- we
8 concluded that, you know, given the nature of that linear
9 nature of the project and the way it's constrained by the
10 freeway, that there really wasn't opportunity for us to
11 provide safe or legal egress for whitewater boaters. And
12 American Whitewater pointed out that may be a hasty
13 conclusion to reach, and I agreed.

14 So we went back. We looked at some sites
15 with American Whitewater. I think we have a much better
16 -- a more solid plan now to look at an overall needs and
17 opportunities study, so it will evaluate the potential
18 feasibility specifically for whitewater boater recreation
19 component, but it also looks at and it will evaluate the
20 recreation supply, use, demand, and as well as the needs.
21 Whether or not we can provide the safe, legal egress for
22 whitewater boaters, we will use a boater questionnaire
23 and several other sources of information.

24 The one site that we did identify as being a
25 potential is located on Forest Service land. It's

1 located across the river from the powerhouse, and it is
2 adjacent to the Davis Weber Canal head gates, and we will
3 evaluate that site to see what, if any, potential
4 feasibility there is for that. Ivan has graciously told
5 us it is okay for us to trip in there tomorrow with the
6 van on the site visits, and we will take a look at that
7 area.

8 The other locations, we will talk about that
9 more when we get to it, but there is definitely other
10 locations that have been extremely problematic in the
11 past, and I don't see that being any different upcoming,
12 but that is something we will look at in our analysis.

13 Also, we will look at existing recreation
14 sites, and we will better define the user groups from our
15 FERC form 80 data. So we submitted that data last year,
16 noted we almost had 20,000 annual visitors there. We
17 also said that part of our proposed study is to look at a
18 potential upgrade to a user-defined pedestrian access
19 trail that basically crosses underneath the freeway -- it
20 basically goes from our recreation site and goes
21 underneath the freeway and joins onto the old highway
22 road that there is still a remnants of a road there.
23 People use that to access the area occasionally for
24 boating but much more often for fishing.

25 And then the recreation needs analysis will

1 be this big summary report of all these things, and that
2 is part of our proposed study.

3 Proposed study on cultural resources, so for
4 existing information, there are two known cultural
5 historic sites. That's the Union Pacific Railroad, and
6 our power plant was historically called the devil's gate,
7 the Weber hydroelectric power plant. Again, we've talked
8 about this before, because of the nature of the
9 development in that canyon, the freeway, the railroads,
10 the pipelines, the hydroelectric area, we doubt that
11 there is much else that could even be found in that
12 canyon because of the narrow canyon and because so much
13 terra forming happened to that canyon. Some of that
14 canyon was built 30-feet deep when they built the freeway
15 in there.

16 There are no tribal lands or tribal claims
17 that have ever been made in that project area. We
18 reached out and spoken to the two Shoshone-Bannock tribes
19 that are in this area, the ones in Idaho and also the
20 ones in Brigham City, and it's just not something that is
21 really -- they said that they were glad to be included
22 but that they really don't have much of a presence here
23 or much bandwidth and didn't really have much of a past.
24 I think this particular tribal band, I don't think they
25 survived the transition to modern culture. I think they

1 sort of got spread pretty thin through those areas.

2 We have an existing culture resource
3 management plan that existed as part of our previous FERC
4 license, and we have consulted already with SHPO on that.
5 They basically said they thought our culture resource
6 management plan was fine as is. We have proposed
7 potentially an upgrade to it because we think it's always
8 useful to look at documents that are 30 years old, but
9 that wasn't something that they really were insisting on.

10 Our proposed study, we conducted a pedestrian
11 survey of the project area to verify the results of our
12 PAD assessment. That work is complete. All work is
13 conducted to Utah SHPO and Forest Service standards. We
14 will report the results of the survey for Section 106
15 consultation, and, again, assess the existing culture
16 resource management plan for potential update.

17 Okay. So those are the studies. There are
18 basically five studies that we are going to spend more
19 time talking about in the future. We have had already
20 noted in this PAD, so this hasn't changed. The potential
21 mitigation enhancement measures that we are looking at,
22 at this point in the license process, are to construct a
23 functional fish ladder that is appropriate for both BCT
24 and bluehead sucker to allow for upstream fish passage,
25 to do a recreation site upgrade, and if we can identify

1 safe, legal egress to pursue whitewater boater flows per
2 the recreation needs analysis. So that is the list of
3 things we are looking at right now as mitigation for this
4 project.

5 So any questions or comments? And that would
6 be specifically on what we have proposed, the process,
7 anything like that. Just fair warning, after we have any
8 discussion that we need to a scoping process issues, then
9 we would like to circle back and spend a little bit of
10 time on study plans. So if you have a question that are
11 really like detailed study kind of stuff, I will say
12 let's hold on those, but anything else, this is the time.
13 You have nothing?

14 Okay. So how about -- is this a good time to
15 ask for comments, questions, scoping issues, anything
16 that you haven't seen that you wanted to, anything that
17 -- I mean, you guys all know we have devised everything
18 we've put out so far working with the stakeholders, so
19 hopefully there is nothing that is a big, giant hold
20 because we have been talking to you for quite a long
21 time, but if there is, we would like to know.

22 GEORGE WEEKLEY: Do you have any data on the
23 instream flows, like either an average or kind of where
24 the standard has generally fallen over the last few
25 years?

1 EVE DAVIES: Yes, so over the last few years,
2 since 2011, we are short watered here. So how the
3 current instream flow works is on April 1 of every year,
4 that is when the -- what group is it? NRCS makes their
5 forecast flow for the year. So depending on what the
6 river flows are then, then that is what triggers -- that
7 basically triggers whether we are at 34, 50 or some point
8 in between there. So that amount is set every year, and
9 then we stick with that flow, whatever that flow is, we
10 stick with that for the year. And then the following
11 late winter, basically after they had a chance to look at
12 the snow pack, you know, shake their claws for every drop
13 we're going to get, then they issue a new forecast, and
14 we adjust the flow or not.

15 So of late, the required flow has been 34.
16 We don't like to be right down at the edge. That's --
17 you know, it's no good when I have to call Claire or
18 write FERC letters and say, "Here is why we messed up on
19 our minimum flow." We don't like doing that. So we run
20 it higher than that, probably usually about 5 cfs higher
21 because it is hard to measure, and we want to make sure
22 we get it right.

23 GEORGE WEEKLEY: So you are usually 39
24 points?

25 EVE DAVIES: Something like that, on those

1 low flow times. When it's higher, like 2011, we were
2 pegged at 50 the whole year.

3 JOE HASSELL: This is Joe again. Where does
4 GS, or whoever, where do they measure flows in this
5 region?

6 EVE DAVIES: Yes. Can you -- Lindsay, can
7 you bring up the slide for the first water quality slide?
8 They have a measuring point that is almost exactly a mile
9 above the powerhouse. It is immediately below that Weber
10 Basin Water Conservancy District facility I just showed
11 you. Right here, do you see this gray dot on the map?
12 There is actually a cableway across the river here, and
13 that is where the US/GS measures for that reach.

14 SPEAKER: And it's called gateway.

15 EVE DAVIES: Thank you. It is the gateway.
16 Thank you, the gateway, gateway gauge of the river. So
17 that flow -- and Paul and I were talking about this, that
18 flow is really a little confusing for folks because
19 although it is below whatever Weber Basin Water
20 Conservancy District is doing, it's above where our flow
21 is, and it's above where Weber Basin takes off -- excuse
22 me, Weber Davis takes off their water. I always do that.
23 I'm sorry, Evan.

24 So, essentially, unless you know to do the
25 math, and if we are running full load, you have to take

1 320 cfs off of that number if you want to know what is in
2 bypassed reach. I think we probably have some things --
3 Paul and I were just talking about this a week ago. I
4 think that there are ways that we can probably get better
5 information for recreationists, which are primarily
6 fishing people, fisheries people and some boating that
7 happens, so that people have a better idea of what the
8 actual flow of the river is.

9 Because if you just look at that gauge, you
10 need to know, are we on or off line? Is Weber Davis on
11 or off line? How much water is coming out? Where? And
12 Charlie is shaking his head because I happen to know for
13 a fact that he's figured out the higher math involved;
14 you know, how many flows do you have -- how much cfs do
15 you have to have up here to actually be able the boat
16 down there, and, you know, it doesn't need to be that
17 tricky. I think we can --

18 FRANK SHRIER: An answer for the bypassed
19 flow, we use the ice chute as an overflow weir, so we
20 just calculate flow over that.

21 EVE DAVIES: And that is calibrated annually,
22 so...

23 GEORGE WEEKLEY: So in other words, once you
24 know what your minimum instream flow is going to be, you
25 are going to set the ice chute to that level?

1 EVE DAVIES: Yes, but we can't set it and
2 forget it because it depends on how much water is coming
3 in. So that's why --

4 GEORGE WEEKLEY: So if there is getting stuff
5 out of echo --

6 EVE DAVIES: Exactly. So we monkey with it
7 to make sure that we are keeping that, and we collect the
8 data on that.

9 FRANK SHRIER: It is visited every day.

10 JOE HASSELL: Question, Joe. Has it ever --
11 does it ever get above your water line? I mean, that you
12 --

13 EVE DAVIES: Oh, yeah. So during the 2011 --
14 during that last high-flow water year that we had, the
15 Weber River had 5,000 cfs in it. That is a big flow for
16 the Weber River. So our 320 was not even a drop in the
17 bucket.

18 In fact, Troy, did we -- Troy has a unique
19 position. Troy used to be our production manager, and
20 now he's with Weber Basin and now he's back. They're
21 just reminding me they just took him back. That's all.
22 We took him from them, and they took him back. So he's
23 with Weber Basin, but he was production manager when we
24 had those high flows.

25 And did we have to swing the gates open then?

1 TROY STOUT: It actually was right before me.
2 It was when Devin was there. But I was talking to Scott,
3 and from what I remember, they did have to open those
4 gates up.

5 EVE DAVIES: I think we did open the gates
6 because we had concerns, not about failure, but we don't
7 want 5,000 cfs banging on our gates.

8 IVAN RAY: That was pretty high that year.

9 JOE HASSELL: Can I ask a question about your
10 recreation study? It is all about egress and not about
11 visible flows or --

12 EVE DAVIES: No, we need to look at boatable
13 flows, too, because as you know, we have an eight-acre
14 forebay. We don't have any storage. So there is quite a
15 bit of time when we can't provide that water because it
16 is not in the river. So that is absolutely part of it.
17 The reason that I wrote it off, though, initially, I
18 said, "You know, we don't need to look at any of this,"
19 is because I said, "We don't have a place where we can
20 get safe, legal egress."

21 I think that was premature to include that,
22 so that is why we went back and put in all the other
23 information about all the recreation information that we
24 are going to collect, including boatable flows. Whether
25 or not -- certainly those flows are there. One of the

1 biggest questions is when, how often.

2 JOE HASSELL: It is not 34 cfs, though, is
3 it?

4 EVE DAVIES: No, you have to have 300.

5 TROY STOUT: 650, 700, you know, start
6 pushing 1,000.

7 EVE DAVIES: But that --

8 TROY STOUT: But that is the gateway flow,
9 then you subtract 320.

10 JOE HASSELL: Does anybody use it? Does
11 anybody boat it?

12 EVE DAVIES: Well, one.

13 SPEAKER: I don't know the current numbers
14 because I don't boat it anymore.

15 EVE DAVIES: It is not used very often
16 because there isn't a reliable flow in there. It is also
17 not a destination. The boatable reach is extremely
18 short. It is like a half mile. So people would go up
19 there and make -- take practice runs to go some place.
20 Right? That they actually want to boat. But the biggest
21 problem is that -- we are going to look at this tomorrow
22 because it is a big problem.

23 In fact, Lindsay, can you put up the map of
24 the whole entire project reach for me, please? The old
25 highway right before they built the freeway, there was a

1 highway that runs up through the canyon, and it went --
2 you can see it here. That's the fingerprint of the old
3 highway. Can you see it there, running along the edge of
4 the river? If not, we can look at it -- you can look at
5 it on the actual map.

6 So here, this is the old highway, and right
7 here, there is a pullout off of the freeway, and UDOT
8 installed a gate right on that -- right on the edge of
9 the pullout. For obvious reasons, people used to drive
10 down -- they used to pull off of the freeway on a curve
11 and drive down in there. UDOT doesn't have any interest
12 in people doing that. It is just flat-out not safe. To
13 have people coming 85 miles per hour down a freeway on a
14 curve, I am not kidding you, the canyon gets no sunshine
15 in the winter time, so they have extreme issues of slide
16 offs and other things like that.

17 So they gated that access point, and that
18 access point went right down into -- this is the only
19 boatable reach right there -- well, not the only. It's
20 just the only whitewater. So there's water throughout
21 but this actually has whitewater in it. So people would
22 drive down in here and then maybe just do a couple laps
23 on that little section. But once they gated the road,
24 then your only choice is -- you can park, it is not
25 legal, but you can park on the side of the road and carry

1 your boat down in, and do a couple laps, and carry your
2 boat back out. You can launch from rec site, float down,
3 carry your boat back out.

4 But if you continue on down, you are going to
5 wind up at Weber Davis Canal Company's head gates where
6 you have to portage those. And now you are in between
7 the lanes of the freeway, and your life has just got a
8 whole lot worse. Right? There is really no good egress
9 at that point. So that is part of what we are going to
10 look at.

11 KYLE OLCOTT: This is Kyle Olcott. Now, it
12 said, I think, in one of the documents, that you weren't
13 sure who owned the land at the potential takeout site.

14 EVE DAVIES: We are a lot surer now.

15 KYLE OLCOTT: You know now?

16 EVE DAVIES: Yes, it's the Forest Service.

17 KYLE OLCOTT: It is the Forest Service?

18 EVE DAVIES: Yes. This entire section -- so
19 I should have pointed this out before. The green tinge
20 on here is Forest Service ownership. The clearer is
21 private, generally UPRR, Union Pacific Railroad. Right
22 down here, all of the section 30, and Buffy has maps if
23 anybody wants to look at it, but, essentially, this whole
24 entire section right down in here, section 30, is all
25 owned by the United States Forest Service.

1 KYLE OLCOTT: So is there an issue with
2 access road getting there?

3 EVE DAVIES: It is currently gated, and that
4 is something that we just need to talk some more about.
5 You know, because I think that is -- obviously, that is
6 the issue. That is -- if we were going to provide that
7 sort of what I consider to be safe, legal egress, there
8 is a road that goes right to here. It is gated, oh, a
9 half mile back, and I am reasonably certain that is gated
10 to protect the infrastructure of the canal company. They
11 have a big investment there.

12 But right here, the bank underneath the
13 freeway is about this high, it is gentle, the road goes
14 right to it, and you don't have the freeway issue. That
15 is the place to provide an egress if we are going to take
16 that step.

17 JOE HASSELL: That would be like a rest area
18 put in and that would be the takeout?

19 EVE DAVIES: Yes. You can always carry your
20 boat on your shoulders if you don't want to float the
21 mile, because like I said, this is a fast float, but
22 there is no whitewater in there. There is no whitewater
23 here. The only whitewater is in this reach. So people
24 use that project -- or use that stretch when they can
25 drive to it, when water was ample, some springs, high

1 water. But now, that it's, you know, been cut off, and,
2 again, for the very clear and appropriate reason -- I
3 actually spoke with UDOT this week. They don't have any
4 interest in having people pull off, essentially, on a
5 gravel pullout on a major freeway like that.

6 IVAN RAY: This is Ivan Ray. Part of that
7 reason that is gated is only -- not only security for the
8 Davis Weber Canal liability, but there are four utilities
9 there. There's MCI, there's Conoco Petroleum, which
10 process gas. There is Questar Gas.

11 And also, right along our block's culvert
12 that we put in there south of the river, there's Rocky
13 Mountains pipeline plains, if you will, brings crude oil
14 clear across the middle of the United States. There is
15 100,000 barrels a day that goes through that. And they
16 have a structure there. They have even guarded it for
17 rock slides. And so we kind of have agreements with them
18 that we will make sure the gate is secure, and that is
19 why that one big gate is there.

20 EVE DAVIES: Absolutely, it makes sense. We
21 have gates on our hydro facilities. We get it.

22 So let's take a little tour of the river
23 right here. So here is the Mountain Green exit, here is
24 the -- there is the bridge, there is where I was saying
25 DEQ does their water collection. Here is Weber Basin

1 Water Conservancy District facility. Right in here
2 somewhere, if you scroll in enough, oh, right here, I
3 think you can see the cableway across the river, but this
4 is where US/GS measures the site at the gateway gauge.

5 Now go downstream a little bit. Okay, so
6 right here you can see, that is the rest area for the
7 freeway. This is our project access road. Here is our
8 project recreation site, which you will get a chance to
9 see a whole lot better tomorrow.

10 JOE HASSELL: Is it a rest area for eastbound
11 only?

12 EVE DAVIES: Yes, it is. They just literally
13 don't have -- the canyon is so narrow, they don't have
14 the geography, if that is the term I am looking for.
15 They would have had to use a whole lot of dynamite, I
16 think, to get both sides there.

17 GEORGE WEEKLEY: It is steep in there. It is
18 really, really steep.

19 EVE DAVIES: Yes. So here is our diversion
20 dam, and you can just see the beginning of the pipe right
21 here, but it's buried right through here, it goes
22 underneath the freeway, and then it goes this way right
23 there. This is where it pops out. That's the trestle
24 crossing. Then right here is where it takes a little bit
25 -- it comes in here underneath. Those are the railroad

1 tracks crossing, and that is the old road that accesses.
2 So you can see the one part of -- the rocks in the river
3 indicate where the whitewater is, and there is one
4 significant drop right here.

5 Here is where you can see the gate right on
6 there, so they have gated that. People used to always go
7 in here and use this to target shoot. People who want to
8 walk in there --

9 FRANK SHRIER: Shooting boaters?

10 EVE DAVIES: So keep going downstream. Okay,
11 so right here, this is our entrance to our site. This is
12 what we are going to see tomorrow, and one of the reasons
13 why we rented vans is that the only way to get -- so,
14 again, the freeway was built around our existing project
15 here.

16 This is sketchy. You have to make a
17 left-hand exit, so out of the fast lane, and trucks are
18 coming 85 miles an hour down the freeway, and because of
19 the winter conditions, they have put bollards in here all
20 the way across that because otherwise, trucks would be
21 following -- they would be, you know, in the glare and
22 snow and ice, they would follow right down the freeway
23 and wind up, you know, blasting right through -- you
24 know, right through the cottages and near the powerhouse.

25 So that is a gate, but that wouldn't stop a

1 truck, but what they've done for safety is they've
2 bollard this. So that means not only do we have to exit
3 out of the fast lane but then you have to duck between
4 the bollards to get down in there. It is not safe, and
5 it is not something that we have any intention of
6 encouraging the public to come and do in terms of a
7 boater egress site.

8 Also, the only way to then get out of that is
9 you have to back backup here and then do some funky
10 u-turn onto the freeway, that is a bad answer, or you
11 have to go down literally past -- underneath where our
12 substation is, so you are in extreme vicinity of the
13 substation there. You come up on t;he freeway, again on
14 another curve where the line of sight is not great, and
15 then you have to just hit it getting out of there
16 because, otherwise, you will get smashed by the oncoming
17 traffic.

18 FRANK SHRIER: Anybody want to ride with us
19 tomorrow?

20 EVE DAVIES: It will be super fun. So we
21 rented vans, and we will feed you lunch if you want to
22 come. But the point is, we are going to go down into the
23 powerhouse here. This will show clearly the Weber Davis
24 Canal Company's diversion, and then their canal and
25 takeoff.

1 In fact, will you keep going down just a
2 little built more, Lindsay. So here is dirt parking lot
3 here, then about -- keep going down about right -- here
4 is the gate that gates this. And then this part of the
5 road actually goes straight to Weber Davis Canal
6 Company's facility.

7 JOE HASSELL: That is a box culvert. Right?

8 EVE DAVIES: Yes. And I am certain there are
9 ways to rearrange that to provide for safety, but, you
10 know, really that was -- or security not safety. So this
11 road, and you access this road from down at the bottom of
12 the canyon, we will look at it tomorrow. So the point
13 is, go ahead and go back up --

14 IVAN RAY: May I, Eve? For Joe's sake, the
15 two dirt road lines there, the upper one is on top of the
16 canal. It is boxed down the whole canyon.

17 EVE DAVIES: Yes.

18 IVAN RAY: The other one is down the hill
19 maybe 40, 50 feet in places, parallels it, and there's a
20 lot of utilities in that road. And there is a gate on
21 that road just before you would start up the canyon, and
22 the other gate is by the Weber Basin Job Corp. You can
23 see it right there. So we have a gate, the box culvert
24 road access is gated there at the Weber Basin.

25 EVE DAVIES: So I think there is potential

1 for this site, and that is what I want to look at. I
2 really can't emphasize --

3 FRANK SHRIER: What exactly is the potential
4 egress site?

5 EVE DAVIES: Oh, can you scroll back in right
6 here? Underneath, we actually can't see it, but the dirt
7 road comes in -- that is so amazing, isn't it?

8 So here is the end of -- the oldest picture I
9 have actually show this as being the original road of the
10 canyon. There was a bridge that went over, and then it
11 went up, you know, in front of the cottages in front of
12 the powerhouse here. So when they built the freeway, of
13 course they got rid of that and maybe long since before
14 that, I am not exactly sure when. But, so the old
15 highway literally comes right to the edge of the water,
16 and it is a very nice, shallow, sloping, no-issue egress
17 bank. And then it's --

18 Ivan, it can't be a quarter mile to that dirt
19 parking lot, is it? A few hundred yards, something like
20 that?

21 IVAN RAY: Yes, it could be closer to a
22 quarter but not that -- it started there and goes all the
23 way down the canyon. A 16-inch diameter pipe, 8-inch
24 MCIs. It is in -- it's fiberoptic.

25 EVE DAVIES: They are all buried, all those,

1 yes.

2 IVAN RAY: It used to go over the top of the
3 canal. In fact, Questar Gas went right across aerially,
4 just barely west of the generating facility for
5 PacifiCorp; do you remember that?

6 EVE DAVIES: Yes, yes.

7 IVAN RAY: So while we did our project, we
8 buried all that.

9 EVE DAVIES: So, essentially, you know, I
10 think.

11 PAUL THOMPSON: I have a quick question for
12 Ivan, I guess. Paul Thompson. So when you are not
13 diverting water, Ivan, during high flows in the spring, I
14 would guess if somebody was coming down through Weber and
15 this region, they could go through your facility?

16 IVAN RAY: Yes, the gates, we keep them wide
17 open.

18 PAUL THOMPSON: Would there be any issues
19 with you on having people go through those chutes?

20 IVAN RAY: No, no. We have had them go
21 through all the time.

22 PAUL THOMPSON: Just curious.

23 IVAN RAY: And a lot of what you say is based
24 on water availability. There is natural flow rights and
25 then there are ordered water rights, senior water rights.

1 And East Canyon Reservoir is part of the contributing
2 mix. There are quite a few there. But the power rights,
3 the 1903 power rights are quite senior, and that's where
4 that power contract you mentioned comes in. Provo owns
5 half and Weber River owns half. Provo has the right to
6 buy the Weber River half.

7 EVE DAVIES: I didn't know that.

8 IVAN RAY: Yes. In fact, I just got the
9 letter, they are purchasing it now because of the drought
10 conditions, and when that happens, we have to release out
11 of Echo our half, and then they get credit on Deer Creek
12 Reservoir. So that is kind of balance mixed in there.

13 EVE DAVIES: Interesting. There is some
14 old --

15 PAUL THOMPSON: Say that one more time,
16 please?

17 IVAN RAY: What happens on the power
18 contract, it says 50 percent of all the water in the
19 upper Weber goes to Provo, 50 percent comes down the
20 Weber. Now, if they opt to buy the power water, then
21 that means Echo releases power water at the discretion of
22 the senior right holders on their side, but it is
23 credited to PacifiCorp. Does that make sense?

24 PAUL THOMPSON: No.

25 IVAN RAY: That -- well, that's how it works.

1 EVE DAVIES: Paul, I actually read the
2 contracts, and I couldn't even get through -- I couldn't
3 even get through three paragraphs without having to go
4 back up and saying -- because of just the way it is
5 written. It is convoluted.

6 IVAN RAY: Echo Reservoir is a senior
7 reservoir on the system, and East Canyon is very senior.
8 So there is a contract for the Echo Reservoir. They were
9 signed the same day as the ones for Deer Creek on the
10 Provo side but Echo is priority because it was signed
11 first.

12 EVE DAVIES: Right.

13 IVAN RAY: So Echo has to be made whole, and
14 PacifiCorp, as a result before Deer Creek can take the
15 water. So, like, we have a contract with Weber Basin now
16 on Echo Reservoir. They will, if they so desire,
17 purchase all the carryover water this year, then we will
18 be able to declare Echo as empty, basically, and then we
19 have to -- we have to have enough natural flow to fill
20 Echo and its honor to the power contracts and so forth.

21 EVE DAVIES: It is a complex system.

22 IVAN RAY: It is kind of a tricky thing, but
23 it is wise to use during drought time. So it gives us
24 more water on our side.

25 EVE DAVIES: So this shows Echo all the way

1 up the system, so you can see what Lindsey's marked up
2 there, the project area, then how far upstream it is. So
3 the transbasin diversion is even upstream from that.

4 IVAN RAY: Then Lost Creek is a little
5 further north, and that one contributes. In other words,
6 Rock Port flows into Echo and -- well, and Smith and
7 Morehouse come to Rock Port and so forth, so anyway.

8 EVE DAVIES: Okay. Any other questions about
9 any of the stuff before we really jump into study plans?
10 How about scoping comments, things you want to say on the
11 record?

12 JOE HASSELL: I do have something to say. I
13 was reading your PAD, and I am thinking about this, from
14 the way you guys write your NEPA document, and we will
15 take it and write our analysis.

16 EVE DAVIES: That is called monkeying with
17 it.

18 JOE HASSELL: One of the things that kind of
19 troubled me a little bit was when I looked at what you
20 described as your PM&E measures, it was like all the
21 things that you'd done in the past, okay, are -- you are
22 considering a baseline, for example, 34 cfs minimum flow.
23 I kind of consider that to be a PM&E measure, you know,
24 and a --

25 EVE DAVIES: I like that.

1 JOE HASSELL: And you say you are not going
2 to do anything, and I am looking at it, yeah, you are,
3 you are releasing 34 to 50 cfs.

4 EVE DAVIES: You are exactly right, and I
5 should have been clearer about that. Our intention is to
6 continue forward with that same flow in the system. I
7 think what I was getting at is we weren't proposing to
8 study the flows, because after working with the resource
9 specialist, our belief is that that flow, the flow regime
10 that we have, is protective of the resource. And my
11 understanding of what we have there is that folks would
12 really rather spend the time and money on let's get to
13 fish passage.

14 So you are absolutely right. We don't have
15 any intention of banding that. We intend to carry that
16 forward into the future. And you are exactly right. It
17 is a PM&E measure that I just missed because it is kind
18 of background for us.

19 JOE HASSELL: There was another resource that
20 I sort of had the same idea.

21 FRANK SHRIER: Well, the recreation area --

22 EVE DAVIES: The existing recreation site is
23 -- what we said is we think it could use some upgrades.
24 Right now there is a portable restroom there, and I think
25 we could use an upgrade to that. So we will look at

1 that.

2 JOE HASSELL: See, what makes our job easier
3 is if you say, "This is what we are doing," and then we
4 can say, "Oh, this is why we should re-license it because
5 this is working to take care of fish, this is working to
6 take care of recreation."

7 EVE DAVIES: That's a good point on that, so
8 I need to be clearer.

9 JOE HASSELL: Don't just say, "We are not
10 doing anything on it."

11 EVE DAVIES: We are doing nothing. Okay.
12 Thank you. It is a good point. Thanks, Joe. Any other
13 questions or --

14 CLAIRE MCGRATH: This may be better in the
15 study planning. I have some questions about the current
16 situation with the fish populations.

17 EVE DAVIES: Yes, let's hold that to
18 fisheries, so I would say maybe let's take a short break.
19

20 BEN GADDIS: Before we break, I don't know,
21 is everybody planning on coming back after the break or
22 are some people taking off?

23 IVAN RAY: I have to go.

24 BEN GADDIS: Okay. So the question is head
25 count for tomorrow for purposes of lunch mostly, and then

1 also to make sure that the transport is sufficient. So
2 maybe the easier thing is to have you raise your hand if
3 you will be on field trip tomorrow and need or plan on
4 lunch.

5 EVE DAVIES: And if you like -- Dawn, you
6 mentioned you had maybe three people. If you are
7 representing more than one, then hold that up, that
8 finger up, the number of fingers up. So keep your hand
9 up high so I can count them real quick.

10 IVAN RAY: I will be there. No lunch.

11 BEN GADDIS: Okay. I think we've got 15
12 then. Hopefully I counted that right -- 17, okay.
13 Anything else?

14 (Whereupon, a break was taken.)

15 BEN GADDIS: The next part of the agenda
16 calls for some stakeholder group discussion of the
17 preliminary draft study plans. So Eve already gave a
18 summary of what was involved with all of those, and the
19 intent today was to originally discuss the T&E, the
20 noxious weeds and the cultural resources, but we are
21 going to add water quality as well. But we will start
22 with T&E, but we will see where we are. If we are moving
23 quickly and everything is good, we will move to cultural
24 and then water quality, but if things look like they are
25 not going as fast, then we will stop midstream and switch

1 to water quality. It is all your fault.

2 So the intent here was many people in the
3 room already submitted comments on the study plan, so
4 what we did is take those comments and we put them into
5 this comment table. I realize you can't see them very
6 well, particularly if you're in the back of the room.
7 And the intent here was, there is really no reason to
8 discuss anything in the study plans except what you have
9 commented about which requires some sort of discussion
10 and resolution. So that is what we are trying to focus
11 on so that we don't spend extra minutes on stuff that you
12 didn't have comments on and does not require any
13 discussion.

14 So two layers to the process. The first one
15 is, we will take a look at the comments, and then here in
16 the resolution column of this table -- and by the way, at
17 the end of this process when we get through all of the
18 comments and we have resolved all of them, then the
19 intent is to provide the comment form packet back to all
20 the stakeholders so that you see how all of that runs,
21 and you will see other reiterations of the study plan as
22 well.

23 So the intent is to run through quickly each
24 of the things that are where there was really no change
25 needed or where the resolution was basically, okay, that

1 is accepted, we will make that change, we are good to go.
2 We will just note those really quick so everybody is on
3 the same page, and then whatever requires conversation,
4 we will engage in that conversation, and that is probably
5 where we will spent the bulk of our time. So how does
6 that sound? All is clear, I hope.

7 Okay. So starting with the terrestrial T&Es
8 and noxious weeds, we had just a small handful of
9 comments. There were five, and three of them were sort
10 of informal email responses, and we have noted them as
11 such in the comment table.

12 The first one was from BOR, and it seems like
13 it would be easiest if I just read some of these comments
14 given the distance. Is that okay with everybody?

15 The first comment was one of the informal
16 email responses. It says, "I've reviewed the study plan
17 provided. Looks really good to me. In addition, I've
18 spoken with the folks in charge of putting it together.
19 We addressed that we were in the mode of surveying for
20 Ute ladies' tresses, and that we would make sure we
21 didn't duplicate any efforts."

22 So email correspondence, just to make sure
23 that folks are on the same page, there was really no
24 resolution needed for that, but please interrupt me if
25 there is a question.

1 The next one is from the Division of Wildlife
2 Resources, and it is again an informal email response.
3 "My terrestrial counterparts and I are not interested in
4 either yellow-billed cuckoo or smooth green snake issue
5 at the site. Only the two fishes matter in the mouth of
6 Weber Canyon, in my book. There's just not much habitat
7 or reason to be worried about the bird and snake species
8 as this locale, other than regarding process. In other
9 places, quite possibly, we would be interested, but not
10 here."

11 So, again, a resolution, there is really none
12 needed there. This was an informal correspondence to,
13 again, make sure everybody is on the same page. Any
14 questions or anything, discussion needed on those first
15 two, just to be sure? So it is kind of what gets us to
16 what is included in that study.

17 The third one is, again, from BOR, and it is
18 also an informal email response. It says, "The
19 preliminary study report; and at first glance, I noticed
20 they only included two of the rare state riparian plant
21 species."

22 So the response to that, and we had some
23 discussion, and if there's clarification needed, we can
24 go there. "Surveys included Ute ladies' tresses, Utah
25 angelica and the Wasatch fitweed."

1 And those other -- the second two were at the
2 request of the Forest Service. The Ute ladies' tresses
3 was the ones -- were the initial species that was being
4 looked at. And based on the work that has been done so
5 far, none of those species were located. We talked about
6 that. So do we have somebody from BOR here or not today?
7 I don't remember?

8 EVE DAVIES: I think the only clarification
9 that we need in that is -- we were trying to get out
10 there with a response was that we looked for the ones
11 that have -- that we had some reason to believe would
12 occur in that vicinity, which really was only the Ute
13 ladies' tresses. The Forest Service asked us to look for
14 those other two, and we did. We will absolutely look to
15 see if they are there. But the other ones, the other
16 state riparian plant species, we don't think there is any
17 potential for them. So that is --

18 BEN GADDIS: And the other comment from the
19 same person at BOR was just related to the noxious weeds
20 component on that study plan was that there were no
21 comments there, so none needed there as well.

22 And then the last comment, which was a FERC
23 comment, was no comments at this time, so, obviously, no
24 resolution needed there as well. So that was the full --
25 we also -- we did note incidentally -- edit any editorial

1 comments that came about because there were a handful of
2 those. In this case, there weren't any editorial
3 comments, so we are checking that, so that everybody is
4 on the same page.

5 So that is all of the comments, and this is
6 the only one that we wanted to make sure for
7 clarification purposes it was clear which were the
8 species that were surveyed for. Any comments on this
9 one?

10 One thing I should have noted before we
11 started on this is the goal to discussing preliminary
12 draft study plan both today and tomorrow is to basically
13 get out of the conversation at the end of the day that
14 there are now draft study plans that can be distributed
15 for review that we can take preliminarily off. So we are
16 trying to get to, yes, these are done and ready for that
17 next stage of the process.

18 EVE DAVIES: Can I ask that question now?
19 Should we submit these in mass? Does it matter if we do
20 them all five plans together, or, you know, two now and
21 three more soon? How does that --

22 CLAIRE MCGRATH: It doesn't matter from our
23 perspective. If you were going to submit them in close
24 proximity, I would submit them all together because it
25 makes getting a response from us a little simpler, but if

1 you have something ready now and something ready to go in
2 January, by all means, submit the ones you have ready to
3 go.

4 EVE DAVIES: I think maybe all now and/or
5 maybe now and in a very short time, so I think we can
6 hold them to do that.

7 Can I ask our group, how do you guys feel
8 about -- I mean, you've already reviewed them all. It is
9 up to you how much more reviewing --

10 PAUL THOMPSON: Paul Thompson, we are fine
11 taking the preliminary off of this study plan.

12 BEN GADDIS: Which was my very next question,
13 with respect to this particular study plan, since this is
14 the total number of comments, and I think that they
15 either didn't require resolution or a simple
16 clarification, I guess it seems to me that this one is
17 ready to go as a draft? Does anybody disagree with that,
18 is probably the simplest way to go.

19 CLAIRE MCGRATH: I would suggest waiting
20 until the 30-day comment period after scoping is done to
21 submit a final study plan because we will be issuing the
22 transcript from the meeting and making those available to
23 the wider public. I think that if we had comments come
24 in within that period, we would have to take them under
25 consideration. So if you can wait that long, it would

1 probably make things simpler.

2 EVE DAVIES: Okay.

3 BEN GADDIS: Okay.

4 CLAIRE MCGRATH: It is November 5th.

5 EVE DAVIES: And then just for clarification,
6 it is a 60-day comment period on study plans?

7 CLAIRE MCGRATH: I think it is 30. I am
8 going to look it up right now. I have that spreadsheet
9 open.

10 BEN GADDIS: In the meantime, can you scroll
11 up to the -- you need to leave at 4:00; is that right,
12 Kari?

13 KARI LUNDEEN: I am good.

14 EVE DAVIES: Paul has to leave at 4:00.

15 BEN GADDIS: Okay. We can go straight to
16 cultural now, that is fine, while Claire is looking that
17 up. We can come back to the question.

18 CLAIRE MCGRATH: Let me come back to it;
19 right now, there is no direction. So, again, this is an
20 ALP thing where we don't have strict deadlines, so I will
21 look one more place, but I don't know that there is
22 actually a strict time limit for that.

23 BEN GADDIS: Okay. Let's move on to the next
24 study plan discussion then, and this will probably be
25 similarly quick. This is cultural resources, and I think

1 we had one other page to that; is that right? I just
2 want to make sure I've got the right number. Oh, that is
3 it. Okay. So there is just another four comments.

4 No comments from UDOT, so no response needed.
5 From BOR, there were some editorial comments. I will
6 mention those in a minute, but it says, "This study plan
7 seems well designed and should provide reclamation with
8 all of the documentation necessary to play its role in
9 the relicensing process."

10 So, basically, the study plan is a ready to
11 go comment so there is no resolution needed there.

12 From FERC, "In the preliminary study plan,
13 the cultural resources, July 2015, under section 3.0.3,
14 PacifiCorp describes the area of potential effects. We
15 request that PacifiCorp send a description and map of the
16 APE to the Utah SHPO and seek their concurrence on the
17 EPA, within 30 days of issuance of our response to the
18 preliminary study plans," and that is going to be
19 completed by October 30, 2015.

20 And so I guess the resolution, basically, is
21 yes, it is on the radar, and that will be done.

22 And then the last comment was an editorial
23 comment, and it just identified -- it says, "The table
24 identifying previous cultural resources, projects within
25 the project area is missing. 2, the table for known

1 sites within 1 mile of the project area is numbered table
2 3.6. 3, this is the number assigned in the text on page
3 4 to the table for previous projects within the project
4 area. 4, there is no site table referenced in the text."

5 So, basically, correcting some of the table
6 text references to make sure that they are clear, and
7 that one is addressed, or it's in the process of being
8 addressed, so that is cleaned up.

9 So pretty straightforward set of comments on
10 the cultural resources study plan. Does anybody have any
11 need for discussion, or are we ready to take preliminary
12 off of this study plan as well and call it good to go?

13 EVE DAVIES: So just so you know, this means
14 that you are going to get one more opportunity to look at
15 these, you know, when we send them out to everybody,
16 everybody being, you know, our actual stakeholders and
17 Joe Q Public. Then if you want to comment on them again,
18 but we will also send to the working group a redline of
19 any changes that we make. So if you want to look at the
20 redlines when you get the official version, you can do
21 that, too.

22 BEN GADDIS: Is anybody not okay with taking
23 preliminary off the cultural resources study plan?
24 Seeing none, it sounds like that one is good to go. So
25 intent was just to do those two today, not sure how much

1 time we would have or how much time that would take.

2 So we will move on to water quality, which
3 is, I think, a couple of pages of comments, and we will
4 see where we are with time after that. Okay. So the
5 first comment is from the Division of Water Quality, and
6 related to the introductory section, paragraph 4, and
7 this is strike through to propose new text.

8 EVE DAVIES: Hey, Ben, since we are going to
9 come back to this one, I mean, this is definitely --

10 BEN GADDIS: Thank you, that's right. So
11 rather than doing where I was headed, which was to
12 discuss first, let's just go check off the ones where it
13 is no response needed or that are just changes that will
14 be accepted. So thank you for that redirection.

15 So the next one is on a table, and it's just
16 to correct the language for the 2B beneficial use, and
17 that's -- the corrected language is in quoted text.
18 "Protected for infrequent primary contact recreation
19 where there is a low likelihood of injection of water or
20 a low degree of bodily contact with water."

21 So "accepted," and that one is taken care of.
22 This one is also a discussion item, so we will skip it
23 for now.

24 The next one was on section 4.3. It says,
25 "Will a state certified laboratory be used," and the

1 answer is yes, that will happen. That's pretty
2 straightforward as well.

3 The next one that is quick is on section 4.4,
4 and it's the second to last bullet, the comment was to
5 add the following language, and it was "Discussion and
6 summary of findings," and then the underlining text is
7 the new text, "with a comparison to State water quality
8 standards both up and down gradient of the project area."

9 Same thing, yes, we will include that as part
10 of the report data analysis.

11 Then we have got a handful of other comments
12 that are all none required as far as the response. The
13 Forest Service, just that they had no comments. So
14 clearly no response needed. From Trout Unlimited, just
15 approval of the study plans, so we are good to go there.
16 And then American Whitewater, no comments on the study
17 plan at this time. So no response needed on that for
18 now, either.

19 The next comment is from FERC, and there is
20 -- part of it is where there is no response needed and
21 then part of it is where there is a discussion. So we
22 will do this part now, and then go back up to top for
23 discussion. There is no other third page to this; is
24 that right?

25 FRANK SHRIER: Yes, there is.

1 BEN GADDIS: There is? Okay, we will go
2 through those in a second. Okay, so let's go up to none
3 needed. This says, "The PAD state that Utah's 2014
4 integrated report lists the Weber River-3 AU as not
5 supporting designated uses due to a biological
6 impairment. This reach, about 12 miles long, includes
7 the portion of the Weber River that encompasses the
8 project. The existing water quality information in the
9 PAD, mostly physical measurements such as DO and
10 temperature are from a station above and from a station
11 way below the project, give little indication as to the
12 source of this impairment. Water quality standards are
13 mostly met, at least for temperature and dissolved
14 oxygen. The chosen study locations above and below the
15 project and in the bypass reach will show whatever impact
16 the project has on water temperature and dissolved
17 oxygen."

18 So that text was nothing that required a
19 resolution, per say, so that is why that is noted there.
20 We will come back to that part in a minute.

21 This is the last page. I got it right this
22 time. Comments, "You noted that QA/QC measures include
23 calibrating water quality sondes monthly. We recommend
24 that data be downloaded from all sondes monthly to
25 decrease likelihood of data loss. Sondes should be

1 placed in locations least likely to be affected by ice
2 and/or de-watering. If sondes are found to be affected
3 by ice, sediment, or de-watering, ensure that this is
4 noted in field notes."

5 Same thing, no resolution needed. Yes, there
6 is roughly that time step, maybe even a little bit more
7 frequently when all of that work would be done. So that
8 is covered.

9 And then the last "none needed" comment and
10 resolution is, "We agree that additional data collected
11 from sites spaced closer together than the historical
12 upstream and downstream sampling stations, 13.6 miles
13 apart, will be needed to characterize how the Weber
14 project effects water quality."

15 So same thing, none needed there. We are
16 good to go. Any comment or need for discussion? Anybody
17 want to chime in?

18 This was, I thought, one requiring
19 discussion, but we can have it first, and that way we
20 will be done with the page. So this is comment that
21 says, "The study plan shows that conductivity and
22 turbidity are highly variable. Dissolved and particulate
23 solids may increase during winter when deicer is used.
24 What material is used to deice roads?"

25 And as far as we know, salt is used to deice

1 roads. Did you confirm that with DOT or --

2 EVE DAVIES: No, because I talked to them
3 before I saw this question. So we will confirm that with
4 them.

5 BEN GADDIS: But that is pretty standard and
6 pretty much everywhere in the state.

7 EVE DAVIES: Especially there in that canyon,
8 I am certain it is salt. It might be salt plus, but
9 because there is literally sections of the canyon that
10 don't get sun all winter long. Our operator says it is
11 exactly like being in Siberia.

12 BEN GADDIS: No difference except it is way
13 colder in Siberia. Okay. So I think we have covered
14 this page and all the none needed. It sounds like we are
15 good to go on all of those. They are pretty
16 straightforward. Here we are back at the stop, and now
17 we will just talk about the ones that may require some
18 amount of discussions.

19 So this was some introductory of the study
20 plan with some strike through and some new text proposed
21 to replace it.

22 EVE DAVIES: Kari and I just had a little
23 discussion, so if it is okay, I will share with you folks
24 what Kari and I had discussed here?

25 BEN GADDIS: Is it okay if I read it so

1 everybody -- real quick, I am just going to read it out
2 loud and then that sounds great.

3 So before this section said, "The water
4 quality and study plan aims to achieve two goals; 1, to
5 gain a better understanding of current water quality in
6 the project area. 2, to determine the effect of project
7 operations on water quality," and then there was no third
8 goal.

9 The proposed revision is to achieve three
10 goals. The first one, the same as I just mentioned. The
11 second one, reworded "to ensure that the federally
12 permitted or licensed activities will be conducted in a
13 manner that will comply with applicable discharge and
14 water quality requirements in order to maintain the
15 chemical, physical, and biological integrity of waters of
16 the United States within the State. And, 3, determine
17 any minimum instream flows to meet goal No. 2."

18 That is the proposed revision and --

19 EVE DAVIES: Okay. So Kari and I had a
20 discussion, and also I talked with a few of the other
21 stakeholders, and, essentially, I think that we have -- I
22 will characterize this as a relatively wide agreement.
23 So one party from DWQ made the specific request, but
24 after getting a chance to look at it, I think there was
25 relatively widespread agreement that the flows would have

1 our -- considered protective of the resource.

2 Is that accurate, Kari?

3 KARI LUNDEEN: Yes.

4 EVE DAVIES: And I think that Kari and Paul

5 -- there is a club here. You have to be Paul or you

6 can't be in it.

7 BEN GADDIS: That is why George, this is his

8 last day.

9 GEORGE WEEKLEY: First and last.

10 EVE DAVIES: So I think --

11 BEN GADDIS: That is the third one. Right?

12 EVE DAVIES: Yes. So, essentially, what that

13 would do is take us back to two goals, so we would -- you

14 know, we would strike this "determine any minimum

15 instream flows," the suggested text, we would go back to

16 two goals.

17 Then my question to Kari was, we had put

18 something, you know, simplistic because that is my way to

19 determine the effect of project operations on water

20 quality. And so the language that is in there is very

21 specific, it is very regulatory, and it is from the 401

22 water quality certification, which is probably a great

23 place for it. And my question to Kari was, I just want

24 to make sure -- you know, it is not a loaded question,

25 it's a real question, are those two things equal, or do

1 we just inadvertently change what we said we were going
2 to do there with the addition of the regulatory language?

3 So what Kari and I discussed was a fix, and
4 we were going to do this tomorrow. So unfortunately, I
5 will have to read the fix, rather than you seeing it.

6 So we would leave the text that we had in, so
7 the second goal -- the second of two goals would be "to
8 determine the effect of project operations on water
9 quality," then add "and to address the specific 401 water
10 quality certification standards of," and then list -- so
11 that then we'd know this language right here is the water
12 quality certification standards.

13 So we will revert to -- the goal would be
14 this, but part of that sub goal would be to allow that
15 regulatory language to be in there, and we will identify
16 as such. So I think that met everyone's needs, my
17 simplistic ones and Kari's regulatory ones.

18 KARI LUNDEEN: We will need to confirm it
19 with Bill, but I think, yes.

20 BEN GADDIS: Is it fair to say that fix means
21 that the question that if the revised language is equal
22 or equates to, the original language goes away because
23 we'd go back to the original language and point out
24 another thing that has to be carried through the process
25 on some level or another and be tied to the second goal.

1 EVE DAVIES: Does everyone think that's an
2 appropriate fix? Good.

3 JOE HASSELL: Well, let's talk about that
4 other one, too.

5 EVE DAVIES: Which other one?

6 JOE HASSELL: The one for discussion. But
7 when you say the standards of, what are you talking
8 about? Are you talking about specific numeric standards
9 that you are going to list itself?

10 EVE DAVIES: Here?

11 JOE HASSELL: Yes.

12 EVE DAVIES: This part?

13 JOE HASSELL: Yes.

14 EVE DAVIES: Oh, sorry, I said, "And address
15 the specific 401 water quality certification standards
16 of," so those are the State standards of --
17 unfortunately, you are not going to find it in there
18 because I wrote it on my copy.

19 JOE HASSELL: You -- after the word "of," is
20 there something else?

21 EVE DAVIES: Yes, after "of" is going to be
22 "the standard is, ensure that the federally permitted or
23 license activities will be conducted in matter that,"
24 blah, blah, blah, blah, "requirements in order to
25 maintain the chemical, physical and biological integrity

1 of waters of the US with the state."

2 So that will be the 401 cert language, and I
3 think that is what Bill was getting at. He wanted to see
4 a tie to the State's 401 water quality certification
5 standard in the study plan, which I can understand that.
6 So I just attempted, a little bit clumsily, I may have
7 wordsmithed a little bit, but I am attempting to go with
8 the simpler language here. The goal of the plan is to
9 determine the effect of the project operation of the
10 water quality, but I will add in that language that Bill
11 would like to see from a regulatory standpoint, if that
12 makes sense. Trying to split that baby right down the
13 middle.

14 JOE HASSELL: No comment.

15 EVE DAVIES: Okay.

16 BEN GADDIS: We can come back to it in a
17 minute. It might make sense, actually, and maybe I can
18 propose this to somebody who has an electronic version of
19 this, maybe you can take Eve's copy and quickly write it
20 up, and then when we get done, maybe we can come back to
21 this particular comment and actually read a drafted
22 version so that it would help us to move on to the
23 others, but still address that if we need to.

24 Okay. So I assume -- is there any question
25 about -- other than the one that has already been posed,

1 about this comment and looks like the resolution that we
2 are headed toward? Okay, we will come back if we need
3 to. Let's go down to 4.1.

4 EVE DAVIES: So this is -- essentially, this
5 is the exact same thing where the state had requested
6 that we add that language to it. So my suggestion would
7 be to put the same fix here as above.

8 BEN GADDIS: So just -- so this is section
9 4.1. The other one was related to section 1. And this
10 section proposed that -- the comment was to add the
11 language here that, again, the strike was striking out
12 the original text, and the underline is adding new text.

13 Before it said, "PacifiCorp will evaluate the
14 current water quality conditions in the project area to
15 determine if beneficial uses and associated Utah state
16 water quality standards are being met to determine the
17 effects of the project on water quality parameters," and
18 then it was the end of the thought.

19 Then what was added -- that was struck, and
20 it was revised to say after "are being met to ensure that
21 the federally permitted or licensed activities will be
22 conducted in a manner that will comply with applicable
23 discharge and water quality," etc., same as the previous
24 comment. So presumably, it would be the same fix for
25 consistency's sake.

1 EVE DAVIES: Or very close. There might be a
2 tiny bit of wordsmithing to make those fit.

3 BEN GADDIS: But same idea. Okay. Go to the
4 next one. So the next one is a question on section 4.4,
5 asking, "Approximately when will the water quality
6 technical report be issued," and the resolution is within
7 six months of completion of water quality data
8 collection, so roughly no later than June of '17 is when
9 that report would be issued, perhaps sooner than that,
10 but within that timeframe. So that is not discussion so
11 much as information, I guess.

12 EVE DAVIES: Just one second, there would
13 also be, within that timeframe, because we are required
14 to do these reports every six months that we are going to
15 talk about when the actual start date is, so there would
16 be, you know, a quick write-up of what has happened so
17 far and what we are getting. But the actual technical
18 report will be the proposed -- we are happy to talk with
19 people what we are finding in the meantime but --

20 BEN GADDIS: Okay. So the next one is
21 related to section 4.4. It is the second to last bullet,
22 proposal to add language. It says 'Discussion of summary
23 of findings' -- sorry, we did that one already. 4.4,
24 this one, the last bullet, to add the language here,
25 "Identification of project impacts on water quality,"

1 previously it says, "if any" and in parenthesis, that was
2 struck. And then what was added was "including a
3 discussion of any impacts from proposed project
4 upgrades," and then this was a part of the comments in
5 the brackets, "Are there any that impact water quality?"

6 And the resolution here which requires the
7 discussion is that there are no project upgrades that are
8 proposed, i.e., increasing the ability for the plant to
9 produce power, more power. So does this refer to
10 facility modifications like the fish ladder? And I am
11 not sure -- that was Bill's comment, so...

12 EVE DAVIES: So we are not proposing any
13 upgrades. By upgrade, that is like in the FERC sense of
14 making more power, generating more bigger there. That is
15 not -- there is no proposal for anything like that or any
16 re-piping or anything else. We do have a proposal to put
17 a fish ladder off to the side of the dam, but I don't
18 know. I can't think of any way -- I asked Frank to think
19 about this, but I can't think of any way that adding a
20 fish ladder would impact water quality. Again, it is
21 runoff river resource, you know, a small, small reservoir
22 above, etc.

23 So, if that is something you can check in on
24 and let us know if we need additional -- if we need any
25 additional clarification or discussion there, I would be

1 happy to put that in.

2 CHARLIE VINCENT: For the fish ladder, I
3 might be jumping ahead, so presumably the minimum flow
4 still goes through the fish ladder?

5 EVE DAVIES: Yes, because we need to have a
6 traffic flow.

7 CHARLIE VINCENT: Do you know if there is
8 enough water without doing the design?

9 FRANK SHRIER: For the fish ladder? Yes, we
10 can always design the fish ladder to accommodate whatever
11 water we can put down it.

12 CHARLIE VINCENT: Okay.

13 FRANK SHRIER: It can go either way with
14 that, but I think there's 30 cfs minimum is probably you
15 can pipe in.

16 PAUL BURNETT: Paul Burnett, we have a fish
17 ladder design for cfs lower on the Weber that is passing
18 water. We haven't documented the fish passage yet -- but
19 I believe that 35 cfs is sufficient for a design.

20 EVE DAVIES: And I think there is a way that
21 we can measure it, a better way than we currently have,
22 which is constant calibration and monkeying with it. And
23 I think we can do a better job of measuring the water
24 that we are putting through the fish ladder so that we
25 have a better idea of those minimum flows. Do you have a

1 question?

2 DAWN ALVAREZ: Yes, I did. Dawn Alvarez.

3 Will any of the recreation upgrades you are considering
4 affect water quality?

5 EVE DAVIES: You know, for designing any of
6 this stuff, there would be standard BMPs. You know, what
7 we'd looked at, and I don't know because we haven't
8 talked to your folks about it, but like a vault toilet.
9 You know, we are not going to propose a septic system for
10 there.

11 So there is nothing that I can think of
12 offhand that is going to impact water quality, in terms
13 of even if we did do boater flows, I think there would be
14 instantaneous changes during the boater flow event. But,
15 again, it is the water we've got on the topside of the
16 project getting to the bottom side is literally a matter
17 of the timing and the volume. It could have a minor
18 impact, but I don't see that.

19 The banks are appropriate in the two places
20 that we've discussed, have the boaters in, have the
21 boaters out, without doing any, you know, construction.
22 We might want to improve the path or something. But I
23 have thought about that, and I can't think of anything we
24 are doing, or proposing to do, that would impact the
25 water quality negatively.

1 FRANK SHRIER: Long term, or, I mean, any
2 construction, it is going to be a short-term impact.
3 That is what your permits are for.

4 BEN GADDIS: So with respect to this one, it
5 sounds like we still need to basically hear back from
6 Bill, is that -- did he intend to mean facility
7 modification like the fish ladder, or did he intend, in
8 the FERC sense of upgrade, more power? So I suspect he
9 meant facility modifications. That is what we were
10 guessing, but we don't want to assume that that's what he
11 meant and go forward with that. It would be great if we
12 had clarification.

13 EVE DAVIES: I was wondering if anybody else
14 could think of any other way that what we are talking
15 about here is going to have an impact, something that we
16 are not thinking of. That would be helpful.

17 BEN GADDIS: Which, by the way, is a great
18 thing to do in a scoping meeting. One of the points.
19 Right? Obviously, if something comes to mind through the
20 process, then bring that up.

21 So pending resolution, I guess based on
22 hearing back from Bill, let's go down to the next one.
23 That was the section here. The comment was, "However,
24 because the larger reach, Weber River -3 AU is listed as
25 impaired for biological reasons. PacifiCorp may want to

1 consider whether some effort to characterize the river's
2 macroinvertebrate populations upstream of the reservoir
3 and in the bypass reach is worthwhile to inform
4 stakeholders whether the project potentially contributes
5 to, or possibly acts counter to, biological impairment
6 designation. The lower of the two Utah water quality
7 monitoring stations is located 12.6 miles downstream from
8 the project, and due to its location, may not be
9 representative of the project area conditions."

10 So there were two things here; one was just,
11 yes, there was agreement, essentially, that the lower
12 existing water quality site is not representative of
13 project area conditions because it is so far downstream.
14 So that is not really what the discussion was. The
15 discussion was more of the biological impairment
16 designation.

17 And I guess I would like to propose that
18 maybe, Kari, can you give a quick synopsis of the
19 biological impairment listing for this reach for
20 everybody's benefit?

21 KARI LUNDEEN: I can't remember exactly what
22 site they are using for the biological impairment, but
23 basically, they are looking at what macroinvertebrate are
24 there, and what they would expect to see and kind of
25 giving a ratio, so that impairment is because we are not

1 seeing the macroinvertebrate we would expect. However,
2 the macroinvertebrate listing is a long time period, kind
3 of incorporating everything that is happening in the
4 watershed.

5 So as far as looking at one specific project,
6 I am not sure collecting macroinvertebrate data would
7 tell you what you want to know because there is a lot of
8 other stuff going on in the watershed that could be
9 impacting those macroinvertebrate.

10 BEN GADDIS: And there was another -- so I
11 have a question, too. So the question was, and you
12 mentioned that water quality sampling on the Weber with
13 -- in the watershed just started. Right?

14 KARI LUNDEEN: Yes.

15 BEN GADDIS: Will it include some
16 macroinvertebrate sampling anyway?

17 KARI LUNDEEN: It won't. We did -- in 2013
18 is when we did -- the Weber was targeted for what we call
19 UK, what we call a comprehensive assessment upstream
20 ecosystems. That looks at kind of repairing habitat and
21 stream habitat and flow chemistry, macroinvertebrates, so
22 that incorporates everything. And we did that in 2013
23 all over the watershed, and that site we were just
24 talking about where it -- it's devil's gate, isn't it?

25 EVE DAVIES: Yes, yes.

1 KARI LUNDEEN: That, we did a site right
2 there. I remember climbing over that pipe and wading
3 around in the river down there. So we have
4 macroinvertebrate data upstream of you from 2013. So I
5 think the next time it would be targeted would be 2019,
6 and really, since it is a long -- it is kind of an
7 integrated thing that you are looking at, you don't need
8 to do it every year. So it could be, we could collect
9 some additional samples, if need be, downstream of your
10 facility, or we would look or visit that site that we
11 went to, we would visit that again in a few years.

12 JOE HASSELL: This is Joe. This is my
13 comment, and I was doing research on your website because
14 the PAD said that it was impaired for biological reasons,
15 and I saw those two sites. And did you say devil's gate;
16 is that what you said?

17 KARI LUNDEEN: Uh-huh, yes.

18 JOE HASSELL: Which would be a good
19 control --

20 KARI LUNDEEN: Right.

21 JOE HASSELL: -- for this project. And I
22 know there are a bunch of impacts, highway, okay, but if
23 you have a large type of modification caused by this
24 project and the -- and I was thinking that between that
25 devil's gate as a control, it would be worthwhile to do

1 biological monitoring at a station in the bypass reach.

2 That is why -- I mean, you can discuss it,
3 but I don't think you can ever be able to say, we are
4 contributing to it, or we are making it better unless you
5 do something. Even though it is a long-term thing, if
6 you don't look at it at all, it's going to be, well, it's
7 impaired for biological reasons. This reason is impaired
8 for biological reasons. Why? We don't know.

9 KARI LUNDEEN: I guess my question with that
10 would be, though, there are diversions and water coming
11 back in right there, so --

12 JOE HASSELL: At the devil's gate?

13 KARI LUNDEEN: No, downstream of their
14 facility.

15 JOE HASSELL: Yes. I know those are big time
16 -- I mean, you know, they take the Weber River and put it
17 in the canal, right. What -- and you kind of do the same
18 thing with the penstock. But, so my point would be, if
19 devil's gate is -- if devil's gate and the bypass are the
20 same, then you all aren't hurting it. If the devil's
21 bypass and -- the devil's gate and the bypass reach are
22 different, or which way is it? Is hydrologic
23 modification of your project contributing to the non
24 impairment status of this reach?

25 EVE DAVIES: I hesitate to even say this

1 because Frank will kick me when I say it, but my concern
2 would be that at the risk of adding more sites, because
3 we have Weber Basin Water Conservancy below us, below
4 that site between us, I don't know that -- I don't know
5 that doing the site that you are talking about gives us
6 that information necessarily, and, again, because of the
7 rest area and all of the junkus (sic) off the road.
8 Where oftentimes, they plow the freeway into the river
9 because there is no other place to put it. I just think
10 it would be hard to tease that out. That is maybe one of
11 the hesitations I have.

12 JOE HASSELL: Point source versus hydrologic
13 modification.

14 EVE DAVIES: Yes. So when I saw this, I kind
15 of went, oh. I just don't see a way -- I get what you
16 are saying, but I don't see a clear path forward there.
17 So then I asked Paul -- sorry, Paul, here it comes. I
18 asked Paul to talk to me about macroinvertebrate because
19 truthfully, after I saw your question, I did a lot of
20 wandering, and I thought, I don't know much about
21 macroinvertebrates in that area of the canyon. So I
22 asked Paul what he thought about macroinvertebrates in
23 that part of the canyon. So would you talk to us a
24 little bit about --

25 PAUL THOMPSON: Paul Thompson. That wasn't a

1 question that we had thought of very much through this
2 process or asked PacifiCorp to study further. We have a
3 really robust fish population in the bypass reach, and we
4 attribute that to the instream flows available in that
5 reach. Got to have something to eat, but there are many
6 sections of the Weber that don't have the water during
7 parts of the year, so that is where we see impacts on the
8 fishery.

9 So if we have a robust fish population, we
10 are assuming -- and healthy fish, too, we are assuming
11 that we have a robust community of macroinvertebrates.
12 So from the very beginning of this process, we have
13 stressed to PacifiCorp, we have the data to show we need
14 fish passage at this structure. And I know there is
15 going to be limited moneys that can be put into this
16 project for those improvements, so we didn't want to
17 complicate things by saying we need to study
18 macroinvertebrates further when we feel that there's a
19 good community in contributing to a good fish population.

20 We would rather -- it may be a great question
21 to answer, and I think everybody in this room would like
22 to answer it, but depending on what that would take out
23 of the pile of money available for this improvement of
24 this project, we didn't feel it was necessary to answer
25 that question.

1 JOE HASSELL: So you are almost saying you
2 are not really in agreement that this piece of that reach
3 is biologically impaired? That is sort of --

4 EVE DAVIES: The bypass reach, I think he is
5 saying if you just -- if you could cookie-cutter out the
6 bypass reach, would you agree with the wider designation
7 in that upstream and downstream of -- that DWQ, excuse
8 me, is saying, that -- and, again, I think the verbiage
9 has been we think it's biologically impaired because my
10 understanding is it's been a real initial study just in
11 2013. Is that right? That is the first indication of
12 it.

13 BEN GADDIS: That listing was based on those
14 data and only those data; is that right?

15 KARI LUNDEEN: I believe so.

16 PAUL THOMPSON: If you're talking strictly
17 macroinvertebrates, I think there are other regions in
18 the Weber that are more highly impaired than that bypass
19 reach because they don't have water --

20 CLAIRE MCGRATH: This is Claire. The
21 biological impairment, I am guessing, has to do with
22 things like EPT in depth where you are looking at the
23 quality of macroinvertebrates there and whether they
24 indicate clean water, things like that. That is a
25 separate question as to how much fish food is there.

1 Below dams, you will often see a change in species
2 present of large amount of fly larva or something that is
3 excellent fish food.

4 So it is dependent on our interest. If we
5 want to see those indicator access that are indicating a
6 pristine system or if we want to see adequate fish food,
7 those are two different questions.

8 PAUL THOMPSON: It is two different
9 questions.

10 FRANK SHRIER: If this was looked at in 2001,
11 we can go back and look at the different indicators of
12 the species there and all that --

13 KARI LUNDEEN: Yes.

14 FRANK SHRIER: -- try and get an idea of what
15 we are dealing with?

16 KARI LUNDEEN: So when we do our assessments,
17 they are -- we have a big unit. It is an assessment
18 unit. So it is a large portion of the watershed. And so
19 it might be we have a site downstream that wasn't meeting
20 the biological impairment, and they were sufficiently
21 similar that they are all included in the same reach, but
22 this reach might not. If you look at bugs in this reach,
23 it might not be impaired, where as this one --

24 EVE DAVIES: That is one of the reasons why
25 we are proposing the three sites in fairly close

1 proximity, because when we did the PAD, we had the exact
2 same conclusion that you did. Yikes, there is nothing
3 here for us. There is not much for us to compare to
4 because the next site is way far downstream, and clearly,
5 much more impaired, and much more heavily impacted by
6 urban and suburban uses and such.

7 So, you know, it left us a little bit flying
8 blind, which is why we put the three sites, you know,
9 right there close, so we can say something about that
10 area.

11 KARI LUNDEEN: I can look at our data, in
12 fact I am supposed to do that right know, that we just
13 got, our listing based on that 2013 data, and see what it
14 says.

15 EVE DAVIES: Okay.

16 GEORGE WEEKLEY: What about -- and I talked
17 with the Pauls about this as well. What about algae
18 chlorophyll, has there been any monitoring of that?

19 KARI LUNDEEN: Yes.

20 GEORGE WEEKLEY: Has there been any
21 discussion about chlorophyll monitoring as part of this?

22 EVE DAVIES: Lucy is not here, and I would
23 make her answer that question if she was.

24 BEN GADDIS: I don't think it was in the
25 study plan, so that's the short answer.

1 GEORGE WEEKLEY: It was not in the study
2 plan.

3 KARI LUNDEEN: But you are looking at
4 nutrients. Correct? And we found that stream
5 chlorophyll doesn't tell us very much and that is where
6 the nutrients --

7 EVE DAVIES: Right. And I think for that
8 reason, you get a number, and then what does that number
9 mean, and what, if anything is that doing? You get a
10 number, and that's about it.

11 FRANK SHRIER: I think you would want to
12 equate that to algae production for the scrapers like the
13 bluehead, so that would be important but --

14 GEORGE WEEKLEY: That was why I brought it
15 up.

16 FRANK SHRIER: I am not sure if you can take
17 chlorophyll and equate that to what is on the rocks.

18 GEORGE WEEKLEY: Right, but it is more of
19 kind of getting back to the point of Joe, in that, you
20 know, is there any indicativeness if you are monitoring,
21 you know, just above your site during the bypass reach
22 and just below, is there any changes in what the numbers
23 come out to.

24 BEN GADDIS: So I am hearing some good
25 discussion, but I am not hearing much in the way of

1 resolution to this question about macroinvertebrate
2 sampling in this area. So I will leave it open-ended
3 like that in just a second, because so far, it seems like
4 I heard -- I will quickly summarize; at least in terms of
5 fish, fish population are good, so given the amount of
6 money to go towards the various elements of this, maybe
7 that money is better spent on something other than
8 macroinvertebrate sampling; is that a fair recap?

9 SPEAKER: That is fair.

10 BEN GADDIS: In terms of what you said, the,
11 macroinvertebrate sampling, it could, given the dynamic
12 of the system, regardless of the outcomes of the
13 sampling, i.e., what the actual populations are like, it
14 could be indicative of the project or it could be
15 indicative of the X number of other things that are
16 happening in the same area, and it would be hard to tell
17 which are which, so maybe there is not a lot of value.

18 And then the other thing that I heard was,
19 well, but if you have this devil's gate site, and it
20 shows X, and then you can do something near the project
21 area, in the project area, presumably the bypass reach,
22 then you may be able to see an effect of the project.
23 Those are the three -- did I get that right?

24 JOE HASSELL: Sort of, yes. Can I say
25 something?

1 BEN GADDIS: Yes.

2 JOE HASSELL: If I were to write a water
3 quality section of the NEPA document, I would have to
4 say, well, the State of Utah says it's impaired for
5 biological uses. Then I would have to say, I could do --
6 without the data, without any data, I would have to write
7 something like this: That could be hydrologic
8 modification, could be highway, could be that it actually
9 meets the standard for biological non impairment because
10 we don't really have -- we don't really have the data.
11 So without the data, I am going to have to write
12 something -- something like that.

13 And in another paragraph, talking about the
14 fish, and, you know, the fish seem to be okay. My
15 preference would be to have something to compare to, but
16 I could write it the other way.

17 EVE DAVIES: So let me ask you this: I am
18 wondering if what we need to do is bolster our study plan
19 with additional information that you might have, and then
20 take a look at it again and see if you think we are --
21 because one of the -- you know, when we first talked to
22 Kari about that, and casting no dispersions, I adore
23 Erica, I think that what I heard, and please feel free to
24 correct us because water quality isn't 100 percent my
25 thing, but what I heard is the state thinks that there

1 might be biological impairment in that reach, but they
2 are not sure because they haven't done a TMDL, and they
3 kind of need to do a TMDL, but it's not quite the right
4 time for a TMDL.

5 So there's some other issues going on there,
6 and so we put that information in the -- to be complete,
7 to be as complete as possible, but my understanding is
8 the state feels like there is some uncertainty in that.
9 And certainly, you couldn't -- you couldn't pin down an X
10 reach and say in this place, we think it's biologically
11 impaired. They have the overall sense that it might be
12 biologically impaired in quite a large reach.

13 SPEAKER: So Paul's point, does this reach
14 include the stretch of the river upstream from where the
15 basin facilities are, does this reach include that?
16 Because the water flows are significantly different
17 upstream of our site than downstream of our site. So if
18 they are judging water quality standards in that entire
19 region involved, it is going to be significantly
20 different.

21 EVE DAVIES: Our projects are kind of braided
22 up in a manner of speaking. It would be difficult, I
23 think, to draw the line that says that one is yours and
24 this one is ours. Well, from the data we have, let me
25 put it that way.

1 JOE HASSELL: I looked, but I can't remember
2 whether -- I looked to see whether it was on the TMDL
3 list, but I can't remember.

4 EVE DAVIES: Right. It is not, and that is
5 the pesky part because I called Kari --

6 KARI LUNDEEN: So we don't actually have a
7 water quality standard for biological impairments, so
8 that puts it lower down on the list. We are revamping
9 our assessment methodology for biological criteria
10 because there is a lot of uncertainty, and we don't
11 exactly know what it means yet. So that puts it kind of
12 low down on our priority list as well.

13 And then we are also re-looking at our
14 assessment units and kind of looking to see if we should
15 be splitting them up, giving different types of
16 information. So it sounds like maybe we should
17 reconsider because of the flow regimes through there, so
18 I would be interested in talking to you guys about that.

19 BEN GADDIS: So does that mean in the next
20 version of the integrated report, it might come off -- if
21 you were to chump out things differently, it might come
22 off the list?

23 KARI LUNDEEN: It might, yes.

24 BEN GADDIS: Based on looking at it in finer
25 units.

1 KARI LUNDEEN: Correct, or we could need to
2 collect additional data to support whatever that unit is.
3 So there is a lot of uncertainty with our biological
4 data. There is not a standard that is kind of lower down
5 on our TMDL list right now.

6 CLAIRE MCGRATH: So could we just issue a
7 request now that as you are looking at relevant,
8 historical data to this question, you somehow get the
9 information perhaps to Eve to file it? One of two
10 things; file it to the record or distribute it within the
11 working group so we can get our hands on it and think
12 about it more?

13 EVE DAVIES: That is a great point. When I
14 say I send you emails, FERC is also on that list, so they
15 are getting everything that you guys are getting. And if
16 you ever hit reply all, then FERC can see it, just FYI.
17 I mean, that would be good if you want to give a comment.
18 I am saying that is a simple way. You don't have to find
19 Claire's email address. Just hit reply all.

20 PAUL BURNETT: So this is Paul Burnett. I
21 have a question for Kari. So the assessment unit that
22 this reach, of this reach of the river, includes the
23 bypass reach, what is the general boundary of that reach
24 of the river?

25 KARI LUNDEEN: I don't remember off the top

1 of my head, but it is somewhere right in the study area.
2 So I would have to go look at it.

3 EVE DAVIES: And Lucy, who spent the vast
4 majority of time for us, isn't here today, but it sounds
5 to me like what we could do to meet your request, Claire,
6 is I think we need to add additional data. We can work
7 with Kari over the next month -- I don't know what your
8 schedule is like Kari -- to get a fair amount more
9 information into the study plan. And then I don't know
10 if you want to look at it preliminary, or if you want to
11 -- you know, I think maybe we could look at that maybe
12 preliminary, send it out to everyone, including FERC, and
13 we will say -- we will redline it, if you don't want to
14 read the whole thing start to finish again. I am
15 wondering if that is at least --

16 BEN GADDIS: So the proposed resolution is to
17 basically add some more context, some more background
18 information, some more of that conversation to this part
19 of the study plan?

20 EVE DAVIES: And if this information exists,
21 it may also be to fine-tune what we've listed as a
22 potential impairment or a potential environmental
23 impairment, and we could say something more specific
24 about it. I think we want to err on the side of the
25 giving you all the information we had, even though that

1 information is a little murky, so to speak.

2 BEN GADDIS: So can that work as the next
3 steps? I am not saying that is the resolution but as the
4 next step.

5 JOE HASSELL: I was looking for the reports,
6 or whatever, and I couldn't find them because they are
7 probably -- you know, it is not digital. Yes, I would
8 like to see what DEQ has. Somebody asked the question
9 about boundary. I think the lower station in the --

10 EVE DAVIES: 13 miles, 13 mile.

11 KARI LUNDEEN: I think the boundary of the
12 assessment unit is below your facility.

13 EVE DAVIES: Is it?

14 KARI LUNDEEN: Very close to but I think it
15 is below. I will double check.

16 EVE DAVIES: So let's clean that up. I know
17 Paul is, too. Is there any other comment or issue on
18 water quality?

19 BEN GADDIS: That was all of them. These
20 three we did earlier, so I think where we got to was to
21 T&E and noxious weed, is good to go, cultural is good to
22 go. This is going to be revised mostly associated with
23 this question here, but also the other questions that
24 came up, those are to be addressed in those same study
25 plan revisions. Then that will be redistributed in some

1 way, shape or form to continue that conversation.

2 It is a little bit after 4:00, so we are
3 slightly over time. We had a little bit of time with
4 whatever remainder was left for, you know, what would
5 have been open house, but we obviously, I think, put that
6 to good use on study plans.

7 Quickly, logistics tomorrow and then we will
8 call it a day.

9 EVE DAVIES: So we got a count. If you are
10 joining us tomorrow, we hope you are, it should be
11 fabulous out. We will meet at our intake, so at the
12 recreation site where we met last time.

13 BEN GADDIS: This is the play by play up at
14 the screen too.

15 EVE DAVIES: So to get there, get yourself to
16 I-84. Take 89 or 84, and then you want to take the rest
17 stop exit, the only one. It's about probably three miles
18 or so up the canyon, something like that. And then as
19 soon as you get to bottom of the ramp, right here, you
20 will take a hard right over-your-shoulder turn onto this
21 kind of dirt-ish, gravel-ish, not so great, partly paved
22 road down here to the rec site. We will park in here
23 somewhere, and we will start from there. We will load up
24 the vans. We will go down -- we will stop, if we dare,
25 downstream a little bit. We will stop here at the

1 pullout to scrambled eggs so you can see what that looks
2 like, then we will take that sketchy left exit, it will
3 be super fun, I promise, off of the freeway to the
4 powerhouse area, spend a while down there.

5 From there, we will leave that area safely,
6 which will take some doing but we will do it, and go back
7 all the way out the canyon, off 84, and come back up to
8 this road right up here. And we will come right on up to
9 the Weber Davis Canal Company's diversion structure, take
10 a look at that area, and then we will go back up to the
11 rest stop area, and we will have lunch. And we will
12 leave there in plenty of time to come back here and talk
13 about study plans because what could be funner (sic) than
14 that?

15 PAUL THOMPSON: Eve, Joe had several
16 questions today, it might help if you wanted to stop at
17 Mountain Green exit at that bridge that crosses the Weber
18 there. He could see the Weber Basin facility. We can
19 see where Weber Basin is in relation to this.

20 EVE DAVIES: That's a great point because we
21 have to -- because of the freeway when we leave the rec
22 site, we have to go up to go down, so we will stop in.
23 That is a great addition to our schedule. Okay. So that
24 is what is on tap for tomorrow -- so then back here
25 tomorrow afternoon to talk more about fisheries and about

1 recreation.

2 BEN GADDIS: We have from 1:00 to 4:00 set
3 aside for those discussions. We may or may not need that
4 whole time, but we wanted make sure we didn't have to cut
5 it off prematurely.

6 JOE HASSELL: Is there a catwalk across that
7 dam at that diversion?

8 EVE DAVIES: Yes, there is.

9 JOE HASSELL: We can look at where you are
10 going to put the ladder?

11 EVE DAVIES: Yes. It is inside the gate, and
12 you can't get in there without PPE, but I will have my
13 work truck -- we might have to do an escorted -- like
14 maybe either Frank or I can go in there, but I need to
15 confirm with Devin. So I will have something more useful
16 to say about that tomorrow. You can see it, but better
17 to stand right there to look at it for sure.

18 FRANK SHRIER: So what time tomorrow do we
19 meet?

20 EVE DAVIES: Nine o'clock at the rec site,
21 and it is always chilly in there, so, you know, bring a
22 jacket.

23 BEN GADDIS: For anybody who is super
24 interested in staying, the public scoping meeting starts
25 at 7:00 tonight, so go grab a snack and come on back.

1 EVE DAVIES: Thanks again for coming today.

2 We really appreciate your time.

3 (The meeting was concluded at 4:15 p.m.)

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REPORTER'S CERTIFICATE

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State of Utah)
)
County of Salt Lake)

I hereby certify that the speakers in the foregoing meeting were duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said meeting was taken at the time and place herein named;

That the testimony of said witnesses were reported by me in stenotype and thereafter transcribed into typewritten form.

I further certify that I am not of kin or otherwise associated with any of the parties of said cause of action and that I am not interested in the events thereof.

IN WITNESS WHEREOF, I set my hand this 10th day of October, 2015.

Kellie Peterson, RPR