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FEDERAL ENERGY REGULATION COMMISSION

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WEBER HYDROELECTRIC PROJECT

PUBLIC HEARING

October 6, 2015

7:00 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

7:00 P.M.

P R O C E E D I N G S

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3 BEN GADDIS: So it's a little after 7:00, and  
4 we have a little time on the agenda for actual sort of  
5 open house sort of mingle, but it seems like the best  
6 thing to do is jump right in.

7 So my name is Ben Gaddis, and I am assisting  
8 on the project on kind of a consultancy basis. So this  
9 is the public scoping meeting for Weber hydroelectric  
10 relicensing. Is everybody in the right spot? A lot of  
11 people, I recognize, but I am going to single you out.  
12 Is that all right?

13 BRADY BERRARA: That is fine.

14 BEN GADDIS: So this is Weber hydroelectric  
15 project relicensing is where you intend to be. Correct?

16 BRADY BERRARA: Yes.

17 BEN GADDIS: Most of the folks in the room  
18 were here this afternoon as well as part of the agency  
19 scoping meeting, and so I just wanted to confirm that was  
20 where --

21 FRANK SHRIER: Because there is another Weber  
22 meeting tonight.

23 BEN GADDIS: Exactly, there is another Weber  
24 meeting tonight, so we wanted to make sure. So, yes,  
25 thank you for adding that.

1           Okay. So this may be more for your benefit  
2 than everybody else's, but why don't we start with  
3 introductions because we have a small enough group to  
4 make that work. So we will let you go last, and maybe we  
5 will start with you, Claire; is that okay?

6           CLAIRE MCGRATH: Sure. My name is Claire  
7 McGrath, and I work for FERC, and I am the project  
8 coordinator for the Weber project.

9           BEN GADDIS: Let's do all the FERC folks  
10 first.

11          QUINN EMMERING: I am Quinn Emmering. I am a  
12 wildlife biologist.

13          KYLE OLCOTT: I'm Kyle Olcott, outdoor  
14 recreation planner.

15          JOE HASSELL: I'm Joe Hassell, and I am an  
16 engineer for FERC.

17          DAWN ALVAREZ: Forest Service next?

18          BEN GADDIS: Yes.

19          DAWN ALVAREZ: Dawn Alvarez. I work at the  
20 regional office for the Forest Service.

21          CHARLES ROSIER: I am Charlie Rosier, and I  
22 work on the Uintah, Wasatch National Forest.

23          PAUL BURNETT: I am Paul Burnett. I work for  
24 Trout Unlimited, and I'm a coordinator of Weber  
25 restoration.

1 FRANK SHRIER: Frank Shrier, I am a fish  
2 biologist for PacifiCorp.

3 EVE DAVIES: Eve Davies, I am heading up the  
4 license process for PacifiCorp.

5 LINDSEY KESTER: Lindsey Kester, I am with  
6 SWCA Environmental Consultants.

7 MIRIAM HUGENTOBLER: I am Miriam Hugentobler.  
8 I am a project coordinator for PacifiCorp.

9 BEN GADDIS: And then we have Kellie Peterson  
10 who is helping with court reporting today.

11 Did we miss anybody? So except for you.

12 BRADY BERRARA: All right. I am Brady  
13 Berrara. That is my home water and fishing stomping  
14 grounds, so that is why I am here.

15 EVE DAVIES: How did you hear about this  
16 process?

17 BRADY BERRARA: Trout Unlimited.

18 EVE DAVIES: Excellent, thanks.

19 PAUL BURNETT: We got one person.

20 EVE DAVIES: It is one more than I thought we  
21 might get.

22 BEN GADDIS: So this is public scoping  
23 meeting. Thank you for the introduction. That was good.  
24 If you have any questions about who anybody is, or, you  
25 know, their involvement in the process, feel free to pull

1 them aside or shout out and say, "Hey, what are you  
2 doing?"

3           So the public scoping meeting, the agenda was  
4 introductions, we will have a quick presentation in a  
5 minute from Claire, following by a presentation from Eve,  
6 and then we can have discussion associated with any of  
7 those items that we need to. I think there are multiple  
8 ways to submit comments, and Claire will describe those,  
9 and then Eve will also describe some of those, so I think  
10 that will be one of the things that you may be interested  
11 in.

12           Looks like you picked up the handouts that  
13 are at the back. If you are interested, there is a  
14 Scoping Document 1 and then three brochures from FERC for  
15 the public to understand these processes, and then don't  
16 forget the refreshments, too, incidentally.

17           So why don't we get started with the  
18 presentation? Unless I am forgetting something, let's  
19 get started with the presentation.

20           CLAIRE MCGRATH: I will add the one thing  
21 that you forgot a little bit. The role of the court  
22 reporter is she will keep a transcript of this, but she  
23 appreciates it if folks have any comments to make are  
24 speaking up, one; don't talk over each other, please; and  
25 then just give her your name before you speak, and speak

1 clearly. She will let you know if you need to slow down  
2 or speak more loudly.

3 BEN GADDIS: Thank you for adding that.

4 CLAIRE MCGRATH: You are welcome. Next slide  
5 please. So we are done with introductions. I am going  
6 to present some procedural information on FERC hydropower  
7 licensing process to essentially what that process looks  
8 like, where we are in that process right now, and the  
9 next steps that you can anticipate for this relicensing  
10 proceeding.

11 And then PacifiCorp will come in and give us  
12 details on their proposed action for relicensing the  
13 project and project history, what they're proposing in  
14 terms of facilities and operation changes from the  
15 current license, and then we can talk about, in whatever  
16 level of detail makes sense, proposed studies associated  
17 with this relicensing.

18 We -- part of the scoping process is inviting  
19 comments from the public and agencies. We got a lot of  
20 the agency comments earlier, and so we are welcoming any  
21 more of them, but we're really interested in your input  
22 as well, and then we will just follow up with any related  
23 comments and discussion.

24 So the purpose of a scoping meeting in the  
25 relicensing process is to present information on the

1 existing facilities and operations, as well as any  
2 proposed changes to those facilities and operations with  
3 the onset of a new license, to discuss the issues and  
4 potential impacts on the environment or the community,  
5 and to invite input on any issues or potential impacts  
6 that have not already been presented in the scoping  
7 documents.

8           So one of the handouts there is the scoping  
9 document, which is this bound report. That was put  
10 together by PacifiCorp. Typically, FERC would issue the  
11 scoping document, but as a part of this particular  
12 process, which I will discuss in a couple slides,  
13 PacifiCorp put that together. It's a really complete  
14 packet of information on what we understand to be the  
15 issues at this point.

16           If new issues are brought up as part of the  
17 scoping, or the comments that occur after the scoping,  
18 those will be presented in a follow-up document, which is  
19 called the Scoping Document 2. So, again, we want to  
20 solicit any information from the stakeholders, resource  
21 agencies, or public, and then invite your oral comments  
22 at this meeting, or a follow-up written comment can be  
23 filed with the commission. Eve will talk about the site  
24 visit and study planning meeting that is going to occur  
25 tomorrow.

1           So FERC is the federal agency responsible for  
2 oversight of non federally operated hydropower projects.  
3 We are an independent regulatory agency, and we are led  
4 by a five-member commission that is appointed by the  
5 president and confirmed by the Senate. We regulate  
6 natural gas, electric power, oil pipelines, and  
7 hydropower.

8           FERC's interactions with licensees and other  
9 regulatory resource agencies occurs through three offices  
10 within the hydropower program. Those of us you see here  
11 today belong to the Office of Hydropower Licensing, the  
12 Division of Hydropower Licensing within the Office of  
13 Energy Projects. We also have a Division of Hydropower  
14 Administration and Compliance, and that is the division  
15 that a license holder would interact with after they  
16 receive a license and when they are in the operations and  
17 any monitoring and reporting requirements they have  
18 associated with their hydropower license.

19           We also have a Division of Dam Safety and  
20 Inspections, and that mostly consists of engineers who go  
21 out and look at the dam safety and any kind of safety  
22 and operational facility issues associated with running  
23 the projects over the long term.

24           So within the division of the hydropower  
25 licensing, which we belong to and which we will interact

1 with PacifiCorp and other stakeholders throughout this  
2 relicensing process, we are organized into geographic  
3 branches, so those of us you see here today are members  
4 of the west branch, and we deal with Western states,  
5 excluding the Pacific Northwest. So that includes Utah,  
6 and so we are all very familiar with the resource issues  
7 that are common in the West, recreational issues, the  
8 fishery issues, things like that.

9           As I mentioned, I am the coordinator. I'm  
10 also a fisheries biologist, and as the other FERC folks  
11 mentioned, we have here today an engineer, a terrestrial  
12 biologist and a rec's planner, but we also have a  
13 cultural resources specialist and we also have lawyers  
14 who are on our team. Next slide.

15           So there are three distinct processes by  
16 which we can conduct hydropower licensing proceedings at  
17 FERC. Our default process is the integrated licensing  
18 process. Predating that was kind of the original  
19 process, which we now call the traditional licensing  
20 process, or the TLP. And the third process is the  
21 alternative licensing process. We are using the  
22 alternative licensing process for the Weber project.

23           As part of their Notice of Intent to  
24 re-license the project and submittal of a pre-application  
25 document in May, PacifiCorp requested to use the

1 alternative licensing process. That request was  
2 supported by key stakeholders, and FERC approved that  
3 request in August. So that is the process we are using,  
4 and I will discuss that in more detail. Next.

5           The alternative licensing process is a more  
6 collaborative process than the other processes and then  
7 the integrated and the traditional process. It involves  
8 a wider range of participants at an earlier stage in the  
9 relicensing process, and the goal is to accelerate the  
10 environmental review of the issues related to these  
11 hydropower facilities and operations by combining these  
12 four things.

13           Pre-filing consultation, so that is the  
14 interaction between the license applicant, FERC, and  
15 interested resource agencies, as well as any interested  
16 public before they actually file their final application  
17 for a re-license; the evaluation of project impacts  
18 pursuant to NEPA; any other federal and state regulatory  
19 reviews that are required as part of the process, and  
20 here are some examples of different states that we work  
21 within; and where desired, there can be a negotiation  
22 process that can lead to settlement agreement among  
23 parties to the process.

24           The ALP allows the applicant to prepare  
25 Applicant Prepared Environmental Assessment, sometimes

1 referred to as a Preliminary Draft Environmental  
2 Assessment, PDEA. Those are synonymous. Or in cases  
3 where an Environmental Impact Statement is warranted, so  
4 where we think there is going to be more serious impacts  
5 on resources, a third-party contract with EIS. So those  
6 can be prepared by PacifiCorp and submitted as part of  
7 their application package. Next slide.

8           If you're familiar with other licensing  
9 proceedings, under the ILP or TLP, this is just kind of  
10 to compare the ALP and where things happen. As I  
11 mentioned, it is front-ended. We try to take care of  
12 scoping, consultation, study design, and completion of  
13 necessary studies in preparation of a preliminary draft  
14 EA, all before the application is filed.

15           So we really try and work through the issues  
16 in a collaborative sense through a working group to  
17 achieve consensus on what studies need to be completed,  
18 completing those studies, identification of the issues,  
19 and identification of PM&E, or Protection Mitigation and  
20 Enhancement measures that would make sense to be included  
21 as part of the application package.

22           What that can do is it can streamline the  
23 post filing process and FERC's environmental review. We  
24 do our own environmental review, meaning that we will  
25 assess the environmental impacts of the project

1 independently of what PacifiCorp has put together, but  
2 hopefully, they are giving us a real complete package of  
3 information. That just helps us complete our process  
4 officially. Next slide.

5           So to summarize, the alternative licensing  
6 process is intended to be collaborative, flexible,  
7 streamlined, and applicant driven, so a lot of the things  
8 that FERC would often drive, PacifiCorp will be driving,  
9 particularly in the pre-application process. But it is  
10 important to note that FERC, state and federal resource  
11 agencies still exercise all of their authorities and  
12 obligations within the ALP. Next slide.

13           These are the steps that we are undergoing in  
14 pre-filing. PacifiCorp filed a Notice of Intent to apply  
15 for a new license and a pre-application document, which  
16 also includes kind of everything that is known about the  
17 project to date. It is a really comprehensive document.  
18 They filed that in late May. They formed work groups and  
19 developed the communication protocol and worked to build  
20 consensus among all of the stakeholders. And they  
21 requested to go through the use of ALP. We acted and  
22 approved the ALP request in August.

23           In early September, PacifiCorp issued a  
24 Scoping Document 1, and we noticed that scoping document  
25 and noticed that the scoping meeting would be occurring

1 to the general public at that time. And right now, this  
2 is what we are doing. We are having a joint and initial  
3 information meeting and scoping meeting and working on  
4 studies planning. This is what is happening in today and  
5 tomorrow.

6           So the study planning process is ongoing.  
7 PacifiCorp has been pretty proactive in getting that  
8 rolling early, and the working group -- the working group  
9 is just an integral part of the ALP process that allows  
10 for the communication among all of the stakeholders. So  
11 there's been a lot of input and communication occurring  
12 on what kind of research needs to be done, or other  
13 studies, to inform our evaluation of any new license that  
14 is issued. That is under -- that is all ongoing.

15           If there's disputes that cannot be resolved  
16 within the working group, within the collaborative  
17 process, those can be referred to FERC, but hopefully  
18 won't need to occur. Then the applicant issues Scoping  
19 Document 2, if necessary. Typically, that is issued, and  
20 what that would do is it would describe any new issues  
21 that are raised during the scoping process that weren't  
22 included in Scoping Document 1. So it kind of looks like  
23 a Scoping Document 1 with edits and with new information  
24 included in it.

25           The studies are conducted over the course of

1 what is typically one to three years. At the end of  
2 those studies, depending on what the results are, there  
3 may be additional studies requested, and then PacifiCorp  
4 would issue a draft EA and a draft application package.  
5 Then issuing a draft allows for stakeholders to comment  
6 on that before they actually file their final license  
7 application. Next slide.

8           So the last step in pre-filing would be that  
9 if there is any disputes related to what their draft  
10 application package looks like, or any disputes related  
11 to them saying, "You know, we've wrapped up the study  
12 process and we are considering that done," if there is a  
13 stakeholder that says, "We don't think you are done, you  
14 need to do more," we can have a dispute resolution  
15 process at that stage. And then the pre-filing  
16 activities would end when PacifiCorp files their  
17 application for a new license.

18           That filing initiates post filing activities.  
19 When we receive that, we would notice that we received  
20 this license application. We will review the  
21 application. If needed, we will request additional  
22 information. If there is any information that is missing  
23 that is required in our regulations, we would issue a  
24 request for PacifiCorp to provide that information. Once  
25 we deem that we have all of the information we need to

1 conduct our analysis, we will issue a notice of  
2 acceptance and request conditions from conditioning  
3 authorities. So state and federal agencies that can  
4 impose conditions of a license, we would request for  
5 those at that time.

6           And we'd conduct our own independent  
7 environmental analysis. We would issue a draft  
8 environmental assessment, which also is then open for a  
9 period of comment. We take those comments into  
10 consideration. If there's negotiations that need to  
11 occur between other resource agencies and FERC, we enter  
12 what is called a 10(j) process if needed, and then we'd  
13 issue our final environmental analysis or Environmental  
14 Impact Statement; and finally, we'd issue a license  
15 order. Next slide.

16           So as I said, PacifiCorp, their license to  
17 operate the project expires on May 31, 2020, and they  
18 filed their NOI, their Notice of Intent, and the  
19 pre-application document in May, requested to use the ALP  
20 and issued their scoping document in September. Those  
21 are the major milestones that we've completed within the  
22 process. Next slide.

23           So for the public and other resource  
24 agencies, how you can participate, we have a lot of  
25 information on these licensing processes, on the ALP and

1 what are the major milestones and the steps for  
2 participation on our website. So I encourage you to go  
3 there to get more information. I brought with us a  
4 brochure, the hydropower licensing get involved brochure.  
5 It's really useful, easy to read, really nice level of  
6 information. It's not too detailed, not too vague. I  
7 think it is really useful, particularly for public  
8 stakeholders to get familiar with the licensing process.

9           If you would like to be a part of the working  
10 group, so the folks who are working towards consensus on  
11 what the studies look like, what mitigation and  
12 enhancement measures should be included as part of the  
13 licensing package, anything like that, you are welcome to  
14 request to be part of that working group. And to do  
15 that, email Miriam Hugentobler at PacifiCorp, and she  
16 will add you to that list.

17           Again, this is a collaborative, inclusive  
18 process, and every indication has been that PacifiCorp  
19 has been very open and welcoming in involving folks in  
20 the process. And FERC has a whole electronic system for  
21 being involved in the process. So the first thing you  
22 need to do to be able to do anything is to, essentially,  
23 register, set yourself up with a FERC; account. This --  
24 all this information on how to do that is in your guide  
25 to electronic information at FERC, and it talks about how

1 you register.

2           If, you know, either a resource agency or  
3 PacifiCorp needed to actually file documents, it talks  
4 about how to do that. If you are a stakeholder who wants  
5 to comment on a project and have these formally on the  
6 record, that we are then required to take them into  
7 formal consideration and respond to those, please comment  
8 through the E-comment system.

9           You can -- if, you know, this is your local  
10 fishing ground or you just want to know what is going on  
11 with this proceeding, please E-subscribe to the project,  
12 and what that will do for you, you will get an email any  
13 time there is any project correspondence. So if FERC  
14 issues a document or if one of the stakeholders submits a  
15 document to FERC, you will get a notice, hey, this is now  
16 on the project document, and here is a link to it and you  
17 can take a look at it.

18           So that might look like a letter from us to  
19 PacifiCorp. It might look like we requested some  
20 additional information. You know, we requested -- we  
21 were talking earlier about some macroinvertebrates  
22 information that might get filed through the document  
23 from the state or from PacifiCorp, and you would get a  
24 notice that that's available and it's open for anyone to  
25 review. Next slide.

1           So, again, to file, please refer to the get  
2 involved guide, the electronic information at FERC. It  
3 is pretty clear steps for how you either file documents  
4 or submit comments to FERC. It is really important that  
5 any correspondence related to the project have this key  
6 information that it is related to the Weber hydroelectric  
7 project, and the project number is P-1744.

8           We are soliciting your input either orally or  
9 in writing, or both, if you like, related to the  
10 information that is being presented and discussed in  
11 scoping and the formal comment period. That information  
12 for us to take it into account for a Scoping Document 2  
13 is 30 days from today, November 5th. If you really don't  
14 like doing things on the internet, you are welcome to  
15 send in paper copies, but this is all instantaneous. You  
16 get it on there, you will see it distributed to the group  
17 the same day. You know, there is a lag time when things  
18 get posted and distributed. Next slide.

19           We request from resource management agencies,  
20 and any other stakeholder where it is relevant, updated  
21 information. No. 1, comprehensive plans: We are  
22 required to consider comprehensive plans in our analysis,  
23 and if you have an updated comprehensive plan for a  
24 watershed management, an update to that, please let FERC  
25 know. And, again, on our website, there is information

1 about the steps on how to submit a comprehensive plan.  
2 If there is some plan that you are aware of through your  
3 organization or a local watershed group or something that  
4 is not at the level where it is considered a FERC  
5 approved comprehensive plan but you want us to consider  
6 it, please submit it to us through the E-filing system.

7           We have several different levels of mailing  
8 lists. As I mentioned, there is the working group, which  
9 Eve will talk a little bit more about. And that is what  
10 it sounds like. It's just people working together to get  
11 this -- keep this process moving. That is managed by  
12 PacifiCorp, and it is an email group, so you need to just  
13 talk to Miriam to get on that and involved.

14           FERC has what's called an official service  
15 list, and the folks on the official service list receives  
16 hardcopy correspondence of things that are filed to the  
17 record. So you will get like a lot of paper mail if you  
18 sign up for that, so if that is what you want, feel free  
19 to sign up for the official service list.

20           We also have identified what we call the  
21 supplemental list. I don't know what PacifiCorp calls  
22 it, but it is all the folks identified in the  
23 pre-application document as potentially remotely in any  
24 sense having any interest in this project. So it's  
25 nearby towns, townships and cities. It is any tribe that

1 could potentially be interested. It is any recreation  
2 user group, so NGOs, and just a large list. And folks on  
3 the supplemental list receive occasional hardcopies of  
4 really important milestones in the project.

5           So, for example, the scoping meeting, we  
6 consider something that we want everybody to be aware of  
7 when and where it is happening so that they can come and  
8 give input if they want to. Another example is when the  
9 license application is filed, we would notice that out to  
10 the supplemental mailing list. I mentioned the working  
11 group list.

12           And then finally, if all you want is just to  
13 know what is going on with the project, just E-subscribe  
14 again using the procedures given in this brochure, and  
15 you will get those friendly little email notifications  
16 that something has been posted through the project  
17 docket. Next slide.

18           There is lot of online support. You can  
19 either email FERC online support on FERC.gov or call the  
20 1-800 number, and they are very good at getting back to  
21 you in a timely fashion. If you are having trouble  
22 E-registering, or if you think you filed a comment but  
23 you don't see it, call that number and they will get you  
24 back on track. Next slide.

25           All right. So that is the end of the FERC

1 procedural information. Eve will be coming up and  
2 talking about the details of the proposed action, but  
3 before that, are there any questions related to the FERC  
4 process or the relicensing process that I can answer?

5 Okay. That is all I have.

6           EVE DAVIES: Okay. Let's go ahead and get  
7 started. Okay, so just a little bit to let you know  
8 where in the process we are with Weber, so the current  
9 license was issued in 1989. It expires, like they said,  
10 on May 31, 2020. The Federal Power Act governs the  
11 process which is required to re-license our project. The  
12 primary regulatory agency for the process is FERC. That  
13 is why they are here, and that is why Claire spent a fair  
14 amount of time talking about the process itself. So we  
15 are beginning that process. We are requesting any input  
16 and comments you may have on our project.

17           We first issued, as Claire mentioned, the  
18 preliminary application document and the Notice of  
19 Intent. We also put in the request to use the  
20 alternative license procedure as Claire talked about.  
21 All that happened on May the 29th, and that included a  
22 communication protocol, which is simply an agreement we  
23 made with the various interested parties that we met with  
24 in advance to say how we are going to work on things  
25 together, how we are going to both communicate internally

1 and externally. So that is really all that that was, but  
2 it is required as part of the alternative license  
3 process.

4 FERC noted their acceptance of our request to  
5 use the alternative license process. Since then, we have  
6 been busy drafting study plans. There are a total of  
7 five that we are proposing for this project. And then  
8 today and tomorrow, the scoping meetings, the site visit,  
9 and then also we are starting the negotiations on the  
10 actual study plans. Those are all required to meet our  
11 alternative license process milestones, and they will  
12 help us to guide the relicensing of our Weber project.

13 All of those things are conducted in  
14 collaboration with FERC, but this process is a little  
15 different than the traditional -- very different than the  
16 traditional license process, but it's also different from  
17 the most common license process now, which is the  
18 integrated license process.

19 Okay. So you know all about the Weber River,  
20 I think it sounds like, so I will not belabor this too  
21 much. But, essentially, here is I-84 through the  
22 project. Here is our existing FERC project boundary.  
23 Here is our -- here is the rest stop area, if you are  
24 familiar with that. Here is our little recreation site.  
25 There is the river itself. The yellow is our flow line

1 that extends down to the powerhouse. So the powerhouse  
2 vicinity, there is the powerhouse building, the large  
3 building that is there, the cottages, a couple of  
4 cottages there.

5           If you are familiar with that area, you know  
6 how encumbered this whole entire project is by the sort  
7 of linear nature of the steeped-walled canyons, and the  
8 freeway that was built after the -- actually after the  
9 hydroelectric project and also after the railroads.  
10 There are multiple railroads, multiple pipelines, etc.,  
11 running through the project.

12           The green shading here shows what areas are  
13 on national forest system lands, and then the clear show  
14 private lands. Those are generally Union Pacific  
15 Railroad. We actually have a survey that we are working  
16 on right now to make sure we completely understand the  
17 underlying landownership. It was astonishing to me, but  
18 over 120 years we have had this project, we have never  
19 managed to do a survey before. I have no idea how that  
20 could happen, but it is true.

21           So, again, the project is quite old. It was  
22 constructed in 1908 and 1910. There is -- we have a 1903  
23 water right for that nonconsecutive use of water to  
24 generate power. That is for 365 cubic feet per second.  
25 We have two irrigation contracts -- excuse me, two

1 contracts with the BRO, which allows the BRO to fill  
2 other reservoirs to provide irrigation water. So there's  
3 the transbasin diversion you are probably familiar with  
4 that pushes water into the Provo River system. Those  
5 contracts are sort of unique and interesting, at least in  
6 the work that we do, in that we -- that allows water to  
7 be diverted away from our ability to generate.

8           And in return for that, we don't get paid for  
9 that so much as we literally get power wheeled onto our  
10 system from Deer Creek, so from that facility. So water  
11 is literally moved out of the basin, and then we get the  
12 generation, literally the generation itself during those  
13 time periods from Deer Creek.

14           It is a run-of-river project, so no storage  
15 capability on it. We have some specs there on the dam.  
16 It's 27 feet high and 114 feet wide. There's almost a  
17 two-mile long concrete and steel pipeline, or flowline,  
18 that conveys the water down to the powerhouse. 185 feet  
19 of head on the project. It generates almost 4 megawatts  
20 at full load, and it has a 5000 horsepower dual Francis  
21 reaction turbine. So that is actually the original  
22 turbine and generator unit that are in the powerhouse.  
23 It is a 46 kV 77-foot long transmission line. That is  
24 sort of weirdly short for our project, but it's nice. It  
25 simplifies a lot of our issues here.

1           So here's some historic photos from the Weber  
2 powerhouse itself. It was built in 1914, and here you  
3 can see this was the original spillway for the project.  
4 The project itself has changed somewhat since these  
5 photos were taken in 1914.

6           Here is one taken a little bit later. You  
7 can see the spillway has been modified in this slide, and  
8 here you can see where the Weber Davis canal -- Weber  
9 Davis Irrigation Company canal system has been put in  
10 place here. That was in approximately 1945. Here you  
11 can also see the highway running up the canyon. This was  
12 prior to the freeway being placed on the project.

13           Okay. A few factoids about the diversion  
14 dam. Again, you can see the real linear nature of the  
15 project. This -- I included this photo because it was  
16 taken when the project was dewatered and the forebay was  
17 down, and you can see -- this retaining wall is actually  
18 built to shore up the railroad that is otherwise running  
19 right adjacent to the forebay there.

20           So the river basically just runs, you know,  
21 right straight down that section there. You can really  
22 see well here that the freeway is on this side, the  
23 pipeline up on the hill, and the railroad tracks -- one  
24 side of the railroad tracks there. This is the same shot  
25 but when the project is full, and there when the project

1 is spilling.

2           It is very small. It is an 8-and-a-half acre  
3 forebay. We already talked about that, and the linear  
4 nature of the project and other projects that surround it  
5 in this canyon.

6           Okay. One of the things from working with  
7 our stakeholders is, it is very clear to us there is a  
8 lot of consensus around the need to provide passage at  
9 this structure. So that is one of the things that we  
10 spent a lot of time working with folks on and intend to  
11 continue to work on that. The original structure was  
12 designed. The blueprints actually say they have a fish  
13 ladder. We don't think there's any fish that could have  
14 ever made it up that ladder. It's just literally too  
15 steep and too tall for fish to make that usable. We use  
16 it to move ice, so we call it the ice chute. And, in  
17 fact, I went back to the blueprints because I thought  
18 perhaps it was designed to move ice on the project, but  
19 it's listed as a fish ladder.

20           And we also use the structure -- so this is,  
21 looking at the top, a slide gate that we calibrate the  
22 opening of this to provide, and here's the same slide  
23 gate right there. So that is the opening that we use to  
24 provide the minimum flow for the project, which we have  
25 had in place since probably some time in the '40s. It

1 wasn't required until the last license period in 1989,  
2 and we would propose to extend that forward into the  
3 future.

4           Okay. More about the existing facilities,  
5 just a few more details on the pipeline. It is buried  
6 through the vast majority. You can just see the very top  
7 of it right there, but the vast majority is buried  
8 throughout its almost two-mile length. There are two  
9 freeway crossings, a river crossing, a railroad crossing,  
10 numerous crossings.

11           Here is the trestle crossing, so that is  
12 where our pipeline is buried. You can see here -- one of  
13 the reasons I put this photo in is that much of the  
14 project, when they built the freeway, they literally had  
15 to put 30 feet of fill in the bottom of the canyon to  
16 allow the construction of the freeway. So the canyon  
17 itself is massively terra formed, particularly from  
18 building the freeway, but other projects, too, has really  
19 changed and altered everything.

20           A little bit more on the powerhouse. This  
21 shows the 16, almost 17, gigawatt hours annually that we  
22 generate there on average. There is an additional about  
23 4 gigawatt hours, so almost a quarter of the total  
24 generation comes from that 1938 contract. So that is  
25 power that is wheeled onto the grid for us at the Deer

1 Creek facility. So about a total of 20 gigawatt hours of  
2 power that this project makes annually.

3           This just shows the substation off to the  
4 side. That -- so you can see the substation is so close,  
5 that is why our transmission line is measured in feet and  
6 not in miles. The substation is actually not part of the  
7 project. That is something that we want to spend a  
8 little bit of time working with the FERC project boundary  
9 as we get into this process.

10           So, again, the substation is actually our  
11 sister company Rocky Mountain Power's asset. So that is  
12 something we can easily take care of, I believe, in the  
13 Exhibit G process.

14           Okay. A few more details of how we expect  
15 this process to go or how we would like it to go. In May  
16 of this year, as I mentioned, and Claire, we filed a  
17 Notice of Intent and PAD, as well as our communication  
18 protocol. Out of the three license processes available,  
19 we requested, and then FERC subsequently approved, the  
20 use of the alternative license process.

21           Again, the alternative license process  
22 requires us to work collaboratively with the  
23 stakeholders. So that is one of the big fundamental  
24 differences with ALP, and that is something we have been  
25 working on since probably early of this year, or before

1 that, we had discussions, but actual meetings since early  
2 this year.

3 Right now, in October of 2015, we are going  
4 through the scoping process. That is what tonight and  
5 tomorrow are about. And we have begun the study plan  
6 negotiations. By the end of winter, we would like to --  
7 we would like to be underway with our first study season,  
8 maybe potentially as early as January of 2016. In 2016  
9 and '17, we will provide study plan reports, so those  
10 will be basically interim reports of the five license  
11 studies that we will talk about here in a minute.

12 And then we are also required to submit every  
13 six months a report to the FERC to let them know,  
14 basically, what we are up to. Because this process is  
15 more driven by the proponent and by the stakeholders,  
16 which is a little different than the integrated license  
17 process with they are very tight deadlines that are  
18 established by FERC. So I think that those project  
19 reports help them understand where we are at in our  
20 process.

21 And then in 2018, we will have submitted a  
22 draft and license -- draft and final license  
23 applications, potentially also a settlement agreement.  
24 PacifiCorp will submit, as already discussed, an  
25 applicant-prepared EA. FERC will complete a separate and

1 independent review process, an additional environmental  
2 review that will rely on our information we provided, but  
3 they also may request additional information. And their  
4 review is certainly not bound in any manner by our  
5 review. And then, hopefully, in 2020, we will have a new  
6 license for this project.

7           This just shows a little bit more the detail  
8 of the timeline. Because it is a little bit difficult to  
9 read, we made one of the boards back there of that exact  
10 same slide if you have any interest in this. But this  
11 shows the type of length of review period for various  
12 stages in the process. So we are roughly right in here,  
13 negotiating study plan scoping meeting, right in here.  
14 We hope to be on our way with doing the actual studies,  
15 like I said, early next year.

16           So we are actually front loading a lot of  
17 this process to -- I think it is a little unusual to be  
18 working on study plans actually at this point, but we  
19 would like to be underway with those studies early next  
20 year.

21           Okay. So this is a good time to ask if there  
22 are any questions on process or timelines or who to  
23 contact or how to do that. I think FERC explained that  
24 pretty well. Any question on that before we jump into  
25 actual Weber license issues? Questions? All right.

1 Let's go ahead.

2           Okay. So I have listed up here, again these  
3 are potential and/or typical license issues that occur.  
4 There's a whole suite of things we could analyze here.  
5 This project, we are not proposing much in the way of  
6 any -- we are not proposing any facility modifications.  
7 We are also not proposing anything much in the way of  
8 real project modifications, with the exception of the  
9 fish passage providing -- basically building a fish  
10 ladder at the site of the diversion dam.

11           So because the vast majority of the project,  
12 like I said, it is buried underground and it's not going  
13 to change, we are not proposing to really look in much  
14 detail at a lot of those other resources. So things like  
15 aesthetics, land use, social economics, we don't have --  
16 we don't see any way that those things are going to  
17 change. So we are not proposing studies. We have  
18 described them in the PAD. We will again describe them  
19 in the environmental assessment document, but we don't --  
20 we are not anticipating a need to actually do studies on  
21 those things.

22           So things with a star are the things that I  
23 noted we are actually are planning on doing studies on.  
24 So fisheries resources, including, of course, fish  
25 passage, recreation resources. Land rights isn't really

1 so much a study but we are doing a survey to make sure we  
2 understand basically the land right issues, the  
3 underlying land ownership. PacifiCorp doesn't own any of  
4 the land. As we noted, we are either on Forest Service,  
5 Forest system land and/or UPRR land. Yes, Charlie?

6 CHARLIE ROSIER: This is Charlie. On the  
7 survey, would our surveyor be able to tie in with whoever  
8 you are having do the survey? Because we would like to  
9 post the National Forest Service boundary there.

10 EVE DAVIES: Like within the FERC project  
11 boundary?

12 CHARLIE ROSIER: Yes, because if you're  
13 surveying -- because you enter and almost leave the  
14 forest boundary. But you do enter and leave and enter  
15 and leave.

16 EVE DAVIES: Right, exactly. We are on, off,  
17 on, off again.

18 CHARLIE ROSIER: Yes. And if you're  
19 surveying where those are, it would be nice for us to  
20 have that information so that our surveyor could post it.

21 EVE DAVIES: Absolutely. We are happy to  
22 share that information with you. It's a little messy.  
23 That's what the surveyors are sort of fussing about right  
24 now. For this size of a project, it is incomprehensible  
25 to me that we are somehow stuck between three different

1 counties. So the three different county databases all  
2 suggest slightly different orientations, planes I guess I  
3 would say, so very specific issues in that regard. So  
4 that is kind of what they are just hammering out right  
5 now, and they need to work with the counties on that.

6 But we are going to have to re-monument some  
7 section corners to make this work. So we are going to be  
8 working with the counties, and absolutely we will share.  
9 That information will all be filed with the counties, but  
10 we would be happy to work with the forest on whatever  
11 information we gain. Because, yes, it is -- it seems  
12 amazing to me that this project has never been surveyed  
13 before, but it has never been surveyed before.

14 And I think part of that, again, the land  
15 rights here go back to the patent, in that, you know, at  
16 the -- prior to -- some of these were done prior to the  
17 formation of the Forest Service in this area, and when  
18 every other square mile was granted to the Union Pacific  
19 Railroad, I think that seriously messed with people for a  
20 while there.

21 Okay. So we are not really doing a study,  
22 but we are doing a survey. We are definitely looking at  
23 doing a study for water quality, also for cultural  
24 resources. And then terrestrial threatened endangered  
25 species for both plants and animals is one of the studies

1 that we want to talk about. So let's talk about studies  
2 for just a couple minutes.

3           So we actually have five study plans that are  
4 proposed. Water quality is one. We will be looking at  
5 standard water quality parameters at three different  
6 sites; above, below, and in the bypass reach; two  
7 components of a fisheries study plan; both upstream  
8 passage and entrainment. The terrestrial resource study  
9 plan, so that looks at threatened, endangered species,  
10 not aquatic ones, and noxious weeds. We completed that  
11 plan and also completed the first year of study this past  
12 year.

13           Recreational resource study plan, we've  
14 proposed a needs and opportunities study to address  
15 recreation access under I-84, look at the potential for  
16 whitewater boater flows, and potentially also facility  
17 upgrades on site, recreational facility upgrades.

18           Same thing we just mentioned on the land  
19 rights, not a study, per se, and then a separate study  
20 for cultural resources. So we do have a cultural  
21 resource study plan that is complete. We have -- that  
22 consists of a standard pedestrian survey of the project  
23 boundary area, and was also completed in fall of this  
24 year, so that work is actually completed. It's a little  
25 earlier to be final-final for the process, but we hope

1 that -- we hope that is consistent with what everyone's  
2 wishes are.

3           Okay. So I was actually going to hide some  
4 of these detailed slides, but I figure one of the only  
5 reasons you are here is to talk about fish, so I went  
6 ahead and left some of these in for you. So you know all  
7 about the issues I'm sure with the fluvial Bonneville  
8 cutthroat trout and the bluehead sucker. Those are the  
9 two species that are really of concern in this reach.

10           And I note here that these photographs were  
11 all taken literally at the Weber diversion day-use site,  
12 so that is actually our intake structure right there, and  
13 that is the grass of the recreation site where we will be  
14 tomorrow.

15           So these photos, you know, when people need  
16 to get these fish, that is where they go into the bypass  
17 reach. So the minimum flows there and the conditions of  
18 that reach of the river have been protective of the  
19 resource, we believe, and working with the agencies and  
20 working with the organizations, we believe that that  
21 reach of the river has actually allowed the stronghold  
22 population of both of these species to persist in that  
23 area.

24           Okay. So you already know a lot of this.  
25 Bonneville cutthroat trout were proposed for listing but

1 found to not be warranted for listing. We believe there  
2 is a strong chance that bluehead sucker could be proposed  
3 for listing in the next short while. And only as  
4 recently at 2011, the local Bonneville cutthroat trout  
5 population was discovered to have retained this fluvial  
6 life history trait. That is one that -- it's the only  
7 second known population to do so. The other is on the  
8 Bear River up in Idaho, and it's the only one in Utah.  
9 So this is an important life history trait that has  
10 pretty much blinked out, I think, in the vast majority of  
11 the population of the interior west, Bonneville cutthroat  
12 trout.

13           PAUL BURNETT: This is Paul. For  
14 clarification, our fluvial cutthroat trout are generally  
15 migratory, so they are moving longer distances along the  
16 river and between the river and through the tributaries.

17           EVE DAVIES: And what I think is amazing  
18 about those fluvial fishes as opposed to salmon that make  
19 that trip once and then they die, these fish make that  
20 trip over and over again. And by going into the larger  
21 mainstem rivers, like the Weber and like the Bear, that  
22 is how they can attain these pretty remarkable sizes for  
23 cutthroat trout. And we know, we are aware from working  
24 with folks, prior to this project and, certainly, as part  
25 of this project, that getting fish passage on our dam

1 there is one of the highest priorities for fish passage  
2 in the State of Utah.

3           Okay. So this slide is in here to talk  
4 specifically about where we are going to put the water  
5 quality monitoring study, so this is area immediately  
6 upstream of the site. This is the Mountain Green exit  
7 here. The state does their water quality monitoring at  
8 this site.

9           We will probably choose something right down  
10 here in this reach to be our above site, and we will also  
11 do one in the bypass reach and right down below, if we  
12 can figure it out -- we can figure it out, but it is a  
13 little tricky because our tail race is immediately  
14 adjacent to the Weber Davis Irrigation Company structure,  
15 and that will certainly kind of mess with how we do our  
16 sample in there.

17           Okay. So to finish up the proposed studies  
18 for fisheries and water quality, we have spent a fair  
19 amount of time talking with folks about the existing  
20 instream flow. So it's 34 to 50 cfs seasonally. It  
21 varies. There is a range. It varies on how much water  
22 we have -- is forecasted to come into the basin.

23           On a big water year, the number is taken at  
24 50 cfs; on a low water year, it's 34; and in between  
25 years, it runs in between that on a scale that is

1 determined annually. So every year we have a timeframe  
2 where we determine that, based on the forecast from the  
3 NRCF for the flow forecast for that year. That is April  
4 1 that that forecast comes out, and we then set that, and  
5 the number stays for the entire next year, regardless of  
6 what happens with the flows.

7           Because of the flows being in place since the  
8 '40s, that's what we believe has resulted in a stronghold  
9 population for both species. We believe those flows are  
10 being protective of the resource. We haven't proposed  
11 any additional studies to look at instream flow amounts.  
12 We are proposing that those flows continue on into the  
13 future, so that is part of our proposal that I haven't  
14 been very clear on in the past.

15           UDWR and TU have already completed a fair  
16 amount on telemetry work on fish movement and fish sizes  
17 and population and lots of sampling work they have done,  
18 so it doesn't seem very fruitful to redo that work. We  
19 are going to create a fish passage work group that is  
20 basically a subset of interested stakeholders. You are  
21 welcome to join us if you have an interest in that.

22           We will be asking that our fish passage work  
23 group help us with our two components of the fisheries  
24 study; one is the upstream fish passage design, so not  
25 much of a study, but we are going to design the ladder.

1 That is something that we would like to begin working on.  
2 Frank and I were just talking about that this evening.  
3 We will be working with a consultant on actually  
4 providing us some design parameters and start working on  
5 that in the coming year, so very quickly.

6           The second study, downstream fish passage  
7 necessity and/or effects of entrainment. So entrainment  
8 is code language of what happens when the fish gets  
9 sucked through the pipe and takes a ride through the  
10 turbine.

11           Surprisingly, based on a lot of the work that  
12 Frank has done on some of our other river systems, I sort  
13 of assumed when I first started working on fishery issues  
14 here that entrainment was just flat-out lethal. Seemed  
15 like a bad idea if you were a fish to go through a  
16 turbine. But, surprisingly, we have relatively high  
17 survival of fish, and one fish, a big fish. A big fish.

18           FRANK SHRIER: Yes, bigger than that.

19           EVE DAVIES: That was caught taking a ride.

20           FRANK SHRIER: Three times.

21           EVE DAVIES: Yes, in a row. Who knows. They  
22 must like it. I can't imagine, but maybe it's like --

23           FRANK SHRIER: I am sure they don't like it.

24           EVE DAVIES: I think it is like a Halloween  
25 fun house. It's scary but you go in anyway.

1           So I call that the who and what studies, so  
2 basically what we are going to look at is who, if anyone,  
3 is actually getting entrained. So fish can and do make  
4 choices about -- we have facilities that we were certain  
5 were fish killers. They were just sucking fish in left  
6 and right, and we did some work on those in the Bear  
7 River, and we found out there was virtually no  
8 entrainment on one of those facilities.

9           So we actually want to look and see how many  
10 fish, who, what kinds of fish, if any, are actually  
11 becoming entrained. We have a plan to do that. And then  
12 we have another plan to say, basically, if there is  
13 entrainment, what size, classes, and what happens to  
14 those fish when they do that. So that is our study.

15           There is also some work that is being done on  
16 bluehead sucker spawning, and we have already committed  
17 some resources to an ongoing study, sort of prior to this  
18 process kicking off because we feel like that is  
19 important work that is being done in the Basin area right  
20 now.

21           All right. So we are already talked about  
22 the terrestrial work. Basically, the PAD, so the project  
23 documents that we filed, the pre-application document,  
24 noted that of the terrestrial threatened or endangered or  
25 sensitive wildlife species, the only ones that we

1 believed were possible to be in the area were the  
2 yellow-billed cuckoo, sage-grouse and smooth green snake.  
3 Upon looking more closely at that, we knew those  
4 potentially could be in the vicinity, but the only ones  
5 that could actually be in the project area, so in the  
6 vicinity of our project.

7           And I failed to mention that earlier today,  
8 we defined the project area as the FERC project boundary,  
9 plus the river corridor, regardless on which side of the  
10 river the -- so I will go back and show that slide  
11 because I think it is important for you folks to  
12 understand what we are looking at. We basically drew it  
13 from our facility, to the river and across the river,  
14 regardless of which side of the river our facilities are  
15 on. So from the upstream side of our facilities, to the  
16 river and across the river, stopping at the opposite  
17 river bank both ways.

18           Oh, thank you. So, essentially, in this --  
19 so here, it would go from the FERC project boundary, and  
20 here, across the river and to the uphill side of our  
21 pipe. From here, where we cross the river, and it would  
22 -- so in this case, it would include this entire river  
23 bend area. So from here when we cross the river, again,  
24 when we go from the uphill side of the pipe, across the  
25 river to the other side of the river, so always including

1 the river regardless of which side our project is on. So  
2 that is what we have listed as the project area. That is  
3 the area where we are actually looking for things.

4 So let's go back to talk about the  
5 yellow-billed cuckoo.

6 FRANK SHRIER: Top to bottom is where  
7 boundaries --

8 EVE DAVIES: Oh, excuse me. From the  
9 existing FERC project boundary and then to -- downstream  
10 below the powerhouse. So it always includes the FERC  
11 project boundary, and it includes more besides that.

12 Okay. So we believe there is some potential  
13 for out yellow-billed cuckoos to occasional migrate  
14 through the project area, but other than that, there  
15 really isn't a potential for other species there. And  
16 there would be no impact to occasional migrants through  
17 the area. There is no breeding or nesting habitat in  
18 that area. So that is not something we are doing  
19 specific studies on.

20 For threatened, endangered sensitive  
21 botanical sources, there is a potential for ladies'  
22 tresses to be there. There is one other plant that could  
23 be in the vicinity but not in the project area. There is  
24 no habitat for it in the project area.

25 The Forest Service requested when we sent the

1 preliminary draft of the studies plan out, that we add  
2 two other species that they were interested in, so we did  
3 that. We completed the first year in looking for those  
4 this year. No special status species were identified in  
5 that. The US Fish and Wildlife Service requested that we  
6 repeat those searches for the next two years, which we  
7 will do, but we think it is unlikely we will find any,  
8 but we will undergo those searches.

9           Right now, we are marking that work as  
10 completed, even though those searches are ongoing. We  
11 will simply update that information with an amended  
12 technical report if we came up with these ladies' tresses  
13 or either of the other two, the Wasatch fitweed --if we  
14 did find them in there. So that work has been completed  
15 as of this past year, so study report coming on that one  
16 soon.

17           Okay. Recreation, so the recreation needs  
18 and opportunities study, we proposed to evaluate the  
19 potential feasibility specifically for whitewater boater  
20 recreation component. There is a set methodology that  
21 does that. It's used as a phased approach. It evaluates  
22 the recreation supply, use and demand, as well as the  
23 needs of that area.

24           It will look at everything from potential  
25 user group to the water availability and whether or not

1 we have potential to provide safe, legal egress site for  
2 whitewater boaters. We will also use boater  
3 questionnaires to help inform that survey. We have  
4 identified one potential site on forest system land  
5 across from the powerhouse and adjacent to the Weber  
6 Davis canal head gate, so we will take a look at that  
7 site tomorrow and will be evaluating that through this  
8 process.

9           We are also going to evaluate basically our  
10 existing recreation sites, what we have. Our FERC form  
11 80 data, which is required every six years. We actually  
12 just completed that last year -- I guess it's a year and  
13 a half ago now -- indicated approximately 20,000 annual  
14 visitors to the project, of which we believe the vast  
15 majority of those are people going fishing.

16           We are going to look at a potential upgrade  
17 to the pedestrian trail that people use to access the  
18 bypass river reach, again most commonly for fishing that  
19 goes underneath the I-84 bridge, and then what is called  
20 a recreation needs analysis. It's a summary report,  
21 basically, of all of those items.

22           Okay. Cultural resources, there's only two  
23 known cultural resources in the area. That is the  
24 original Union Pacific Railroad and our power plant. It  
25 was originally known as the devil's gate, so that is

1 still the name that it is listed under in the state  
2 historic databases. We think it is unlikely, because of  
3 the disturbance that we talked about, that there is any  
4 additional cultural resources that are located in the  
5 project area.

6 We do have -- we have spoken to the tribes in  
7 the area. There are no tribal lands or tribal claims in  
8 the project area. We do have an existing culture  
9 resource management plan that is part of our previous  
10 FERC license. We have also spoken to the Utah SHPO, and  
11 their recommendation was the cultural resource management  
12 plan was appropriate as is.

13 So a proposed study, conduct a pedestrian  
14 survey of the project area to verify the results of what  
15 we found doing the preliminary application document, that  
16 is now complete. All work was conducted to Utah SHPO and  
17 Forest Service standards. We will report the results of  
18 those surveys for section 106 consultation, and we are --  
19 despite the fact it may not be required, we are going to  
20 assess whether the exiting cultural resource management  
21 plan is maybe due for an update, basically take a look at  
22 that.

23 Okay. So part of -- the end result of all of  
24 this process is that we will propose actual mitigation  
25 enhancement measures. Those are project mitigation and

1 enhancement measures, PM&E. What we are looking at right  
2 now, and it has been noted that we don't have the  
3 existing flow on there, but that should be on there, so  
4 the existing minimum flow, we recommend that that stay as  
5 it is. We also are suggesting that we will construct a  
6 functional fish ladder that is appropriate for both trout  
7 and the sucker species to allow for upstream fish  
8 passage.

9           At this time, we are assuming that we may  
10 need to look at an existing recreation site upgrade from  
11 basically a single portable -- seasonable portable  
12 facility to make something like a vault toilet and maybe  
13 some fishing access improvement, and we will also look at  
14 again whether or not safe, legal egress can be  
15 identified, then we will look at pursuing the whitewater  
16 boater flows, and that would be per the recreation needs  
17 analysis, which will look at things like water  
18 availability, etc.

19           Okay. That's it for project specific  
20 information. Any questions or comments on the project  
21 itself or the process or anything else? Are you just  
22 saying, "Where do I sign up?"

23           JOE HASSELL: I have a question. This is Joe  
24 with FERC. Do you sell your power to Rocky Mountain?

25           EVE DAVIES: That is a weird and convoluted

1 sort of thing. So we are all one company is the official  
2 line. So PacifiCorp is the only legal entity within that  
3 -- within PacifiCorp, up until just a few months ago,  
4 there were -- probably you have seen on all of our old  
5 stuff, it says, "PacifiCorp Energy." So there were three  
6 divisions. PacifiCorp Energy does all the generation  
7 units, everything; wind, hydro, gas, coal, everything was  
8 all in PacifiCorp Energy.

9           Then Pacific Power had basically the lines  
10 and wires in the whole Pacific Northwest, in the three  
11 states you might imagine there, and Rocky Mountain Power  
12 had all the distribution and transmission assets in the  
13 interior west. So, essentially, Wyoming, Utah, Idaho,  
14 was one set, a little bit of Montana, but mostly Oregon,  
15 Washington, and California was Pacific Power.

16           And then Frank and I, and our ilk, are in the  
17 energy company. And just a few months ago, they  
18 literally just dissolved the energy company overnight.  
19 It wasn't ever a legal company. We were just -- those  
20 are internal subdivisions within PacifiCorp, but, you  
21 know, we are pretty siloed, let's call it, within  
22 PacifiCorp. So it has been a fair amount of uproar,  
23 frankly, for us internally.

24           So now for reasons that nobody has yet  
25 explained to me at least, and not that they have to but

1 corporations are awesome, all of the renewable assets, so  
2 all the wind and solar and hydro, all of it went to  
3 Pacific Power, so I now work for Pacific Power, even  
4 though I am located here in Utah. And all of hydro east,  
5 which, you know, we are a very much smaller hydro than  
6 the flagship in the Pacific Northwest, but we are all  
7 part of Pacific Power Company, and we are -- but we are  
8 located within the Rocky Mountain Power service  
9 territory.

10 All the other company assets, they divided up  
11 on service territory lines. So we are the sort of like  
12 funky little island of Pacific Power in Rocky Mountain  
13 Power. So the generation -- the generation assets are  
14 still wheeled, but so, internally -- internally we count  
15 shekles about who works for who and where the money goes,  
16 but externally we are all one company. So there is a --  
17 you know, we are saying that it's a Rocky Mountain -- the  
18 substation is a Rocky Mountain Power asset.

19 CHARLIE ROSIER: But PacifiCorp is not a  
20 utility?

21 EVE DAVIES: PacifiCorp is a major utility,  
22 yes, and we got sucked up by Birkshire Hathaway Energy.

23 CHARLIE ROSIER: The reason I am asking is we  
24 have a standard line in the NEPA document that says 17  
25 gigawatt hours annually produced by the Weber project, is

1 sold to who?

2 EVE DAVIES: Well, it's our power, so it  
3 would be wheeled out on to the grid and sold to our  
4 ratepayers.

5 FRANK SHRIER: Yes. So, we don't get money  
6 from Rocky Mountain Power for that power because we are  
7 one company.

8 EVE DAVIES: They try and keep our assets  
9 separate, but they are not paying us for that. But, for  
10 example, if I do work for Rocky Mountain Power, like  
11 literally for a grid asset, I keep that separate.

12 CHARLIE ROSIER: So sold by PacifiCorp to  
13 their customers?

14 EVE DAVIES: Yes, sold by PacifiCorp to their  
15 customers. Sorry, it is complicated, a long answer to a  
16 short question.

17 DAWN ALVAREZ: I think we had another  
18 question. This is Dawn, and, Charlie, chime in if you  
19 need to. The facility upgrade assessment, will that  
20 include the signs of the recreation area?

21 EVE DAVIES: What kind of signs?

22 CHARLIE ROSIER: We might like to see some  
23 new recreation site signing there, just to demonstrate  
24 that it is a recreation site provided by you -- a  
25 recreation access provided by you but under a special use

1 permit by the Forest Service.

2                   EVE DAVIES: That would be simple to do. So  
3 we are required to have -- there is a certain amount of  
4 information that we have to have that is specified by the  
5 FERC -- on FERC form 80 requirement that we have, and so  
6 there is stuff that we have to have out there, but we can  
7 absolutely add additional information that says these are  
8 Forest Service land. That is not an issue. That would  
9 be simple. So you just have to work with us to provide  
10 the signage, and we will get it up.

11                   CHARLIE ROSIER: Okay.

12                   EVE DAVIES: Any other questions?

13                   So what area of the river do you fish? Do  
14 you fish that bypass reach?

15                   BRADY BERRARA: Yes.

16                   EVE DAVIES: A lot, it sounds like. Okay,  
17 good.

18                   BRADY BERRARA: Yes, if we will keep it in  
19 this room, I will tell you how it is. If we don't keep  
20 it in this room, I will tell you --

21                   EVE DAVIES: Just between us.

22                   CLAIRE MCGRATH: This transcript is going to  
23 be published.

24                   BRADY BERRARA: It is terrible. Don't fish  
25 it. Stay away.

1                   EVE DAVIES: Yes. For the record, it is  
2 horrible.

3                   CLAIRE MCGRATH: Can I ask a fish  
4 distribution question that I kind of -- you may be  
5 interested or actually be able to inform it. I am  
6 wondering how much you know about distribution of the  
7 different species upstream and downstream of your dam,  
8 and I am particularly interested if there is any  
9 perceived negatives that will come to putting upstream  
10 passage for nonnative species such as brown trout.

11                  EVE DAVIES: I will give Paul some floor time  
12 on that eventually, but just a few years ago, because  
13 Jack and I keep having this conversation, our  
14 understanding was that, you know folks, the fishery  
15 community wanted that structure there to keep that  
16 barrier in place.

17                  And I think -- and maybe, Paul, I would like  
18 to have you comment on this, but my understanding is in  
19 2011, when we had those very big flows and suddenly, we  
20 had fish moving, moved from downstream of our dam to  
21 above the dam and up into the -- so that hasn't happened  
22 since who knows when, a really long time. And I think  
23 that's maybe -- at least there may have been some  
24 additional -- there may have been earlier interest in  
25 changing the way people were thinking about that as, yes,

1 it's a good barrier to now -- now, it's not the barrier  
2 we want. We want the upstream passage.

3           But I think that was really cemented in  
4 place, would you say? Or like it became a much -- I  
5 started hearing about it a lot more from folks, from our  
6 partners in the agency and/or communities that, you know,  
7 that was really something they were interested in after  
8 they realized that there is actually still a fluvial  
9 population that was retained in that river. That was big  
10 news to folks.

11           CLAIRE MCGRATH: So historically, the barrier  
12 was perceived as good and now it is perceived as not so  
13 good because of fluvial life history?

14           PAUL BURNETT: I don't know if I can speak on  
15 how, like, the agency may have viewed that diversion, the  
16 dam, in the past, just because I haven't been involved  
17 with that history.

18           But I do know that there was -- for quite a  
19 while, there was effort to try to stop the spread of  
20 whirling disease in a lot of our river systems, and  
21 perception was if we have these blockages in the river,  
22 if there were these blockages in the river, they would  
23 slow or stop the spread of whirling, which at the time  
24 there was a big concern that when there would be some  
25 major impacts to the fish population based on some of

1 this things we were seeing in Idaho, like the Big Gloss  
2 River, for example, is pretty much deluded of fish  
3 because of whirling disease. So it's pretty crazy  
4 effects in some places.

5 Overall, we haven't seen that effect on wild  
6 fish population here in Utah for the most part, but also  
7 I think what we are seeing is kind of a development of  
8 our understanding of the colony of fish in the Weber.  
9 Some of it is building capacity of more people being  
10 interested in the Weber. Some of it is having more  
11 capability of sampling of the Weber. So for a long time,  
12 the Weber -- it is a big river. It is pretty difficult  
13 to sample effectively.

14 And so over time, we did start seeing  
15 cutthroat trout in the Weber, in the vicinity of this  
16 project area. And then in 2010, 2011, we did see a lot  
17 of these cutthroat moving up into tributaries. That is  
18 the first time we documented it. There is a lot of  
19 evidence in the past that it was happening.

20 In 2012 and 2013, we did see fish, cutthroat  
21 trout, that was tagged downstream in the Ogden area  
22 actually moved all the way up into -- upstream of this  
23 project. We have a really good picture of what the  
24 fragmentation barriers are within the watershed, and so  
25 from fish passage perspective, we know the needs here.

1 We know that when this dam is in operation, it is  
2 definitely a fish passage issue. So I think we have  
3 really good information on that for the native fish.

4 Your other question was about the fish  
5 assemblage?

6 CLAIRE MCGRATH: Well, I guess so, yes.

7 PAUL BURNETT: And we have a really good  
8 picture of what the fish assembly is upstream and  
9 downstream. But we don't have any concerns about exotic  
10 species moving up this project. They are already all  
11 pretty well through the system.

12 EVE DAVIES: And I think whirling disease is  
13 everywhere throughout the system. We were worried about  
14 that, then it happened, anyway. So it is here, what do  
15 you do.

16 PAUL BURNETT: So complementary to fish  
17 passage here with the Weber project is we have been  
18 working on the tributaries and trying to connect those  
19 for cutthroat, and that is one area where we don't have  
20 exotic fish up in the headwaters, but we are reconnecting  
21 for cutthroat. So we are interested in looking at that  
22 and looking at what the effects might be of opening up a  
23 tributary for migratory fish.

24 One thing, we are encouraged by the fact that  
25 if we do have this core of big and mobile cutthroat trout

1 in the river, even if we do have some ingressive exotic  
2 fish up in the tributary, we have this core of migratory  
3 fish that are providing a large number of eggs into the  
4 tributaries. So those are some things we will look at in  
5 the future.

6           CLAIRE MCGRATH: Two related questions: Are  
7 there naturally producing rainbow trout in the system or  
8 are they all sterile stock fish?

9           PAUL BURNETT: There are a few naturally  
10 producing rainbow but for the most part, they are  
11 sterile.

12           CLAIRE MCGRATH: So not a big issue of --

13           PAUL BURNETT: No. The biggest issue in the  
14 Weber River would be brown trout.

15           CLAIRE MCGRATH: And you wouldn't expect a  
16 big problem with them moving into the tributary? I don't  
17 know how cold that gets. So that was just a question as  
18 to how that is going to play out when that passage is  
19 created and fish are moving more readily.

20           But my second question is, are there a  
21 resident population of cutthroat trout, or are you  
22 thinking the whole population is moving in and out of the  
23 main river?

24           PAUL BURNETT: We are pretty confident that  
25 the tributaries, several of those tributaries in the

1 Mountain Green area, so in the vicinity of the project,  
2 do have a resident population as well.

3           EVE DAVIES: And I think that is why  
4 everybody thought really they were all resident fish  
5 because we thought that fluvial life history trait had  
6 been lost in the system, so to find out they are still  
7 there --

8           PAUL BURNETT: Yes, that is exciting. And  
9 also, I think we make these distinctions of fluvial  
10 versus resident fish but I think there's not that --

11           EVE DAVIES: Sometimes they are residents  
12 because they can't move. Others are residents because  
13 they want to be residents. Right?

14           PAUL BURNETT: There is just a range of life  
15 history of --

16           EVE DAVIES: And I think there's also more  
17 plasticity than we had mentioned, then we had originally  
18 thought.

19           CLAIRE MCGRATH: I know definitely that  
20 cutthroat trout, that there is more and more evidence  
21 that they move much more than we ever thought.

22           PAUL BURNETT: Yes.

23           EVE DAVIES: And I think also, I would have  
24 to go into the logbooks to see, but the low-level gate,  
25 which you may or may not be able to see tomorrow, was

1 inoperable for decades, and just a few years ago, we got  
2 that low-level gate operational. And I think just purely  
3 circumstantially, I think there is reason to believe that  
4 is what -- because we didn't have high flows in 2012 --

5           PAUL BURNETT: No, really low.

6           EVE DAVIES: So there is no way that fish,  
7 unless he is wearing a little red cape with an S, made it  
8 over that dam unless I suspect he may have gone through  
9 the low-level outlet. So I think that by having that  
10 open seasonally, we have just maybe fundamentally  
11 changed.

12           Now, there still aren't very many fish making  
13 that trip, but it is happening, and that is really  
14 interesting too. We don't know. Our operators there  
15 routinely -- we did -- UDWR put a trail cam up the last  
16 two years because last year, I think we were a little too  
17 late. This year, we had the water -- we have water flow  
18 issues during what would have really been the key time,  
19 but the operators always see fish flinging themselves at  
20 the gates there. So it happens every year.

21           CLAIRE MCGRATH: And it sounds like there's  
22 some remote fish tags in some of the smaller tributaries.  
23 There is nothing currently at the dam?

24           EVE DAVIES: No, I think you guys done that  
25 with mobile units --

1                   PAUL BURNETT:  Yes.

2                   CLAIRE MCGRATH:  It's not a passive unit  
3 there?

4                   PAUL BURNETT:  So there's -- so the DWR has  
5 been doing most of the tag studies, and we have been  
6 helping them, but they have been pit tagging fish since  
7 about 2010 or so, just so I guess for the record, a pit  
8 tag is a passive integrated transponder, so basically  
9 it's a chip that you put into a fish that is very similar  
10 to, like, a tag that you put in your -- a chip that you  
11 put in your pet, you scan it.  It has a unique ID that  
12 you can tie back to a database.

13                   So the DWR has been sampling the main stem of  
14 Weber, as well as a lot of tributaries, and every time  
15 they encounter a fish, a cutthroat trout, they scan it,  
16 and if it doesn't have a pit tag, then they put in a pit  
17 tag with -- each has a unique number that goes into the  
18 database.  But if it does have a pit tag, then they will  
19 record that siting and tie it back to the database of  
20 where they collected it, originally scanned it in the  
21 past.

22                   So they have that active process, but in the  
23 spring, what they have been doing is on all the  
24 tributaries there have set up the -- have been able to  
25 track fish coming out of the Weber going into the

1 tributaries. There are limitations when you get into the  
2 bigger systems for the bigger rivers to actually  
3 effectively use those types of equipment. So I think --  
4 I don't think it is really effective on that low-level  
5 gate to try to get a -- I don't know if it is possible to  
6 get an antenna down there without scuba gear.

7           EVE DAVIES: It would depend on whether we  
8 were online or not.

9           PAUL BURNETT: Exactly.

10          EVE DAVIES: Because it would be under 12  
11 feet of water some of the time; eight, ten, something  
12 like that.

13          PAUL BURNETT: Even if the gates were open,  
14 it would be a challenge to get the antenna down there.

15          FRANK SHRIER: Right. There has been talk  
16 about including an antenna in the Weber lab so we can  
17 track --

18          CLAIRE MCGRATH: Yes, it gets talked about,  
19 yes.

20          EVE DAVIES: That would be cool. Okay. What  
21 -- else anything else? Are you sure you don't want to  
22 sign up?

23          BEN GADDIS: And that takes care of the  
24 presentation, as I recall. Essentially, what we had time  
25 for, and there's still plenty if we want to go all the

1 way to nine o'clock, was any additional discussions,  
2 scoping issues, comments, etc., so there is time.

3           EVE DAVIES: If you don't have any, we have  
4 until November the 5th, if you want to think about it,  
5 let us know later.

6           BEN GADDIS: I think we are good to go then.  
7 Thanks.

8           (The hearing was concluded at 8:30 p.m.)

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REPORTER'S CERTIFICATE

State of Utah            )  
                                  )  
County of Salt Lake    )

I hereby certify that the witnesses 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 7th day of October, 2015.

\_\_\_\_\_  
Kellie Peterson, RPR