

Weber Hydroelectric Project
FERC No. 1744
Response to Comments on the Draft License Application (DLA)

Commenter (initials/ agency)	Exhibit/Section Title/ Paragraph #	Comment	Resolution
BLM	N/A	The Bureau of Land Management, Utah State Office has no comments on this project. This project does not impact Bureau of Land Management lands.	N/A
LC/USFWS	N/A	Populations of Bonneville cutthroat trout and bluehead sucker occur above and below the project diversion dam and the structure is an impediment to fish movement, particularly for spawning. Because of the uniqueness of these populations, and associated effects of the current facility, PacifiCorp coordinated with our office to investigate passage opportunities and design. Through our combined cooperative efforts, PacifiCorp included development and installation of a fish passage structure as a condition of the project relicensing application. We commend PacifiCorp's proactive efforts to conserve native species in the Weber River basin and fully support a condition on the Project relicensing to include development and installation of fish passage facilities that allow for upstream and downstream movement around the Project.	Thank you for your comment.
LC/USFWS	N/A	In addition, the existing license has conditions to maintain a minimum instream flow between the dam and the powerhouse of between 34 and 50 cubic feet per second, depending on annual hydrologic conditions. We support maintaining the instream flow conditions of the existing license as a relicensing condition for the Project.	Thank you for your comment.
JG/USFS	N/A	USFS Preliminary Terms and Conditions and Summary of Management Direction and Information for Weber Hydroelectric Project letter.	N/A - USFS submitted preliminary terms and conditions in their letter. However, USFS is currently revising these terms and conditions and plans to resubmit them at a later date.
NR/UPRR	N/A	No comment on DLA; referred PacifiCorp to online permitting process.	N/A, 1908 Agreement already in place
TK/FERC	Initial Statement	Per Section 4.32(a)(4)(i)-(ii) of the Commission's regulations, please complete and notarize the verification of application facts (page 8 of the DLA) in the final license application.	The verification of application facts (page 8 of the Initial Statement) has been completed and notarized for the FLA.

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TK/FERC	Initial Statement	Per Section 4.32(a)(3)(i)-(ii) of the Commission's regulations, please complete and sign the certificate of service (page 9 of the DLA) in the final license application.	The certificate of service (page 9 of the Initial Statement) has been completed and signed for the FLA.
TK/FERC	Draft APEA – General	For each resource section in your draft APEA, your environmental analysis addresses potential environmental effects associated with your proposed PM&E measures but does not include a description of any anticipated continuing impacts of continued operation and maintenance of the project. Please provide this information and any related additional analysis in the final APEA.	The requested information is included in the Final APEA throughout Section 3.
TK/FERC	Draft APEA – Botanical Resources, Sections 3.3.4.1 and 3.3.5.1	In your final APEA, please amend Sections 3.3.4.1 and 3.3.5.1 to include descriptions of the biological characteristics of each federally listed (e.g., Ute ladies'-tresses orchid), special-status (e.g., Utah angelica, Wasatch fireweed, smooth greensnake), and rare plant and wildlife species potentially affected by the project. Descriptions should include, but not necessarily limited to, relevant habitat preferences (e.g., elevation, soils, moisture, etc.), flowering or breeding period, existing distribution, status information, and known threats to the species.	The requested information is included in the Final APEA in Sections 3.3.5.1 and 3.3.6.1 on pages 98 and 105, respectively.
TK/FERC	Draft APEA – Botanical Resources, Section 3.3.4.1	Section 3.3.4.1 states that surveys for federally listed and special-status plant species were conducted in 2015, 2016, and 2017 in the project area and that no special-status species were found. However, this section provides no information regarding the methods used and provides no citations for relevant study plans or reports filed with the Commission. In your final APEA, please provide a brief description of the methods used to document the potential presence of federally listed and special-status plant species in the project area and include citations for the relevant study reports filed with the Commission.	The requested information is included in the Final APEA in Section 3.3.5.1, page 98.
TK/FERC	Draft APEA – Botanical Resources, Section 3.3.4.2	In Section 3.3.4.2, your statement that the primary impact of the proposed action would be the persistence of the botanical resource conditions described in the affected environment section is unclear. In the final APEA, please clarify this statement.	This statement is clarified in Section 3.3.5.2 of the Final APEA, page 99.

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TK/FERC	Draft APEA – Terrestrial Wildlife Resources, Section 3.3.5.1	As you note in Section 3.3.5.1, bald eagle and golden eagle potentially occur in the project area. Please note that both species are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, which prohibit the “take” of eagle eggs, nests, and offspring, and can also include disturbing normal breeding and feeding activities, except as permitted by regulation. Please include this information in your final APEA.	The requested information is included in the Final APEA in Section 3.3.6.1, page 103.
TK/FERC	Draft APEA – Terrestrial Wildlife Resources, Section 3.3.5.1	Section 3.3.5.1 states that surveys for smooth greensnake, a Utah State sensitive species, were conducted. However, this section provides no information on your survey/study methodology or citations for relevant study plans or reports filed with the Commission. In your final APEA, please provide a brief description of the methods used to document the potential presence of smooth greensnake in the project area and include citations for the relevant study reports filed with the Commission.	The requested information is included in the Final APEA in Section 3.3.6.1, page 105.
TK/FERC	Draft APEA – Terrestrial Wildlife Resources, Section 3.3.5.2	In Section 3.3.5.2, your statement that implementation of the proposed action would result in the persistence of species and habitat conditions described in the affected environment because activities proposed under the proposed action are largely a continuation of current activities that make up the affected environment, is unclear. In the final APEA, please clarify this statement.	This statement is clarified in Section 3.3.6.2 of the Final APEA, page 106.
TK/FERC	Draft APEA – Botanical and Terrestrial Wildlife Resources, Sections 3.3.4. and 3.3.5	Surveys conducted by PacifiCorp in the project area failed to detect federally listed and special-status plant species or the smooth greensnake. While this information suggests that these species may not occur in the project area, it does not rule out their potential occurrence. As such, please include an analysis of potential project effects for each of these species in your final APEA.	Clarification related to the potential for special-status plant species and smooth greensnake to occur in the Project Area is included in the Final APEA in Sections 3.3.5 and 3.3.6, pages 98 and 105, respectively.
TK/FERC	Draft APEA – Terrestrial Wildlife Resources, Section 3.3.5.2	The project includes an above-ground transmission line. Collisions and electrocutions at transmission lines represent a major source of bird mortality particularly for larger species such as bald eagles and golden eagles. As such, please include an analysis of the potential impact of the project transmission line on bird species in your final APEA.	The requested information is included in the Final APEA in Section 3.3.6.1, page 103.

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TK/FERC	Draft APEA – Conclusions and Recommendations Section 5.0	Section 5.0 Conclusions and Recommendations, Botanical Resources and Terrestrial Wildlife Resources provides a reiteration of the environmental analysis included in Section 3.0 with limited information on your proposed environmental measures (e.g., BMPs, “historic practices”, etc.). As described, the measures listed lack the detail needed for staff to evaluate if they would be sufficient to protect botanical resources. Therefore, please amend your final APEA to include more information on all environmental measures and clearly indicate those resource areas (e.g. terrestrial wildlife) where no environmental measures are proposed.	The requested information is included in the Final APEA in Section 5.0, page 128-130.
TK/FERC	APEA – Recreation, Section 3.3.6.2	Section 3.3.6.2 states that current recreation use and demand at project recreational sites was estimated through a combination of visitor use surveys and trail camera user counts. Although, you note that details concerning survey questions and methods can be found in the Final Recreation Technical Report (Cirrus 2016), please include in your final APEA a brief description of survey and trail camera methods utilized to gather the data presented in this section.	The requested information is included in the Final APEA in Section 3.3.7.2, page 110.
TK/FERC	Draft APEA – Recreation Resources, Section 3.3.6.2	In Section 3.3.6.2 you mention the Final Recreation Technical Report (Cirrus 2016); however, the publication date on the final report is June 30, 2017, and the publication date on the draft report is December 16, 2016. Please amend your citations for the Final Recreation Technical Report in the final APEA to reflect the correct publication date.	Incorrect citations from the Draft APEA are corrected in the Final APEA, pages 110, 111, and 139.
TK/FERC	Draft APEA – Recreation Resources, Section 3.3.6.2	In Section 3.3.6.2 you describe the Weber Recreation Site picnic area and its amenities; however, you did not provide a map or image that shows the picnic area and the location of the associated amenities. In your final APEA, please include a detailed map, or aerial imagery, of this project recreational site that identifies the project boundary, all amenities located at the site, and public access points into the site.	The requested map is included in the Final APEA in Section 3.3.7.2, page 109.

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TK/FERC	Draft APEA – Recreation Resources, Section 3.3.6.2	In Section 3.3.6.2 you describe primary points of public access into the Weber Recreation Site picnic area. Although, you describe paved recreational trails, unpaved trails, and user-created trails, you do not identify the paved roadway that is used by motorists to gain access to the site. In your final APEA, please include a description of the paved roadway, including dimensions and surface material, and its connectivity to other project or non-project roads.	The requested information is included in the Final APEA in Section 3.3.7.2, page 109.
TK/FERC	Draft APEA – National Historic Preservation Act, Section 1.4.4	In Section 1.4.4 you state that you received a letter from the Utah Historic Preservation Office (SHPO), dated December 16, 2016, concurring with your finding that the proposed relicensing would have no adverse effects on historic properties. Please file this letter from the Utah SHPO with the Commission.	The letter has been filed with the commission.
TK/FERC	Draft APEA – App. B – Draft HPMP	The draft HPMP in Appendix B of your APEA cites an Appendix A that does not appear to be included. Please include the cited Appendix A in the final APEA.	Appendix A contains privileged information and will be provided in the privileged information version of the HPMP filed with the commission.
TK/FERC	Draft APEA – App. B – Draft HPMP	Please add a detailed map(s) to the draft HPMP that shows all National Register eligible properties within the project’s area of potential effects (APE) including the Union Pacific Railroad and U.S. 30S segments, and all contributing and noncontributing elements of Devil’s Gate/Weber Hydroelectric Power Plant Historic District (Historic District).	The requested information is included in Figure 1 and Appendix A of the privileged information version of the HPMP.

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TK/FERC	Draft APEA – App. B – Draft HPMP	Under the heading, “Project Effects and Management Measures” in the draft HPMP, please add a new section to elaborate and provide further site-specific detail on whether any new developments or improvements involving a new license would affect, or not adversely affect, any of the identified historic properties (including any of the National Register contributing elements to the Historic District) within the APE. Provide this detail regarding the: (1) construction of a fish ladder for upstream passage, and associated fish trap; (2) installation of a year-round permanent vault toilet facility; and (3) possible removal of associated buildings that no longer provide operational value (see the “Alteration of the Properties Surrounding Environment” section in the draft HPMP). Depending on the circumstances, provide site-specific detail (beyond the general protocols and procedures provided in the HPMP) on how any potential adverse effects to any historic property or National Register-eligible contributing element would be resolved.	<p>Descriptions of license-related changes anticipated during the license period—specifically fish ladder construction and installation of a vault toilet—have been added.</p> <p>Detailed, site-specific plans for the fish ladder and vault toilet have not been developed sufficient for SHPO review of anticipated project effects. Text has been added to the HPMP regarding the review process each proposed change will undergo once such detailed plans are available.</p> <p>Text has been revised to clarify that removal of associated buildings is an activity that <i>could occur</i> and is not work <i>anticipated to occur</i>.</p>
TK/FERC	Draft APEA – App. B – Draft HPMP	After revising the draft HPMP as specified above, please send it to the Utah SHPO and Wasatch-Cache National Forest and allow them 30 days to review and comment on it. Revise the HPMP according to any additional comments made on the document, or give reasons why you did not adopt a particular comment. Include an appendix in the revised HPMP that describes any comments made on the draft HPMP and your responses to them. Finally, please file the final HPMP with your final license application.	The revised HPMP that incorporated FERC comments was provided to USFS and USHPO on 4/2/2018 for review and comment. USFS and SHPO responses were addressed for the final HPMP and a comment matrix was added as Appendix E.

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TK/FERC	Exhibit F	In the final license application, please include plan and profile views of the penstock and improve the Exhibit F drawings to show all important elevations.	Exhibit F drawings were updated to show important known elevations, and an approximate profile view of the penstock was developed and included in Exhibit F.
TK/FERC	Exhibit F	Inconsistencies were noted in the datum conversion between Exhibit F drawings and the Supporting Design Report (SDR). Exhibit F drawings F-1, F-2, F-3, and F-7 state, "All elevations on this page refer to a local datum. To convert to NAVD88 datum, add 3.39 feet." For example, one of the crest elevations in an Exhibit F drawing is marked as 4,797.8 feet; this is actually in NAVD29 datum. On page 1 of the SDR, the footnote states, "All elevations refer to local datum that appears on the drawings. A datum shift of -67.91 feet is needed to reach the NAVD88." Please clarify these datum conversions in the final license application.	Inconsistencies in regards to the datum shifts were addressed in Exhibit F drawings, and documentation. All elevations in all documents (including other exhibits) were updated to reflect the most recent and accurate survey data available.
TK/FERC	Exhibit F	Section 8.0, Stability and Stress Analysis, of the SDR includes a summary of stability analysis completed for the dam. The summary includes a brief discussion of the analyses and the calculated Factors of Safety, but does not provide information regarding the assumptions utilized (material properties, uplift assumptions, etc.) or the actual calculations. In the final license application, please provide the full stability calculations, including all assumptions utilized and the calculation spreadsheets used, as part of the SDR.	Additional information was added to Section 8 to better describe the assumptions and properties used in the stability analysis. The Stability Analysis Report with its accompanying calculations were included in Attachment 1 of the SDR (Exhibit F, Appendix A).
TK/FERC	Exhibit G	In the final license application, please modify the Exhibit G-1 drawing to show the current project boundary and the proposed revisions to the project boundary, and clearly differentiate the two using unique line formatting.	The requested modifications have been made to Exhibit G drawings.

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AW Comments on the Preliminary Draft APEA (Resolved for Final APEA)			
KC/AW	Preliminary Draft APEA - Table 5, REC-9. Also described in 2.1.2.2; and Table 6, REC-9.	We read the DLA as a commitment to provide 120 releases over a 30-year license term, 160 releases over a 40-year license term, or 200 releases over a 50-year license term, except for releases cancelled due to low demand. If initiation of releases is delayed by access approvals, the releases not provided during the approval period will be made up during the license term. This may benefit from clarification in the final license application.	Updated to reflect clarifications since PacifiCorp's initial DLA response: PacifiCorp has worked with AW to clarify the number of potential future flow releases. A description of that process and outcome is provided in Section 1.5.3 of the Final APEA. PacifiCorp's intent is to ensure the boater flows occur once the necessary agreements are obtained. However, substantial delays in that process could limit the operational ability of PacifiCorp to provide 'make up' flows, depending on the number required.

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<p>KC/AW</p>	<p>Preliminary Draft APEA - Table 5, REC-9. Also described in 2.1.2.2; and Table 6, REC-9.</p>	<p>There is an error in REC-9 that needs remedied to both increase and decrease the number of releases based on attendance. We agree with the statement that “boater flows in the future may be subject to minimum boater use,” however we disagree with the parenthetical comment that follows noting that “fewer than a minimum threshold of boaters may result in suspension of boater flows” because it lacks a similar mechanism to restore flows if demand rebounds. Fixing this issue will bring REC-9 into alignment with our negotiations, and ensure future generations are not deprived of public project-related outdoor recreation because of potential low demand early in the license.</p> <p>We propose that this section be amended in the FLA to state: “Boater flows in the future may be subject to minimum boater use. One annual release may be cancelled each year that the prior 3-year rolling average attendance for releases was less than 6 boaters per release. One release will be restored each year that the 3-year rolling average attendance for releases is more than 6 boaters per release. To ensure an annual test of demand, there shall be no less than one annual release. Except for additional make-up releases from delays or cancellation, there shall be no more than 4 annual releases.”</p> <p>With this said, we believe that monitoring and other costs of implementing these use triggers may exceed the cost of simply providing of 4 annual releases without monitoring. We request that the Licensee reconsider the triggers, but we agree to them as noted above if the Licensee wishes to proceed with them.</p>	<p>Updated to reflect clarifications since PacifiCorp’s initial DLA response: Agree that if lack of demand results in a reduction of boater flows, then future monitoring (following any reduction in number of boater flows) that indicates an increase in boater use to a yet to be identified number of boaters per release would result in re-instatement (up to four/year) of the boater flows. PacifiCorp has worked with AW to clarify the language for both these issues, and both parties have agreed what thresholds on usage are appropriate for this system. Final language is provided in Section 1.5.3 of the Final APEA.</p>
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