

**Final Meeting Notes
Weber Hydroelectric Project Relicensing
Interest Group Meeting #1
March 5, 2015
Ogden, Utah**

Participants

Eve Davies, PacifiCorp’s Program Manager for Weber Relicensing
 Kari Lundeen, Utah DEQ, Division of Water Quality
 Bill Damery, Utah DEQ, Division of Water Quality
 Dawn Alvarez, U.S. Forest Service
 Paul Chase, U.S. Forest Service
 Paul Abate, U. S. Fish and Wildlife Service
 Cassie Mellon, Utah DNR, Division of Wildlife Resources
 Craig Walker, Utah DNR, Division of Wildlife Resources
 Paul Thompson, Utah DNR, Division of Wildlife Resources
 Paul Burnett, Trout Unlimited
 Jonathan Jones, U. S. Bureau of Reclamation
 Bill James, Utah DNR, Division of Wildlife Resources
 Anne Hansen, U.S. Forest Service
 Ben Gaddis, SWCA Environmental Consultants
 Lindsey Kester, SWCA Environmental Consultants
 Jack Kolkman, PacifiCorp
 Todd Olson, PacifiCorp
 Frank Shrier, PacifiCorp

By Phone: Kleinschmidt Associates

Action Items from the March 5 Meeting	
All	<ul style="list-style-type: none"> • Submit suggestions for other interested parties today, or by March 13. • Submit statement of interest and comments on the draft Communication Plan by March 31.
Davies	<ul style="list-style-type: none"> • Prepare and distribute draft PAD to interest group members by mid-April. • Forward Gentile study of fish entrainment to James.
Alvarez	<ul style="list-style-type: none"> • Coordinate/confirm next meeting date with Sanchez.

Opening and Introductions

Davies opened the meeting, welcomed attendees and introduced herself as PacifiCorp’s program manager for the Weber relicensing process. She then introduced Ben Gaddis of SWCA as meeting facilitator. Gaddis explained the purpose for the meeting and briefly discussed the relicensing process. He noted that the day’s meeting was informational and would be mainly in presentation format. Gaddis reviewed the day’s agenda and asked meeting participants to introduce themselves. Davies said American Whitewater was also invited to participate in the interest group and may do so in the future. She told the group that American Whitewater’s regional representative is also her spouse.

Presentation: Weber Hydroelectric Project Overview and Relicensing Process

Davies then presented a Powerpoint on the Weber relicensing process: *Weber Hydroelectric Project Overview and Relicensing Process*. The presentation is included in these meeting notes by reference and was available to interest group members as a handout. The presentation included an overview of the project including an aerial photo of the project location and components, project specifications, and photos of the facilities, including the diversion dam, the 'fish ladder'/ice chute, the flowline/penstock, trestle crossing, powerhouse, powerhouse/substation, and transmission line.

Abate asked about the distance from the power plant to the next diversion. Davies said about 100 feet. He also asked about the water right. Davies said PacifiCorp's water right is up to 365 cfs.

Davies continued the Powerpoint with information on the Federal Energy Regulatory Commission's (FERC) licensing process for hydroelectric projects. She explained FERC's three possible licensing processes: The traditional licensing process (TLP), the integrated licensing process (ILP), and the alternative licensing process (ALP). She said that in PacifiCorp's initial discussions with FERC regarding Weber relicensing, FERC suggested the possibility of PacifiCorp using the ALP for Weber relicensing. PacifiCorp will make the decision on which process to use, she said, but has not yet done so. However, she said, PacifiCorp does not favor the TLP and is focusing its decision on the ALP vs the ILP. FERC currently recommends the ALP for small, noncontroversial projects and stakeholder consensus is required for that process. She presented a comparison and estimated timelines for the two processes and noted that relicensing for the Weber project must be complete by the year 2020. The process will include environmental analysis of the project as part of the license application. Davies noted that FERC's National Environmental Policy Act (NEPA) process is different than most other agencies'.

Thompson asked if PacifiCorp would need letters of support regarding process from stakeholders. Davies said no, not yet. She said PacifiCorp would draft a letter to FERC regarding licensing process selection. Alvarez asked with ALP, if the process falls apart, would PacifiCorp then move to the TLP process? Davies said no, that FERC has advised that if the ALP is chosen, the group must continue with that process. Davies said she will be asking for the name of decision makers for each of the interest group representatives' respective agencies. She noted that in some cases, FERC representatives can come in and provide dispute resolution if needed.

Davies reviewed the process comparison flow chart – she said while either process is agreeable to PacifiCorp, the ALP may provide more local control and simplified steps.

Davies noted that group members who have not previously participated in FERC NEPA projects should be aware of timelines and the need for intervenor status. She noted that there may be a need to file repeatedly for intervenor status.

Preliminary Terms and Conditions

Shrier explained prescriptive authority. In the case of Weber relicensing, he said, US Fish and Wildlife Service, the US Forest Service, Utah Department of Environmental Quality, and the Tribes have prescriptive authority. In other words, these entities can say what we [PacifiCorp] have to do, and we [PacifiCorp] have to do it. It is helpful if potential issues are identified early in the process, he said, as they may drive studies and concerns. There may be a settlement agreement as part of ALP process. Under the ILP, decisions are ultimately made by FERC. Group members were directed to Section 18 of Federal Power Act for more complete information on prescriptive authority.

Davies reviewed the project timeline. She said most resource-based studies will begin next year, but field work on endangered species (i.e., the Ute ladies'-tresses orchid) and cultural resources should start this year.

Davies discussed the time commitment for group members involved with the relicensing process. Shrier noted that in some cases agencies may be able to get reimbursement from FERC for participation in the group and suggested they check with their respective agencies.

Potential/Typical License Issues

Davies reviewed potential/typical license issues, including fisheries resources and fish passage, recreation resources, land rights, water quantity and quality, cultural resources, wildlife resources, and botanical resources. She noted that the Weber facility is "run of river," i.e., there is no water storage associated with the project.

Fisheries and Fish Passage – Davies showed photos of bluehead sucker and Bonneville cutthroat trout (species of concern in the project area) and noted that the photos were taken right below dam. She said the area between Weber Dam and the powerhouse is considered a stronghold reach for both species of concern. Davies said fish passage at Weber Dam is one of the highest priorities for upstream passage in Utah – Thompson and Chase agreed for their agencies.

Davies reviewed potential studies that may be required for fisheries and fish passage and potential mitigation and enhancement measures (PM&E). In regard to PM&E measures, Davies said, PacifiCorp is required to tell the group what is being considered. In addition to upstream fish passage, recreation site improvements may be studied and considered. Davies noted that the recreation site at Weber is very cold, shady, and windy. PacifiCorp completed FERC-required car counts last year, she said, and estimated that the area had 20,000 users. She said she believes this is primarily people going fishing.

Questions and Comments

Davies asked for questions or comments from the group.

A question was raised regarding cooperating agency status. Davies said she did not believe cooperating agency designation was required on a project of this scale. Olson noted that any agency may file with FERC to become an intervenor in the relicensing process. Alvarez noted that the ALP would be collaborating, not cooperating. It's a quasi-legal proceeding, not like other NEPA processes, she said.

Alvarez noted that the ILP can be compressed. She said she was aware of a small project in Wyoming for which the ILP was completed in about a year.

James said he sensed that those in attendance were leaning towards the ALP. Alvarez said she favors collaborative processes as they may increase the likelihood of a favorable outcome. Thompson agreed and said Davies has been a good partner. James said he appreciated hearing potential solutions before the process goes forward organizationally. He said he wishes more people would do this.

In regard to potential studies, Burnett asked whether fish passage studies would also include looking at downstream passage. Davies said yes, we want to look at options. She noted a recent study of the Gentile Canal diversion by Idaho Department of Fish and Game using PIT-tagged fish that showed entrainment rates at large diversions may be lower than expected. James requested more information

on the study. Davies will provide. Burnett noted that entrainment rates are important to Trout Unlimited, and not just at Weber.

Burnett asked whether a collaborative group similar to Bear River Environment Coordination Committee is envisioned. Burnett is a former member of that group. Davies said it would be similar. The Bear River ECC is an implementation group, she said, but is the model she has in mind for the Weber group. She said she envisions a wider group being involved ultimately.

Gaddis said as Davies mentioned, a wider net will be cast for participation in the group, including interested members of the public. Davies said the Tribes, American Whitewater and the District Ranger for the Forest Service had been invited but were unable to attend this meeting. Water Conservancy Districts and the State Historic Preservation Office were mentioned as other possible participants. In regard to possible SHPO concerns, Davies said that would likely be limited to installation of fish passage, which would change look of structure. Gaddis asked the group to suggest other possible participants in the group today, or within the coming week as follow up.

Statements of Interest

Davies requested statements of interest from each core interest group, due March 31. Participation is optional, she said, but would help guide the process. Davies reviewed PacifiCorp's vision and mission. She said PacifiCorp is a regulated utility, briefly explained that status and PacifiCorp's responsibility to its customers. Davies reviewed PacifiCorp's Statement of Interest in regard to the Weber project. She discussed PacifiCorp's six pillars, one of which is environmental responsibility. She noted that the small hydropower facilities (including Weber) are valuable to PacifiCorp for backing up the company's other power sources as hydro facilities come up almost instantly, as opposed to coal, etc., which take time to bring online.

Mellon said the small size of the facility was mentioned several times. She asked whether PacifiCorp had already made the decision to keep the Weber project. Davies said yes. She said the cost of decommissioning the facility would be very, very high because of freeway, etc. and the facility has a good track record for running well and reliably. She said PacifiCorp put a great deal of time into making this decision. She also noted that Weber is a low carbon plant. This is also of corporate concern, along with other efforts the company is making such as moving its entire fleet to natural gas. As previously stated, she said, the company needs reliable hydro to back up other sources. If fish movement can be mitigated, she said, Weber will continue to be a good project. Olson added that PacifiCorp would not start down road of relicensing if there was no thought of feasibility. But, he added, the company can't pay exorbitant prices for the small renewables and will be monitoring the relicensing process all the way through. He said he was encouraged by seeing this moving forward and encouraged people to share their interests openly—this will help to move the process forward efficiently.

Communication Protocol

Davies said a communication protocol for the group would be required if the ALP process is selected. A draft communication protocol has been developed and was available at the meeting as a handout (Attachment 1). Davies asked group members to review the protocol and provide comments to Hugentobler.

Timeline

Gaddis reviewed the timeline for next steps.

- Submit suggestions for other interested parties – today or by the end of next week (March 13).
- Provide statements of interest and comments on the draft communication protocol by March 31.
- Forward informal PAD to interested parties for 30-day review by Mid-April, comments due mid-May
- Mid review of PAD at follow up meeting in late April

Gaddis said the group will discuss methods of providing comments later. James asked if the PAD included environmental study. Davies said yes, we are supposed to tell you what we know. Gaddis noted that it will have the feel of an environmental assessment (EA).

Davies said that while PacifiCorp has to decide which FERC process to use, support and cooperation of the group is needed to move forward. PacifiCorp will write a letter to FERC stating that they are moving forward but stressed that to be successful, not only was the group's cooperation needed, but also its support.

Walker suggested Water Rights and Water Resources as possible additions to the group. Davies noted that because Weber is not a consumptive right, PacifiCorp is not proposing a change that might affect those entities. James suggested Weber-Davis Canal Company, Davies added Weber-Davis Water Conservancy District. Davies said these groups may want to stay apprised of the process but may not want to delve into resource issues.

Closing and Next Meeting

Gaddis asked if anyone had additional questions or comments.

James said that invasive aquatic species may likely be an issue. Davies discussed her experience and training with invasive aquatic species. Walker said he thinks people aren't viewing this issue as a nationwide problem; they see it only in terms of their particular waterbody. Walker said he thinks containment in Lake Powell is more important than Bear Lake, for example. Shrier discussed PacifiCorp's policy for dealing with invasive aquatic species. For example, in some cases personnel have boots that stay at each facility. Walker also mentioned climate change as a potential issue.

Next meeting will take place Tuesday, April 28. 9-noon, same location.

Attachment 1: Draft Communication Protocol

VERSION 1.0
MARCH 5, 2015

DRAFT COMMUNICATION PROTOCOL



1 INTRODUCTION

Federal Energy Regulatory Commission (FERC) regulations on alternative procedures require that a potential hydropower applicant requesting the use of the Alternative Licensing Process (ALP) “submit a Communications Protocol, supported by interested entities, governing how the applicant and other participants in the pre-filing consultation process, including the Commission staff, may communicate with each other regarding the merits of the applicant’s proposal and proposals and recommendations of interested entities.” The communication protocol should document, at a minimum, how and which oral, written, and electronic communications or non-procedural issues will or will not be recorded.

2 PARTICIPANTS

The active involvement of PacifiCorp, the FERC and its staff, state and federal resource agencies, Native American tribes, and non-governmental organizations is envisioned as part of the pre-filing process.

A mailing list compiled by PacifiCorp Energy will be maintained to identify all interested parties to the proceedings. The list will include the address, phone number, and email addresses. The list will be used to provide notice of group meetings held, as well as notice of the availability of information for review by the group. Individuals on the list will receive all communications via email, a website maintained by PacifiCorp for the Weber relicensing process, or hard copies (if requested).

3 GUIDELINES AND MECHANISMS

3.1 GENERAL COMMUNICATION MECHANISMS

Early in the process, all interested parties will be surveyed concerning contacts for the relicensing process and the format in which they would like to receive information. Consistent with federal state paper-reduction policies, it is proposed that interested parties receive notices and relicensing process materials in electronic format and via an internet website for the Weber relicensing process maintained by PacifiCorp Energy.

In most instances, the following communication methods will be used:

	Primary	Backup
Meeting Notices	Website and email	Hard copy (by request)
Meeting Notes	Website and email	Hard copy (by request)
Major Documents and Studies	Website or CD-ROM	Hard copy (by request)
Correspondence		
From PacifiCorp Energy	Email	Hard copy (by request)
From Others	Email	Hard copy (by request)
Status Reports	Website with email notice	Hard copy (by request)

To the greatest extent possible, it is requested that correspondence be sent via email or disk so that the document can be posted on the website. Hard copies will be scanned as needed and posted on the website.

3.2 GROUP MEETINGS

3.2.1 SCHEDULE AND AGENDAS

- The interest group will meet regularly, as noticed thirty (30) days in advance, if possible. A copy of meeting notices will be provided to all parties requesting notice (confirmed annually).
- A duly noticed meeting of the interest group is a meeting for which group members receive thirty (30) days advance notice. Notice may be provided in writing by U.S. Mail, facsimile, or electronic mail, or other comparable means, and will be effective when provided. Notice of a duly noticed meeting will identify the date, time, and location of the meeting.
- Meetings will be task-oriented with specific agendas and will focus on coordinating activities and informing parties on the license process status and the planning and/or review of studies and proposed protection, mitigation and enhancement (PM&E) measures.
- Interest group members will receive agendas and other information at least 1 week prior to meetings. It is each member's responsibility to keep abreast of upcoming meeting dates and agenda issues.
- A review of proposed agenda items for the next meeting will be provided at the conclusion of each collaborative group session.

3.2.2 ATTENDANCE

- Each Party will designate one representative to the group who will participate in decision-making, representing the interests and concerns of that entity. Although each party has only one representative for decision-making purposes, members may be accompanied to meetings by other persons from within their agency/ organization.
- Participants who are not designated representatives may address the group and/or participate in discussions at the request of their respective member and with the agreement of other interest group representatives.
- Attendance via teleconference is considered present for purpose of decision-making.
- Proxies may be designated in writing (including email) for the purpose of decision-making and representative will be considered present.

3.2.3 RECORD KEEPING

- Notes of each interest group meeting will be recorded by PaciCorp's project coordinator. Detailed meeting notes will be kept which document members present and decisions made and include summaries of discussions of the main points of the meeting.
- Meeting notes from the prior meeting will be distributed to interest group members for review with each draft agenda in a timely manner (at least 1 week prior to the next meeting).
- At the beginning of each meeting, the prior meeting's notes will be amended as needed and approved. Meeting notes are working documents until approved by the group.

- Final meeting notes containing decisions and directives will be distributed to interest group members and posted to the website. Final meeting notes will be summarized in the status reports and are part of the public record.

3.3 TELECONFERENCE COMMUNICATIONS

Periodic teleconference calls between those involved in the relicensing process may occur on an “as-needed” basis. PacifiCorp Energy will be responsible for recording and distributing teleconference summaries, unless PacifiCorp Energy is not directly involved in the conversation. In that case, the party initiating the call will summarize the call and submit it to PacifiCorp Energy to be included in the record. Phone calls or meetings for the purpose of a caucus among various participants need not be summarized for the official record.

3.4 WRITTEN COMMUNICATIONS

All written communications, including meeting summaries and teleconference summaries, which any party intends to become part of the formal record should be addressed Eve Davies, Weber Relicensing project manager, PacifiCorp Energy, 1407 W. North Temple Street, Suite 110, Salt Lake City, Utah 84116. To the greatest extent possible, correspondence should be sent in electronic format to eve.davies@pacificorp.com, with a copy to miriam.hugentobler@gmail.com.

3.5 CONTACT LOGS

Contact log sheets (electronic format) will be used to document oral communications intended to become part of the official record. Contact log sheets will include all information pertinent to the communication, i.e., individuals involved, titles, date of communication, subject of communication, issues discussed, and action to be taken.

3.6 COMMUNICATION WITH FERC STAFF

The FERC has determined that its ex-parte rule prohibiting off the record communications does not apply to the alternative relicensing process because the alternative procedures occur before a license application is filed, prior to any “proceeding” at the Commission. Therefore, any participant may communicate with FERC staff during the pre-filing process without any special documentation of the communication, although a summary of the communication to the larger Weber relicensing group, if appropriate, would be beneficial in keeping with the collaborative nature of the process.

3.7 PUBLIC REFERENCE FILE

PacifiCorp Energy will maintain a complete public reference file at its North Temple Office in Salt Lake City, Utah. Copies of all written correspondence, meeting notes, study plans, study reports, and telephone discussion notes related to the Weber Hydroelectric Project relicensing process will be kept on file at the offices of PacifiCorp Energy, 1407 W. North Temple Street, Suite 110, Salt Lake City, Utah 84116, and on PacifiCorp Energy’s Weber Hydroelectric Project relicensing website. Materials will be available for review and copying by any member of the public at these locations.

4 COMMUNICATION PROTOCOL

Interest group members will act in good faith at all times and work towards understanding and agreement for committee tasks. Good faith also includes making the effort to resolve differences, disclosing problems or issues early in the process, following through on commitments, sharing information on related matters, and characterizing individual or caucus viewpoints fully and accurately.

The group does not intend to restrict the free flow of discussion or information, written or verbal, between the members, caucuses, or technical staff. This a problem-solving group.

4.1 COMMUNICATION WITHIN THE COMMITTEE

- The purpose of interest group discussions is to find agreement among the Parties. Members will respect the interests of all Parties and will try to incorporate the goals of all Parties into its recommendations. Statements, positions, and offers made during the process are voluntary and are made only for purposes of the planning process.
- Discussions of substance and development of solutions will focus on interests and concerns rather than positions and demands. Members will respect the concerns and interests of others, whether or not they are in agreement. Members will work in the spirit of giving the same priority to solving the problems of others as their own.
- Members will seek commonalities in their respective views and will seek to identify convergences of mission, opinion and values.
- Members will state their own concerns and interests clearly, listen carefully to others, and explore issues from all points of view before forming conclusions.
- Members and their caucus members agree that successful collaboration depends upon individuals who refrain from speaking independently or characterizing the process.
- With regard to internal written material, members agree not to characterize the motivations or positions of any other participant or caucus. All written communication regarding the groups is to be sent to all members of the group.

4.2 COMMUNICATION WITH CONSTITUENTS

- Members are responsible to keep the other members of their organization regularly informed by relaying information, presenting ideas in a fair manner and communicating decisions.
- Decisions will be made by the group in a manner that allows time to communicate within constituents. However, once a decision is made, members do not have to wait for approval from the group to communicate with their constituents.

4.3 COMMUNICATION WITH THE PUBLIC

- If contacted by members of the public or the media, participants agree to speak only for his or her organization on specific elements of implementation, and to forward to the Weber

Relicensing Program Manager and the other parties inquiries that affect other members of the group.

- Participants will not attempt to influence the public, lobbyists or the media unless requested to do so by the group. Participants agree not to reach out as individuals or individual agencies to the public or the media in an effort to influence the process, but to approach the public and media as a collective, collaborative entity.
- Members agree to only represent positions of the group that have been agreed upon and to present those positions fully and accurately, including any formal dissent.
- A Communication Subcommittee may be designated as needed whose responsibility will be to communicate information to the public and media. However, any member of the group may speak to the public regarding group decisions if they feel comfortable and able to do so.