



United States Department of the Interior

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Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

COMMENTS REGARDING NOTICE OF APPLICATION FOR PRELIMINARY PERMIT APPLICATION FOR PRELIMINARY PERMIT; LAKE POWELL PIPELINE PROJECT, FERC NO. 12966-000; KANE, WASHINGTON AND IRON COUNTIES, UTAH, AND COCONINO AND MOHAVE COUNTIES, ARIZONA

Dear Ms. Bose:

The U.S. Department of the Interior (Department) has reviewed the subject notice and provides the following comments and recommendations.

Project Description

The State of Utah, through the Board of Water Resources proposes to build an intake on the shores of Lake Powell, an impoundment of the Colorado River; a pipeline to transfer said water; 135 miles of 70-inch pipeline and 38 miles of 30-inch pipeline; a pumped storage hydroelectric generating facility and two conventional hydropower developments through Federal, State, Tribal, local and private lands in Kane, Washington and Iron Counties in Utah and in Coconino and Mohave Counties in Arizona. Power generation at the proposed Sand Hollow Powerhouse in Washington County, would occur before water enters Sand Hollow Reservoir, which is owned and operated by Washington County Water Conservancy District.

At the present time the following energy generation components are being studied: 1) a single unit, 18 MW facility at Little Creek Mountain; 2) a 2-unit, 300 MW (150 MW each unit) hydroelectric pumped storage development at Hurricane Cliffs, with the forebay and afterbay sized to provide ten hours of continuous 300 MW output; 3) a single unit, 35 MW conventional energy recovery generation unit built within the Hurricane Cliffs development; and 4) a single unit, 10 MW facility at the existing Sand Hollow Reservoir.

The proposed Project would occupy lands currently administered by and require rights-of-way (ROW) and other approvals from the National Park Service (NPS), Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), and potentially the Bureau of Indian Affairs (BIA), and involves a wide range of potential environmental impacts. The following is intended to assist the Federal Energy Regulatory Commission (FERC) and the Applicant during the preparation and subsequent consideration of any license application.

Proposed Time Frame

The Department is concerned that the Applicant's proposed time line is inconsistent with the FERC's Integrated Licensing Process (ILP) regulations. The proposed time line in Exhibit 2 compresses the ILP's structured 3 to 3.5 year filing process into an abbreviated 20-month program. Almost all of the time for this abbreviation appears to be extracted from the normal consultation and study processes governed by the ILP regulations. Such a condensed approach will compromise the evaluation of environmental issues for this new and significant construction.

By regulation, the first year of the ILP involves numerous planning stages, including Tribal consultation, NEPA scoping, site visits, proposed and revised study plans, study plan components, and FERC approval of the study plan.¹ Importantly, the ILP regulations set aside 345 days from the time the Notice of Intent (NOI) and Pre-Application documents are filed until the FERC approves the study plan. Assuming no study disputes are filed, studies are expected to commence during the following field season.² If a study dispute arises, the regulations provide for an additional 90-day dispute resolution period before studies commence.³ The regulations also contemplate that at least two field seasons of studies may be necessary to gather sufficient information.⁴

In contrast to this mandatory planning process, the Applicant proposes to *complete* all studies within 13 months. Such an approach leaves no time for the required consultation on studies, resolution of study disputes, or necessary field seasons. Indeed, under ILP regulations, the FERC will not issue its study plan determination until nearly a year after the NOI is filed - a time when the field season for studies during the initial filing year would be over for most purposes.⁵ If a second year of study is required, it certainly cannot be completed within 13 months.

The Department is similarly concerned that the Applicant proposes to file its Preliminary Licensing Proposal (PLP) in 15 months, and the license application in 20 months, presumably measured from the time the NOI is filed. The ILP regulations, however, specifically require that the PLP "include...the results of its studies conducted *under the approved study plan*..."⁶ This process allows the PLP to address project impacts and propose appropriate protection and mitigation measures. Similarly, the license application must present the results of studies

1 18 C.F.R §§ 5.3 – 5.13

2 *Id.* at § 5.15

3 *Id.* at § 5.14

4 *Id.* at § 5.15

5 *See id.* at §§ 5.3 – 5.13

6 18 C.F.R § 5.16(b)(3) (emphasis added)

“conducted *under the approved study plan* by resource area and use the data generated by the studies to evaluate the beneficial and adverse environmental effects of its proposed project.”⁷ The license application must also list cumulative effects and information on the affected environment based in part on study results.⁸ Given the consultation and study approval processes discussed above, and the likelihood that more than one field season of studies may be required, it is unrealistic to expect that approved studies will be completed in time for inclusion in a PLP filed in month 15 and a license application filed in month 20.

To meet the proposed schedule, the Applicant may intend to conduct studies before a study plan is approved. This approach presents a risk that studies conducted will not conform to the approved study plan. As the FERC explained in issuing the ILP regulations, “the purpose of an approved study plan is to bring, to the extent possible, pre-filing finality to the issue of what type of information gathering and studies will be required by the FERC to provide a sound evidentiary basis on which the FERC and other participants in the process can make recommendations and provide terms and conditions.”⁹ The Applicant must understand that if it elects to proceed without an approved study plan, it may be required to conduct additional studies later. The Department requires compliance with the approved study plan and will not accept deficient results from studies completed in advance of approval.

To avoid such an outcome, the FERC should require the Applicant to revise its schedule to comply with the ILP regulations – and in particular to recognize the required filing processes for finalizing an approved study plan and completing necessary studies. The Department looks forward to working with the FERC, the Applicant, and other parties to develop an expeditious process that complies with all applicable ILP requirements and meets the parties’ information needs.

Federal Lands

Based on a preliminary review, the BLM has determined that the proposed Lake Powell Pipeline Project would involve approximately 1,300 acres, including approximately 800 acres of Federal lands (NPS – 50, BLM Utah – 600, BLM Arizona – 150), 100 acres of State lands (Utah – 80, Arizona - 20), and 400 acres of private lands. Depending on the pipeline ROW alignment, Tribal trust lands under the administration of BIA could also be involved.

Bureau of Land Management

The BLM-administered public lands in Utah are managed under eight completed management plans, and the management of BLM-administered public lands in Arizona will be guided by a revised Resource Management Plan being finalized at this time. These plans are summarized in the enclosed November 19, 2007 letter to the State of Utah. We believe that this information was submitted to the FERC as part of the preliminary permit application. In general, major ROWs are addressed for location within established transportation and utility corridors as identified in the management plans. Major ROWs that deviate from established ROW corridors

⁷ *Id.* at § 5.18(b)(5)(B)(3) (emphasis added)

⁸ *Id.* at § (b)(2)(5)(A)

⁹ 68 Fed. Reg. 51069 (Aug. 25, 2003)

often necessitate plan amendments. Specific plan amendment procedures applicable to the BLM are in the regulations at 43 CFR 1600. Please note that significant segments of the proposed project lie within the Grand Staircase-Escalante National Monument administered by the BLM. The status of national monument public lands would be a major consideration in any subsequent licensing process for proposed hydroelectric generation facilities associated with the pipeline.

To date, the data necessary to support the studies in overall project design and the preliminary permit application fall under the casual use provisions in the BLM ROW regulations, and thus do not require a formal authorization. The State of Utah is aware that, should future surface disturbing studies beyond a casual use level become necessary on BLM-administered public lands, those activities would require advance application to and authorization from the BLM.

National Park Service

The proposed project as currently outlined in the preliminary permit application would focus impacts on Glen Canyon National Recreation Area along the State Highway 89 corridor, which bisects the park in Coconino County, Arizona. This route, which provides the only public access to the park from the Southern Utah – Northern Arizona region, is very heavily traveled by visitors during the peak season of March through October. These visitors come to the park in a variety of vehicles that include large numbers of pickup trucks towing boats and campers, recreational vehicles and tour buses. During the busy summer days, the line of vehicles waiting to enter the park often extends back to SR89 and beyond. Any disruptions due to construction of this project could have severe impacts to the park's visitors should the construction take place during the peak season.

The portion of SR89 that bisects the park is managed by a ROW agreement that Arizona and Utah Departments of Transportation (ADOT, UDOT) have with the National Park Service. In accordance with Section 7 of Public Law 92-593 (Glen Canyon NRA Enabling Act), passed in October 27, 1972, the Secretary of the Interior has the right to “grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the recreation area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the recreation area”.

The ROWs that ADOT and UDOT hold do not allow them to issue easements or ROWs to other entities; rather they may only issue encroachment permit that has been previously approved by the NPS. Therefore, the applicant for this project must apply for a NPS ROW as well as an encroachment permit from ADOT and UDOT. The applicant can request an ROW application package directly from the superintendent of the park.

The staff of Glen Canyon NRA has also prepared specific page by page comments on the preliminary FERC application, which have been enclosed with this letter.

The section of pipeline going north to Cedar City could be a concern to Zion National Park depending on the exact alignment of the ROW. It is difficult to tell from the map which side of the freeway the pipeline is proposed. If the ROW is on the west side of the freeway the park would have minor short-term concerns from noise, dust, etc. during construction. If the ROW is

on the east side of the freeway, it would be very close to the park boundary. Indirect impacts would include noise, dust, etc. If the ROW is within the park there could be considerable direct impacts from construction activities.

Bureau of Reclamation

The proposed project would divert water from the Bureau of Reclamation's Lake Powell, just upstream from Glen Canyon Dam. Water would be carried through a 135-mile pipeline, with power generating facilities located in Washington County, Utah. The proposed routing of the pipeline appears to run parallel, in part, to the Navajo Transmission line which is partially owned by Reclamation.

The entity that is issued a preliminary permit would be required to enter into an agreement with Reclamation to allow for access to Reclamation lands and/or facilities to conduct site investigations in connection with Project permit and licensing activities. Such agreement would include, but not be limited to, provision for (1) approval by the responsible Reclamation manager; (2) restoration of the premises; (3) Reclamation approval and supervision of any onsite work; (4) agreement to perform all activities without cost to the United States; (5) agreement to indemnify and hold harmless the United States from any liability arising out of their activities; and (6) advance funding to Reclamation for its costs incurred in performing studies, reviews and oversight, including an amount for administrative overhead.

In order to generate power under a FERC license with water diverted from Lake Powell, it would be necessary for the licensee to enter into a water service contract with Reclamation. If a license and contract is issued, that entity would also need to obtain a separate license agreement with Reclamation for the use of Reclamation lands for the proposed intake and pumping plant. As a condition of such license agreement, Reclamation would need to approve designs, specifications, construction, operation procedures, and any modifications to existing structures to the extent necessary to ensure the structural and operational integrity of Reclamation facilities. Studies associated with preparing the license application should consider potential impacts to Lake Powell.

Any use of the Navajo Transmission line ROW will require an agreement with Reclamation as well as the other owners. As a condition of such agreement, the use of any metal pipeline would be subject to approval by Reclamation so as to ensure the integrity of the transmission facilities.

Indian Tribal Interests

The proposed Lake Powell Pipeline Project involves known interests of Bands of the Southern Paiute Tribe in Utah and Arizona. Some alternatives cross Tribal lands in the Kaibab Reservation in Arizona and the Paiute Reservation (Cedar Band) in Utah. Communications with Southern Paiute Bands indicate that the proposed Lake Powell Pipeline Project alignments affect areas which possess significant and sensitive cultural resource values and Native American concerns.

If the pipeline route traverses Indian land, the Department may be authorized to establish mandatory conditions under Section 4(e) of the Federal Power Act, 16 U.S.C. & 797(e)

NEPA Compliance

We believe that it is essential that all potentially involved Federal agencies coordinate and cooperate in preparing a comprehensive environmental impact statement which adequately covers the decisionmaking needs of all. Separate Federal environmental reviews that would segment analyses into subcomponents of the overall project must be avoided, given the expected intense level of public interest in water allocation and use in the region, and impacts to the environment. Federal agencies expected to play major roles in the review of the overall project include BLM, NPS, Reclamation, BIA, the U.S. Fish and Wildlife Service (USFWS), and U.S. Army Corps of Engineers. We also suggest that a conference with FERC would be useful to discuss a number of procedural issues, including NEPA compliance, timing, agency cooperation, and the application of FERC's rule barring NEPA cooperating agencies from intervening in the licensing proceeding.

Because ROWs and other permits can only be granted once the NEPA requirements of the NPS and other Bureaus are met, we request that the following topics be included in the Environmental Impact Statement (EIS) being prepared for this project:

- Soils and Geology – This topic should be included as this project is mainly being installed below the ground surface and will traverse many geologically unstable areas, some which include very erosive soils.
- Public Health and Safety – address the impacts to the public from the construction angle of this project – including trash management, intermediate storage of materials, possibility of contaminated soils present along proposed route and the creation and disposal of by-products of electrical generation and water purification.
- Invasive Species – address the current status of invasive species along the proposed route, including aquatic species (including possible transport) and the BMP that will be used to insure control during construction.
- Visitor Use and Experience – impacts of the project on the visitors to Glen Canyon NRA including the construction and operation of the intake and booster pumping station as well as the construction of the pipeline. The NPS would prefer that disruptions related the construction take place during the low visitation season of late October to early March. This is especially important as it relates to the use of the south visitor entrance to the Park.
- Organic Act - Park Service NEPA protocol also requires an analysis of the impacts in relationship to “Impairment of the Resources” as outlined by the Organic Act.
- Dark Skies Policy – Glen Canyon NRA has established a Dark Skies Policy that requires specific lighting requirements for construction and operations of new facilities (intake and booster pumping station). This policy has been attached and will need to be addressed in the EIS.
- Socioeconomic – The EIS will need to summarize the results of the Economic Resource Studies in order to provide both an “existing conditions” and impacts from the project.

Other environmental issues requiring analysis include (but are not limited to):

- Cultural Resources
- Fish and Wildlife Resources
- Areas of Critical Environmental Concern (ACEC)
- Existing and Potential Wilderness Resources
- Sensitive Species and Habitats, and Threatened and Endangered Species
- Visual Resources
- Growth Inducing Effects
- Environmental Justice

Fish and Wildlife Resources – General

When reviewing proposed actions of other agencies, the USFWS focuses on four broad categories of resources; (1) threatened, endangered and candidate species, (2) migratory birds, (3) wetlands and riparian areas, (4) and sensitive species, including petitioned species. We recommend specific protective measures for threatened and endangered species in accordance with the Endangered Species Act of 1973, as amended (ESA), 16 U.S.C. 1531 *et seq*; protective measures for migratory birds in accordance with the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703; and protective measures for eagles in accordance with the Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. 668. Wetlands are afforded protection under Executive Orders 11990 (wetland protection) and 11988 (floodplain management), as well as section 404 of the Clean Water Act. Other fish and wildlife resources are considered under the Fish and Wildlife Coordination Act, 48 Stat. 401, as amended, 16 U.S.C. 661 *et seq.* and the Fish and Wildlife Act of 1956, as amended, 70 Stat. 1119, 16 U.S.C. 742a-742j. Other comments are made pursuant to Land and Water Conservation Fund (Public Law 88-578, as amended). The information that we have requested and our recommended measures should be included in any future license applications prepared for this project. We may have additional information requests if a license application is developed.

Generally, the USFWS's goals during the application process are to ensure that project adverse effects to fish and wildlife and their habitats are avoided to the extent possible, minimized with the development and implementation of specific project features and operations where practicable, and mitigated as necessary to address any unavoidable project effects. Potential effects may include: changes in the timing or quantity of instream flow; fish passage; fish entrainment or impingement at intakes; timing of construction relative to migration or spawning; gas supersaturation, discharge water temperature or other water quality characteristics; spread of non-native or invasive species; potential bird electrocutions from power lines and other migratory bird and raptor effects; and other effects caused by project construction and operation. Documentation should be provided to demonstrate how these potential effects will be avoided or to show that they are not issues at the Lake Powell Pipeline project.

The project proposal should analyze any impacts to fish and wildlife as a result of temporary facilities, access roads, and various other construction activities. To the extent available, specific information regarding affected resources, project design, function, and anticipated future operations should be provided as soon as possible. This information would help to determine

whether new or additional data are needed and, if warranted, would help to determine the most appropriate study methodologies and data collection and analysis techniques.

We request that issues such as release or proliferation of nonnative fishes, river and stream crossings, riparian and wetland impacts, reservoir sediment management, aquatic nuisance species, whirling disease, and project screening, be included in the analysis of project effects on aquatic species including Virgin River and Colorado River fishes. More detailed information requests for each of these project related issues are provided in the following sections. Additionally, we recommend that surveys be provided indicating the presence or absence of other fish species to obtain information pertinent to identifying opportunities for management or habitat improvement.

Because of the important fishery resources in Lake Powell, we recommend that any project design include fish screens at the intake structures for the turbines, pump intakes, and other project features to reduce or eliminate fish entrainment.

Sediment Management

We recommend that sediment management plans be devised for the de-silting of project related reservoirs. In general, the sluicing of reservoir sediment has the potential to negatively impact aquatic life in downstream river sections. Sediment management in current Virgin River reservoirs has been one of the issues that the Virgin River Program has tried to address to minimize negative impacts to the Virgin River system. In order to better assess the types of effects that sediment management may have on the Virgin River system, reservoir sediment management plans should include an analysis of: 1) sediment inputs to the reservoir; 2) methods for removal of accumulated silt (dredging, sluicing, erosion control of upstream reaches, etc.); 3) amount of sediment currently in the riverine reaches downstream of any project reservoirs and its effects on aquatic life; and 4) methods for management of sediment.

Hydrology

As mentioned previously in this correspondence the hydrology of the Virgin River drainage has direct effects on the fishery and wildlife community of the system including vegetation recruitment and maturation as well as geomorphic channel formation and maintenance. We recommend that a hydrograph study be conducted to determine the natural instream flow characteristics of the Virgin River and its biologically important tributaries. We request information on opportunities for flow augmentation and operational flexibility to allow stream flows that follow a natural hydrograph, rather than just minimum stream flows. Similarly, we recommend that flow regimes sufficient to maintain stream channel integrity, riparian plant communities, and fish habitat be required. Required hydrology information should be adequate to evaluate and quantify minimum stream flows appropriate and sufficient to protect or enhance riparian and aquatic resources in the watershed including the mainstem of the Virgin River. Included in this evaluation should be information that clearly explains water rights ownership for the Virgin River drainage as well as for the amount of water that will be managed for the hydroelectric facilities.

Water Quality

The analysis should evaluate the impact of all water storage facilities (e.g., forebays and afterbays) on surface water quality, with particular emphasis on selenium and total dissolved solids (TDS). The Virgin River system is high in TDS and selenium from both natural and man-made sources, and in 2004 a Total Maximum Daily Load (TMDL) was approved for the Virgin River for TDS and selenium. Impounding and storing water in ponds and reservoirs creates the opportunity for leaching of salts, including selenium, from underlying soils and transporting them downstream to wetlands and river systems. Similar situations have occurred in Utah which have had deleterious effects on water quality and wildlife. Your analysis should evaluate the potential for leaching to occur, the amount of salts and selenium that could be mobilized from the soils, the disposition of the leachate, and effects on water quality and wildlife, and should evaluate the potential impact on meeting the targets approved in the TMDL.

Lake Powell and Colorado River Fisheries

Lake Powell provides an important warm water sport fishery, and water releases out of Glen Canyon Dam support a salmonid fishery directly downstream of the dam, as well as populations of native fish species including several that are Federally listed as endangered (Humpback chub, Colorado pikeminnow, bonytail, and razorback sucker). Project actions should be designed to support ongoing or planned conservation or management activities of these fisheries and result in decreased threats to the endangered and sensitive species found in the Colorado River drainage. Potential impacts resulting from project construction and operation on these fisheries should be evaluated. Included in this evaluation should be information that determines the effects of project facilities and operations on factors such as lake levels, access by fish to Lake Powell tributary inflows, lake water temperatures and water temperatures of releases, lake and riverine spawning habitat, effects on access/barriers to movement, and opportunities to maintain or enhance aquatic resources and fisheries. This evaluation should also characterize the physical habitat for all fish species and their life stages that could be affected by project activities using both pre-project and post-project flow/pumping regimes.

Aquatic Nuisance Species

Aquatic nuisance species (ANS) can negatively impact recreation, power, and water operations, and they have the potential to disrupt natural ecosystem balances, displace native species, and alter native species' food webs. Some of the ANS that are currently being targeted in Utah include quagga and zebra mussels, the New Zealand mudsnail, phragmites, purple loosestrife, and Eurasian watermilfoil. Although not a nuisance species in the usual sense, whirling disease is caused by a bacterial parasite found in an increasing number of waters in Utah and it is being targeted for control as well. Whirling disease affects trout and salmon, causing deformations and neurological damage and decreases in fish population the parasite affects. As part of the project assessment and permitting process, these ANS, as well as any others that could be transported or proliferated by project actions or facilities, should be evaluated for potential impacts to the project affected area, as well as the potential to affect Reclamation project operations. Control and mitigation methods should be developed for any ANS that poses a threat to fish and wildlife resources or Reclamation project operations in the project affected area.

Nonnative Fish Management

Red shiner is a nonnative fish species which preys upon and competes with native fish in the Virgin River. It has been found that native fish are negatively impacted in the presence of these introduced fish. Each year the Virgin River is chemically treated to remove red shiner and other nonnative fish that compete with or prey upon native fish. All project alternatives should include an analysis of fishery management for new reservoirs such that no additional nonnative fish are able to enter the Virgin River watershed. This should include an analysis for Lake Powell intake screening for all life stages of fish and aquatic species as well as potential management plans for any intended fisheries in project related reservoirs.

Virgin River Fishes

Despite flowing through an arid region, the Virgin River is home to a diverse array of plants and animals. The Virgin River directly supports hundreds of wildlife species including, woundfin, Virgin River chub, Virgin spinedace, flannelmouth sucker, desert sucker, speckled dace, and southwestern willow flycatcher. Many of these species are endangered or are considered sensitive species within the State of Utah.

The Virgin River Resource Management and Recovery Program (Virgin River Program) is a collaborative effort between local, State, and Federal partners to balance human interests along the Virgin River with the conservation of this unique ecosystem for future generations. The goals of the Virgin River Program are to protect, enhance, conserve, and recover native species in the Virgin River Basin while ensuring that water development can continue in a sustainable manner. The scope of the Virgin River Program is broad, including species recovery, water management, floodplain protection, restoration, and community outreach. One of the goals of the Virgin River Program is to identify and secure instream flows sufficient to support self-sustaining populations of all native fish species including the Federally endangered woundfin and Virgin River chub. The USFWS requests that all project alternatives incorporate options for providing flows to the Virgin River and biologically important tributaries (Santa Clara, Ash Creek, La Verkin Creek, etc.) for the recovery and sustainability of native fishes and those species which depend on the Virgin River watershed.

Federal Power Act Section 18 Authority

We request that information on impediments to or opportunities for fish passage be provided and evaluated subject to Section 18 of the Federal Power Act.

Section 18 of the Federal Power Act states in part that “the Commission shall require the construction, maintenance, and operation by a licensee of . . . such fishways as may be prescribed by the Secretary of Commerce or the Secretary of Interior.” 16 U.S.C. § 811. The Secretary of the Interior has delegated his authority to prescribe fishways to the USFWS. At this time, the USFWS reserves the Secretary’s authority to prescribe the construction, operation, and maintenance of such fishways as may be necessary for any species to be managed, enhanced, protected, or restored to the basin during the term of any license issued for the proposed Lake Powell Pipeline Project. This reservation of authority extends to the evaluations needed to

determine, ensure, or improve the effectiveness of such fishways and to prescribe monitoring programs for the remaining term of the license as necessary to ensure that the USFWS's goals and objectives are being achieved.

Wildlife Resources

Riparian areas along streams are typically used by a wide variety of wildlife species, particularly in desert environments. This type of habitat typically provides important winter range for native ungulates, and also provides habitat for a variety of reptiles, amphibians, neotropical migratory birds and raptors. Altering streamflows, in quantity, quality, or timing, could change stream channel characteristics and impact aquatic habitat and adjacent riparian habitat. Because of this, we request resource information and evaluation of the effects of project facilities on riparian dependent wildlife species and habitat, and riparian plant species, habitats, and invasive species.

Because establishment of noxious and invasive plant species alters plant communities, generally resulting in a decline of native plant species which provide food and cover for wildlife, we recommend that presence of noxious and invasive plant species in the project area be investigated. The potential for increased spread of noxious and invasive species and measures which could be taken to avoid and/or control these plant species should be considered. Control of noxious and invasive plant species may be necessary to protect and enhance wildlife habitat in the project area.

The proposed project is within potential habitat of the Arizona toad, considered a sensitive species by the State of Utah. The Arizona toad, occurs in isolated areas of the southwestern United States. In Utah, the Arizona toad is found only in the southwestern portion of the State. This species inhabits streams, washes, irrigated crop lands, reservoirs, and uplands adjacent to water. It is inactive in cold weather, and adults are mainly nocturnal, whereas the newly metamorphosed young are active during daylight hours. We recommend that, if the applicant has not already done so, the project area be surveyed for Arizona toads. Should Arizona toads be found, the applicant should coordinate with the Utah Division of Wildlife Resources (Krissy Wilson, 801-538-4756), to report the discovery and to determine appropriate avoidance and minimization measures to avoid impacting the toads.

Utah supports large numbers of wintering bald eagles. The birds utilize riparian areas, lakes and reservoirs, and big game winter range for foraging, roosting, and nesting. Alteration of bald eagle habitat and construction and maintenance activities may preclude use of the project area and surrounding areas for the bald eagle. Additionally, construction of a transmission line may have negative impacts on this species. We would appreciate receiving information as to the current status of bald eagles within and near the project area. Furthermore, a study should be completed on the effects of any proposed or existing transmission line associated with the project on migratory birds, including bald eagles. This study should include analyses of electrocution and collision potentials, impacts on migration paths, and any changes in the migratory bird community expected as a result of construction and operation. This study should include an analysis of the feasibility of burying powerlines at the sites. Seasonal and spatial buffers for known nest and roost sites should be incorporated into project plans.

Ephemeral streams can serve as crucial refugia for amphibian species and are important nutrient sources for downstream biota. Impairment of these functions can result from construction activities and permanent structures. In addition, in flashflood prone systems, even ephemeral streams are subject to catastrophic storm events. Therefore, ephemeral streams, especially those tributary to streams with sensitive species, should be afforded the same level of protection as perennial waters. At a minimum, you should not permit construction in flashflood-prone systems of permanent facilities containing hazardous materials. We recommend use of the Oil and Gas Pipeline Crossing Guidance, minimization of crossings, and no placement of reserve pits or other contaminant-containing structures in areas prone to flash floods.

Endangered Wildlife Species

The proposed project partially occurs in Washington County, Utah and may coincide with Mojave desert tortoise, a species Federally listed as Threatened under the ESA. Therefore, as the project plans and locations are further being discussed, consider the location and the potential impacts to desert tortoise, as well as relocating portions of the project to minimize those impacts as much as possible.

The Utah prairie dog, listed as threatened under the ESA, occurs in Kane and Iron Counties. Based on the lack of project details provided for areas within Iron County, it is difficult to identify potential impacts to the species. However, it is likely that both direct and indirect impacts will occur. Construction of the pipeline and associated infrastructure may have direct impacts many of which can be avoided or minimized with proper planning. However, the impact associated with the induced growth of communities brought on by the increased availability of water is of great concern. Approximately 75% of Utah prairie dogs occur on private lands in Iron County and future growth will be focused on these lands. Impacts to 75% of the population could preclude the ability to conserve and recover the species. Feasibility studies must address this concern and incorporate appropriate long range planning for the communities and options to offset or mitigate those impacts.

Federal agencies have specific additional responsibilities under section 7 of the ESA. Current county species lists can be obtained from the USFWS website: <http://mountain-prairie.fws.gov/endspp/CountyLists/Utah.htm>. The proposed action should be reviewed and a determination made if the action will affect any listed species or their critical habitat. If it is determined by the Federal agency, with the written concurrence of the USFWS, that the action is not likely to adversely affect listed species or critical habitat, the consultation process is complete, and no further action is necessary.

Formal consultation (50 CFR 402.14) is required if the Federal agency determines that an action is likely to adversely affect a listed species or will result in jeopardy or adverse modification of critical habitat (50 CFR 402.02). Federal agencies should also confer with the USFWS on any action which is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10). A written request for formal consultation or conference should be submitted to the USFWS with a completed biological assessment and any other relevant information (50 CFR 402.12). Only a Federal agency can enter into formal ESA section 7 consultation with the USFWS. A Federal

agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the USFWS of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

Your attention is also directed to section 7(d) of the ESA, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

Virgin spinedace, roundtail chub, bluehead sucker, flannelmouth sucker, and northern goshawk may occur within the project area and are managed under Conservation Agreements/Strategies. Conservation Agreements are voluntary cooperative plans among resource agencies that identify threats to a species and implement conservation measures to proactively conserve and protect species in decline. Threats that warrant a species listing as a sensitive species by State and Federal agencies and as threatened or endangered under the ESA should be significantly reduced or eliminated through implementation of the Conservation Agreement. Project plans should be designed to meet the goals and objectives of these Conservation Agreements.

Endangered Plant Species

A review of Federally listed plants by the Utah Field Office of USFWS (Utah USFWS) of the Utah project area indicates dwarf bear-poppy (*Arctomecon humilis*), Shivwits milk-vetch (*Astragalus ampullarioides*), Holmgren milk-vetch (*Astragalus holmgreniorum*), and Siler pincushion cactus (*Pediocactus sileri*) are found in Washington County, Utah. Welsh's milk-weed (*Aesclepias welshii*), Jones cycladenia (*Cycladenia jonesii*), Navajo sedge (*Carex specuicola*), Kodachrome bladderpod (*Lesquerella tumulosa*), and Siler pincushion cactus (*Pediocactus sileri*) are found in Kane County, Utah. Please consult with individual Federal and State land management agencies for information on sensitive plant species that may be found in the project area.

Land development in Washington County, Utah is the highest threat for species, such as the dwarf bear-poppy, Shivwits milk-vetch, and Holmgren milk-vetch. Development activities result in an irredeemable loss of habitat, which not only causes direct habitat destruction, it also can cause indirect permanent disturbance of nearby habitat (e.g., through soil disturbance, changes in hydrology, increased human access, and additional problems with invasive species). The evaluation of this proposed project will need to provide an examination of habitat loss and disturbance within the course of the project period, as well as long term effects such as human population growth. Together these threats could cause the extirpation of local plant populations, having synergistic effects that could create range-wide extinction. Some listed plant populations within St. George have coincided with development of large residential communities. This has resulted in the entire loss of specific plant populations. Population growth and housing, and amenity planning in Washington County indicate further permanent loss to listed plants in the future. This induced growth should be addressed under the cumulative impacts section of your analysis.

In an informal review by the Utah USFWS, the preliminary permit Map J shows a pumping station at Quail Creek which is near Shivwits milk-vetch habitat. On the same map the proposed substation southwest of Quail Creek is near Holmgren milk-vetch habitat and designated critical habitat. Relating to Maps E, F, G, and H, lands in these areas contain many acres of potential Siler pincushion cactus habitat. Additionally Federal land management agencies frequently maintain sensitive plant species list(s) which should be reviewed by the applicant prior to and during the proposed project. The following preliminary Best Management Practices (BMPs) have been created during the course of other projects and should be examined for relevancy and improvements during the development of this project.

Preliminary BMPs for Federally Listed Endangered, Threatened, and Candidate and Federal Land Management Agency Sensitive Plant Species

In order to minimize effects to the Federally endangered, threatened, candidate, and agency sensitive plant species, the Utah USFWS asks the applicants to adapt the following avoidance and minimization measures. Integration of and adherence to these measures will help to ensure that the proposed Lake Powell Pipeline Project is in compliance with the ESA. The following avoidance and minimization measures should be included in the Plan of Development:

1. Pre-project habitat assessments will be completed across 100% of the project disturbance area within potential habitat¹⁰ prior to any ground disturbing activities to determine if target plant habitat is present.
2. Within suitable habitat¹¹, site inventories will be conducted to determine occupancy. Inventories:
 - a. Must be conducted by qualified individual(s) and according to Federal land management and USFWS accepted survey protocols,
 - b. Will be conducted in suitable and occupied¹² habitat initially for all areas proposed for surface disturbance prior to initiation of the project and within a year of actual project activities, at a time when plants can be detected,
 - c. Will occur within 300 feet from the centerline of the proposed ROW for surface pipelines or roads; and within 300 feet from the perimeter of all other disturbances,
 - d. Will include, but not be limited to, plant species lists and habitat characteristics, and
 - e. Will be valid until March 1st the following year.

¹⁰ *Potential habitat* is defined as areas which satisfy the broad criteria of the species habitat description; usually determined by preliminary, in-house assessment.

¹¹ *Suitable habitat* is defined as areas which contain or exhibit the specific components or constituents necessary for plant persistence; determined by field inspection and/or surveys; may or may not contain the listed species; habitat descriptions can be found in the Federal Register and in the U.S. Fish and Wildlife Service's Recovery Plan(s) (links at <http://www.fws.gov/endangered/wildlife.html>).

¹² *Occupied habitat* is defined as areas currently or historically known to the listed or candidate species; synonymous with "known habitat."

3. Design project infrastructure to minimize impacts within suitable habitat²:
 - a. Reduce project size to the minimum needed, without compromising safety,
 - b. Limit new access routes created by the project,
 - c. Roads and utilities should share common ROWs where possible,
 - d. Reduce the width of ROWs and minimize the depth of excavation needed for the road bed; where feasible, use the natural ground surface for the road within habitat,
 - e. Place signing to limit off-road travel in sensitive areas, and
 - f. Stay on designated routes and other cleared/approved areas.

4. Within occupied habitat³, project infrastructure will be designed to avoid direct disturbance and minimize indirect impacts to populations and to individual plants:
 - a. Follow the above (#3) recommendations for project design within suitable habitats,
 - b. Construction of new roads will occur such that the edge of the ROW is at least 300 feet from any plant,
 - c. Roads will be graveled or paved within occupied habitat; the operator is encouraged to apply water for dust abatement to non-paved areas from March 1 to May 30 or the affected plants flowering period; dust abatement applications will be comprised of water only,
 - d. The edge of the disturbance sites should be located at least 300 feet away from plants,
 - e. Surface pipelines will be laid such that a 300 foot buffer exists between the edge of the ROW and the plants, use stabilizing and anchoring techniques when the pipeline crosses the white shale strata to ensure the pipelines don't move towards the population,
 - f. Construction activities will not occur from March 1st through May 30th within occupied habitat or the affected plants flowering period,
 - g. Before and during construction, areas for avoidance should be visually identifiable in the field, e.g., flagging, temporary fencing, rebar, etc.,
 - h. Designs will avoid concentrating water flows or sediments into occupied habitat,
 - i. Minimize the disturbed area of the project through interim and final reclamation. Upon project completion reclaim disturbance to the smallest area possible.

5. Occupied listed, candidate, and Federal land management agency sensitive species habitats within 300 feet of the edge of the surface pipeline ROW, 300 feet of the edge of the road ROW, and 300 feet from the edge of disturbance shall be monitored for a period of three years after ground disturbing activities. Monitoring will include annual plant surveys to determine plant and habitat impacts relative to project facilities. Annual reports shall be provided to the USFWS and any applicable Federal land management agencies. To ensure desired results are being achieved, minimization measures will be evaluated and may be changed after a thorough review of the monitoring results and annual reports by the USFWS.

6. Reinitiation of section 7 consultation with the USFWS will be sought immediately if any loss of plants or occupied habitat for the listed, candidate, and Federal land management sensitive species is anticipated as a result of project activities.

Additional site-specific measures may also be employed to avoid or minimize effects to the species. These additional measures will be developed and implemented in consultation with the USFWS to ensure continued compliance with the ESA.

Migratory Birds

The analysis should consider impacts to migratory birds, including changes to their habitats, both temporally and spatially. Species of special concern include threatened and endangered species such as the Mexican spotted owl and southwestern willow flycatcher, recently delisted species such as the bald eagle and peregrine falcon, candidate species such as the western yellow-billed cuckoo, State sensitive species such as the greater sage-grouse, and species identified in Utah's Wildlife Action Plan (Comprehensive Wildlife Conservation Strategy). In addition, the analysis should evaluate impacts to migratory birds and their habitats where the proposed project intersects Bird Habitat Conservation Areas (BHCA), which may include BHCA 44 (Panguitch), BHCA 48 (Virgin River), BHCA 49 (Paria River) and BHCA 50 (Escalante). Priority habitats within these BHCAs include Sagebrush Steppe, Lowland Riparian, Mountain Riparian, and Wet Meadow. Other priority habitats (priority "B") include Agriculture, High Desert Scrub, Low Desert Scrub, Mountain Shrub, Pinyon Juniper, Mixed Conifer, Subalpine Conifer (Fir), Aspen, and Water. Your analysis should evaluate the proposed project's effects to all migratory bird species, including those listed above.

The analysis should provide a plan for long term monitoring of avian resources relative to potential project impacts as well as a mitigation plan for potential project impacts to migratory birds. For example, it should evaluate noise and visual effects from project activities, habitat reduction and fragmentation, and whether habitat enhancement efforts may minimize displacement impacts for some species. Habitat impacts for species on the USFWS 2002 list of Birds of Conservation Concern (BCC) and Partners in Flight Priority Species should be evaluated as part of the analysis. The BCC List identifies those migratory and non-migratory avian species that, without additional conservation actions, are likely to become candidates for listing under the ESA. To help meet responsibilities under Executive Order 13186, activities should include provisions which: recommend ground-disturbing activities occur outside critical breeding seasons for migratory birds; minimize temporary and long-term habitat losses; and require mitigation for unavoidable habitat losses, particularly at the field development stage.

Please recognize your obligation to protect the many species of migratory birds, including eagles and other raptors protected under the MBTA and the BGEPA. The MBTA, enacted in 1918, prohibits the taking of any migratory birds, their parts, nests, or eggs, except as permitted by regulations, and does not require intent to be proven. Section 703 of the MBTA states, "Unless and except as permitted by regulations ... it shall be unlawful at any time, by any means or in any manner, to ... take, capture, kill, attempt to take, capture, or kill, or possess ... any migratory bird, any part, nest, or eggs of any such bird...." The BGEPA, prohibits knowingly taking, or taking

with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing.

Work that could lead to the take of a migratory bird including an adult bird, their young, eggs, or nests (for example, if you are going to erect new roads, or power lines in the vicinity of a nest), should be coordinated with our office before any actions are taken. Removal of any active migratory bird nest or nest tree is prohibited. Causing abandonment of a nest could constitute violation of one or both of the above statutes. For golden eagles, inactive nest permits are limited to activities involving resource extraction or human health and safety. Mitigation, as determined by the local USFWS field office, may be required for loss of these nests. No permits will be issued for an active nest of any migratory bird species, unless removal of an active nest is necessary for reasons of human health and safety. Therefore, if nesting migratory birds are present on, or near the project area, timing is a significant consideration and needs to be addressed in project planning.

If nest manipulation is proposed for this project, the project proponent should contact the USFWS's Migratory Bird Office in Denver at 303-236-8171 to see if a permit can be issued for this project. No nest manipulation is allowed without a permit. If a permit cannot be issued, the project may need to be modified to ensure take of a migratory bird or eagle, their young, eggs or nest will not occur.

Power lines should be built, at a minimum, to standards identified in the *Suggested Practices for Raptor Protection on Power Lines. The State of the Art in 1996 (Edison Electric Institute/Raptor Research Foundation)* (or most current version), to minimize electrocution potential. The USFWS has the following more specific recommendations that reaffirm and compliment those presented in the "Suggested Practices." FERC should ensure that these additional standards to minimize raptor mortalities are incorporated into any license issued. It should be noted that these measures vary in their effectiveness to minimize mortality, and may be modified as they are tested in the field and laboratory. Local habitat conditions should be considered in their use. The following represents areas where raptor protection measures should be applied when designing/constructing new distribution lines.

1. Distribution lines should be buried where feasible.
2. Raptor-safe structures (e.g., with increased conductor-conductor spacing) are to be used that address adequate spacing for raptors with large wingspans (i.e., minimum of 60 inches for bald eagles).
3. Equipment installations (e.g., overhead service transformers, capacitors, reclosers, etc.) should be made raptor safe by insulating the bushing conductor terminations and by using covered jumper conductors.
4. Jumper conductor installations (e.g. corner, tap structures, etc.) should be made raptor safe by using covered jumpers or providing adequate separation.
5. Arrestor and cutout covers should be employed when necessary.
6. Lines should avoid high avian use areas such as wetlands, prairie dog towns, and grouse leks.

Also, all project related facilities should conform to *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck, January 2002) which were developed in part to provide consistent application of raptor protection measures Statewide and provide full compliance with environmental laws regarding raptor protection. Raptor surveys and mitigation measures are provided in the Raptor Guidelines as recommendations to ensure that proposed projects will avoid adverse impacts to raptors, including the peregrine falcon.

Wetlands/Riparian Areas

Wetlands perform significant ecological functions which include: (1) providing habitat for numerous aquatic and terrestrial wildlife species, (2) aiding in the dispersal of floods, (3) improving water quality through retention and assimilation of pollutants from storm water runoff, and (4) recharging the aquifer. Wetlands also possess aesthetic and recreational values. The USFWS recommends measures be taken to avoid and minimize wetland losses in accordance with Section 404 of the Clean Water Act and Executive Order 11988 (floodplain management) as well as the goal of "no net loss of wetlands." If wetlands may be destroyed or degraded by proposed actions, those wetlands should be inventoried and fully described in terms of their functions and values. Acreage of wetlands, by type, should be disclosed and specific actions should be outlined to avoid, minimize, and compensate for all unavoidable wetland impacts.

Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian areas are the single most productive wildlife habitat type in North America. They support a greater variety of wildlife than any other habitat. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining the water table, controlling flooding, and providing shade and cover. In view of their importance and relative scarcity, impacts to riparian areas should be avoided. Any potential, unavoidable encroachment into these areas should be further avoided and minimized. Unavoidable impacts to streams should be assessed in terms of their functions and values, linear feet and vegetation type lost, potential effects on wildlife, and potential effects on bank stability and water quality. Measures to compensate for unavoidable losses of riparian areas should be developed and implemented as part of the project.

Plans for mitigating unavoidable impacts to wetland and riparian areas should include mitigation goals and objectives, methodologies, time frames for implementation, success criteria, and monitoring to determine if the mitigation is successful. The mitigation plan should also include a contingency plan to be implemented should the mitigation not be successful. In addition, wetland restoration, creation, enhancement, and/or preservation does not compensate for loss of stream habitat; streams and wetlands have different functions and provide different habitat values for fish and wildlife resources.

Best Management Practices

BMPs should be developed and implemented within the project area wherever possible. BMPs include, but are not limited to, the following: installation of sediment and erosion control devices

Ms. Kimberly D. Bose

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(e.g., silt fences, hay bales, temporary sediment control basins, erosion control matting); adequate and continued maintenance of sediment and erosion control devices to insure their effectiveness; minimization of the construction disturbance area to further avoid streams, wetlands, and riparian areas; location of equipment staging, fueling, and maintenance areas outside of wetlands, streams, riparian areas, and floodplains; and reseeding and replanting of riparian vegetation native to Utah in order to stabilize shorelines and streambanks.

Land and Water Conservation Fund (L&WCF), and Urban Park and Recreation Recovery programs

We have reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund (L&WCF) and the Urban Park and Recreation Recovery programs and found that Sand Hollow State Park, of L&WCF project 49-00341, Sand Hollow State Park, is located in the study area.

We recommend you consult directly with the official who administers the L&WCF program in the State of Utah to determine any potential conflicts with Section 6(f)(3) of the L&WCF Act (Public Law 88-578, as amended).

The administrator for the L&WCF program in Utah is Ms. Mary Tullius, Director, Division of State Parks and Recreation, Utah Department of Natural Resources, 1594 West North Temple, Suite 116, P.O. Box 146001, Salt Lake City, Utah 84114-6001

We appreciate the opportunity to comment. Should you or the Applicant have any questions, do not hesitate to contact me.

Sincerely,



Robert F. Stewart
Regional Environmental Officer

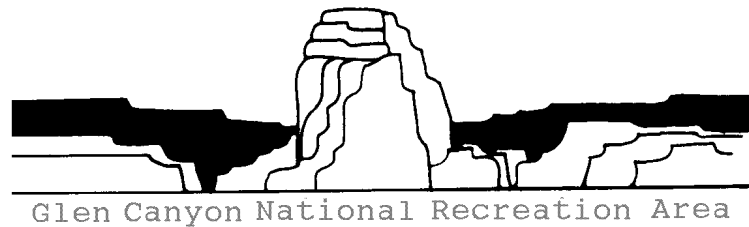
Enclosures



California Condor Conservation Measures for Construction Projects

Your project area is in a location that may be visited by the California Condor and the following protective measures will need to be undertaken by all personnel working at the project site:

1. If a Condor is spotted directly on or over the construction site, activities will cease until the bird leaves or is driven off by a Glen Canyon NRA biologist.
2. Construction workers and supervisors are instructed to avoid interaction with Condors and to immediately contact the Interpretation and Resources Division (928- 608-6265) at the Park if and when Condor(s) settle at the construction site.
4. The construction site will be cleaned up at the end of each day (e.g., trash removed, scrap materials picked up) to minimize the likelihood of Condors visiting the site.
5. All dead animals found within 500-feet of the construction zone will be immediately disposed of by placing the carcass the nearest available dumpsters. Dumpsters will be emptied on a regular basis so as not to encourage roosting by condors that may be attracted to odor coming from the dumpsters.
6. To prevent water contamination and potential poisoning of Condors, a Spill Prevention and Cleanup Plan will be developed and implemented for this project. It will include provisions for immediate clean-up of any hazardous substance, and will define how each hazardous substance will be treated in case of leakage or spill. This plan needs to consider possible leakage from support vehicles as well as the drill rig(s). Please forward a digital copy on CD of the plan to our Environmental Specialist at Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040. This plan will need to be provided at least 2 weeks prior to start of construction (including preliminary set-up activities).
7. All construction personnel will be given a copy of the entitled "California Condors in Arizona". These may be obtained by contacting the Arizona Game and Fish at 2221 West Greenway Road, Phoenix, AZ 65023. Their Phone number is (602) 942-3000.
8. Project personnel are strictly prohibited from hazing Condors (chasing, flapping arms, throwing objects, honking horn, etc.)



Memorandum for Record

DATE: December 14, 2007

SUBJ: Comments to Preliminary FERC Application for Lake Powell Pipeline Project

1. Page 2, Question 6 – Please insert Glen Canyon National Recreation Area, P.O. Box 1507, 692 Scenic View Drive, Page, AZ 86040 as well as appropriate BLM field offices and include in description passage through these facilities.
2. Page 3 -6, Question 2 (iv). Please insert, the Cities of Page and Greenthaven in AZ.
3. Page 7, 1st bullet – Add at end of sentence “This facility would be located within a BOR land assignment on the shores of Lake Powell”.
4. Page 7, 2nd bullet – One of the booster pumping stations is proposed to be located on lands within the boundary of Glen Canyon National Recreation Area in Coconino, AZ. There needs to be a discussion of how operational power will be provided for the intake and pumping stations and impacts related to connection with existing or placement of new power sources needs to be discussed in the EIS.
5. Page 7, 3rd bullet – At meetings with the engineering consulting team, a diversion off of SR 89 was discussed for Glen Canyon National Recreation Area. This diversion would have the pipeline crossing 89 and proceeding north at an angle behind the ADOT maintenance Yard following an abandoned road bed. It would re-join 89 north of Greenthaven. Glen Canyon NRA would still like to see this alternative investigated in the EIS. A map of the area in question is attached.
6. Page 11, Section 1 – Engineering Studies, bullet 6. Zebra Mussels a highly invasive aquatic species have been found in large numbers in Lake Mead and are likely to be found in the near future in Lake Powell, where the intake is proposed to be installed. Engineering studies will need to address physical controls to protect the whole system from impacts related to a build-up of this species. Specific information can be found at the 100th Meridian Group website at <http://100thmeridian.org>. This group was created to deal with issues that arise from the 1996 Invasive Species Act and is managed by the U.S. Fish and Wildlife Service.
7. Page 11, Section 1 – Environmental Studies. Under an agreement with the U.S. Fish and Wildlife Service, Glen Canyon NRA has prepared a list of California Condor Construction Mitigation Measures that will need to be incorporated into

- all construction operations taking place within the boundary of the Park. These mitigation measures have been attached to this list of comments. Consultation with the USFWS as required by Section 7 of the Endangered Species Act will need to be undertaken for this project. Glen Canyon NRA's POC at the USFWS for Arizona is Mr. Bill Austin. He may be reached at 928-226-0614, x 102
8. Page 12, Section 1, part b – Need for New Roads: Cross Country travel by any vehicle, including four-wheel drive is not authorized in Glen Canyon NRA.
 9. Page 13, Section 2, part a – 2nd paragraph - All studies and surveys, including, but not limited to geological investigations, cadastral or engineering surveys, biological surveys and cultural surveys require an access permit from Glen Canyon NRA. Please request access permits from the Superintendent's Office. Further, cultural surveys can only be done by a group that possesses an Antiquities Permit from the National Park Service. Please contact Hank Snyder, Chief of Interpretation and Resources for further information. He may be reached at (928) 608-6265.
 10. All maps are not currently set up to easily print and most print so that they cannot be fully seen.
 11. Map B - The Proposed Booster Pumping Station – BPS-1 is shown located on the northeast side of US 89. In all discussion leading up to this point in time, the project proponent has only identified an existing clearing on the southwest side of US 89. It is still the preference of the NPS that the booster station be located on the southwest side of US 89 so as not to impact the view of visitors.

Glen Canyon National Recreation Area

Department of the Interior
National Park Service

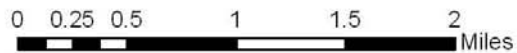


Proposed Alternative Route Pipeline to Lake Powell Project



Legend

- Proposed Alternative Route
- Current Proposed Route





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office

P.O. Box 45155

Salt Lake City, UT 84145-0155

<http://www.ut.blm.gov>



IN REPLY REFER TO:

UTU-85472

2870

(UT-021)

Dennis J. Strong, P.E.
Director, Division of Water Resources
Department of Natural Resources
State of Utah
P.O. Box 146201
Salt Lake City, UT 84114-6201

Dear Mr. Strong:

We appreciate your September 4th letter regarding the request for information pertinent to the Utah Division of Water Resources' August 21, 2007 Preliminary Permit filing with the Federal Energy Regulatory Commission (FERC). We understand that you are working on the next steps for this process so as to obtain a license for your proposed hydroelectric power generation on the Lake Powell Pipeline project, using the FERC Integrated Licensing Process (ILP). One of the FERC requirements is to develop a preliminary application document (PAD) as part of this licensing process. Your letter requests resource information from the BLM for areas along the proposed pipeline alignment and along possible alternative alignments that would be analyzed in the EIS.

As you know, field trips, conference calls and meetings are ongoing between our two agencies to help provide the BLM a better understanding of your proposed pipeline route and possible alternative routing, as well as to provide the State with more detailed resource information along the project area.

As you know, Joe Incardine, the BLM national project manager for the Lake Powell Pipeline Project right-of-way application, has been in conference with Eric Millis and Harold Sersland of your office regarding your request. As discussed, what would be most helpful to your office presently is resource information in the BLM resource management plans (RMP) and management framework plans (MFP). Pertinent management plan information and local contacts is provided below for each of the BLM offices.

BLM Planning Documents for the Lake Powell Pipeline Project

| <u>BLM Field Office</u> | <u>Management Plan Name & Year</u> | <u>Resource Issues</u> | <u>FO Contact</u> |
|-------------------------|---|--|-------------------------------|
| St. George FO | Dixie RMP (1999) | Desert tortoise, water rights for the Virgin River, T&E, plants, recreation, VRM, and urban interface | Dawna Ferris 435-688-3216 |
| GSENM | Grand Staircase Escalante National Monument Management Plan (1999) | Grazing, wildlife, transportation, archaeology, vegetation, treatments | Jon Beck 435-644-4307 |
| Kanab FO | Escalante MFP (1972), Paria MFP (1972), Vermilion MFP (1972), Zion MFP (1972). Kanab RMP scheduled for completion June, 2008, replacing above plans | Wildlife, recreation, archaeology, and transportation | Keith Rigtrup 435-644-4622 |
| Cedar City FO | Cedar-Beaver-Garfield-Antimony RMP (1984) | Cultural resources in the valley, Utah Prairie Dogs, and endangered plants | Pete Wilkins 435-865-3023 |
| Arizona Strip FO | Arizona Strip Field Office RMP (1992, amended 1998). Arizona Strip RMP scheduled for completion December 2007 | Access, wilderness, protection of resources including biological, natural, and cultural resources, livestock grazing, recreation and restoration of ecosystems | Diana Hawks 435-688-3266 |

Resource information in these plan documents is available to you on CD upon request. If you require additional resource information beyond what is contained in the planning documents or available from the affected Field Offices please contact Joe Incardine at 801-539-4118.

Sincerely,

Selma Sierra
State Director

cc: AZ-110
AZ-930
UT-030
UT-040
UT-100
UT-110

bcc: FWS/R6 – D. Carlson, K. Bon
FWS/Salt Lake City – P. Abate
BIA/Phoenix – A. Heuslein
BR/DO – T. Taylor
BR/UC – J. Blair
BLM/UT – J. Incardine
NPS/IDME – R. Runkel, C. Eckhardt, C. Turk, J. Reber
NPS/MWR – R. Knowlton
NPS/GLCA – B. Wilson
NPS/ZION – K. Nielsen
NPS/FLAG – T. Metzger
OEPC/OAK – P. Port

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