

Section 2

Plans, Schedule and Protocols

2.1 Process Plan and Schedule Through Filing of License Application

The proposed Process Plan and Schedule (Table 2-1) was developed in accordance with the timeframes set forth in 18 C.F.R. Part 5 and an NOI filing date of March 4, 2008. The proposed Process Plan and Schedule outlines principal actions by FERC, Applicant, and other participants in the ILP licensing process through filing of the License Application. Principal milestones are shown in bold type. In developing the proposed Process Plan and Schedule, the Applicant has included timeframes for Formal Dispute Resolution (18 C.F.R. § 5.14) even though any study disputes may be resolved through informal dispute resolution. The Applicant assumes that field studies will be performed over one field season. The proposed schedule is based on the Applicant's belief, in light of ongoing baseline data collection at the time the NOI and PAD filing, that it is reasonable for the approved study plan to contemplate completion of all additional studies and data collection to support the license application in one field season.

Project site visits are proposed for June 9 and 10, and public scoping meetings are proposed for June 10, 11 and 12, both pursuant to 18 C.F.R. § 5.8(b)(3)(viii). The public scoping meetings would be held at Dixie Center, 1835 Convention Center Drive, St. George, Utah; Cedar City Festival Hall Conference Center, 105 North 100 East, Cedar City, Utah; and Kanab Middle School, 690 Cowboy Way, Kanab, Utah. FERC will provide public notice of the Project site visits and public scoping meetings.

<div style="text-align: center;"> Table 2-1 Proposed Process Plan and Schedule </div> <div style="text-align: right;">Page 1 of 2</div>				
18 C.F.R. §	Lead	Action	Early Start	Late Finish
§ 5.5	Applicant	File Notification of Intent (NOI)		03/4/08
§ 5.6	Applicant	File Pre-Application Document (PAD)		03/4/08
§ 5.7	FERC	Tribal Consultation	03/5/08	04/4/08
		Initial Tribal Consultation Meeting (NLT 30 days after NOI)	03/5/08	04/4/08
§ 5.8	FERC	FERC Notices NOI/PAD & Issues Scoping Document I	03/5/08	05/2/08
		(Notice of Commencement of Proceeding)		
(a)		FERC issues notice of commencement of proceeding and scoping document		
(b)(2)		FERC request to initiate informal Section 7 ESA consultation and designation of applicant as the Commission's non-federal representative		
(c)		FERC issues Scoping Document 1 (SD1)		
(b)(3)(viii)	FERC	Public Scoping Meeting & Site Visit	06/9/08	06/13/08
		(Within 30 days after Commencement Notice)		
(d)		Project Site Visit (Proposed Dates)	06/9/08	06/10/08
		Public Scoping Meetings (Proposed Dates)	06/10/08	06/12/08
§ 5.9	Participants	Comments on PAD, SD1 and Study Requests	05/5/08	07/3/08
(a)		Participants file comments on PAD & SD1 and study requests (Within 60 days of Commencement Notices)		
§ 5.10	FERC	Scoping Document 2 (If Necessary)	07/3/08	08/15/08
		FERC issues Scoping Document 2 (SD2) (Within 45 days of SD1 comments)		
§ 5.11	Applicant	Applicant's Proposed Study Plan & Study Plan Meetings	07/3/08	11/13/08
		Applicant files w/ FERC a proposed study plan (Tied to SD1)	07/3/08	08/15/08
		Conduct Study Plan Meetings	08/16/08	11/13/08
		Initial Study Plan Meeting	08/16/08	09/12/08
		(NLT 30 days after Applicant files study plan)		

**Table 2-1
Proposed Process Plan and Schedule**

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§ 5.12	Participants	Comments on proposed study plan	08/16/08	11/13/08
		Participants file comments on Applicant's proposed study plan (Within 90 days of Applicant filed plans)	08/16/08	11/13/08
§ 5.13		Revised study plan and study plan determination	11/14/08	01/29/09
(a)	Applicant	Applicant files revised study plan w/ FERC	11/14/08	12/12/08
(b)	Participants	Participants file comments on revised study plan w/ FERC	12/13/08	12/26/08
(c)	FERC	FERC issues Study Plan Determination	12/13/08	01/9/09
(d)		Study plans approved (If no study plan dispute)	01/10/09	01/29/09
§ 5.14		Formal study dispute resolution process (Formal Study Plan Dispute)	01/10/09	04/9/09
(a)	MCA/T	Mandatory condition agency/tribes (MCA/T) file Notice of Dispute (Within 20 days)	01/10/09	01/29/09
(d)	FERC	FERC convenes Dispute Resolution Panel (DRP) (Within 20 days)	01/30/09	02/18/09
(i)	Applicant	Applicant files comments re: dispute w/ FERC (NLT 25 days)	01/30/09	02/23/09
(k)	DRP	Dispute Resolution Panel (DRP) delivers to FERC finding of dispute (NLT 50 days)	01/30/09	03/20/09
(l)	FERC	FERC issues written determination re: dispute (NLT 70 days)	01/30/09	04/9/09
(d)		Study plans amended/approved (Formal Study Plan Dispute Process)		04/9/09
§ 5.15		Conduct Studies	01/30/09	05/21/10
(a)		Implement Study Plans (Tied to "No study plan dispute")	01/30/09	05/21/10
	Applicant	Implement Study Plans (1 st Season)	01/30/09	01/29/10
(b)	Applicant	Applicant prepares & files periodic Study Plan progress reports	01/30/09	01/29/10
(c)(1)	Applicant	Applicant prepares & files Initial Study Report (NLT 1 year after FERC study plan approval)	01/30/09	01/29/10
		Initial Study Report Filing Deadline		01/29/10
(c)(2)	Applicant	Applicant holds study plan meeting (Within 15 days)	01/30/10	02/12/10
(c)(3)	Applicant	Applicant files study plan meeting summary & plan modifications (Within 15 days)	02/13/10	02/26/10
(c)(4)	Participants	Meeting summary & study plan disagreement filing by participants (Within 30 days)	02/27/10	03/26/10
(c)(5)	Applicant	Applicant files response to disagreement (Within 30 days)	03/27/10	04/23/10
(c)(6)	FERC	FERC resolves disagreement & amends study plan (NLT 30 days)	04/24/10	05/21/10
(c)(7)		Meeting Summary & Plan Modifications Approved (No Disagreement Filed by Participants)		03/26/10
		Meeting Summary & Plan Modifications Approved (Disagreement filed by Participants)		05/21/10
§ 5.16		Preliminary Licensing Proposal (Tied to "No study plan dispute")	03/27/10	06/25/10
(a)(c)	Applicant	Applicant files Preliminary Licensing Proposal (or Draft License Application)		03/29/10
(e)	FERC	FERC issues comments on Preliminary Licensing Proposal (or Draft License Application)	03/30/10	06/25/10
§ 5.17		Filing of Application		
(a)	Applicant	Applicant Files License Application		08/26/10

2.2 Post-Application Processing

FERC's regulations at 18 C.F.R. 5.17-5.26 provide for public notice of the tendering of the license application; public notice when the application is accepted for processing and determined to be ready for environmental analysis pursuant to NEPA; opportunities to comment, intervene, make recommendations and provide any applicable mandatory conditions; and to comment on a draft NEPA document before an order acting on the license application is issued. Post-application processing adds approximately one and one-half years to the total processing time. A complete ILP process flowchart is found at www.ferc.gov/industries/hydropower/gen-info/licensing/ilp/flowchart.pdf.

2.3 Communications Protocol

Effective communication is essential for timely, cost-effective licensing for all participants. Although FERC's regulations do not require it to establish a Communications Protocol, the Applicant proposes to do so. The Applicant anticipates the primary means of communication will be meetings, documents, Project website, and telephone. The Communications Protocol set forth herein is designed to maximize the flow of information and communications amount the interested parties, consistent with the ILP and FERC's *ex parte* communications rule.

2.3.1 Meetings

FERC's regulations identify meetings required for the ILP (18 C.F.R. Part 5). The Process Plan and Schedule in Section 2.1 identifies several of these meetings. In addition to the required meetings, the Applicant anticipates other meetings will be needed, particularly during development of study plans and potential protection, mitigation, and enhancement measures.

For meetings conducted by FERC pursuant to its regulations (e.g., Scoping meetings, etc.), the Applicant anticipates FERC will provide prior public notice in accordance with its protocols. Once FERC accepts the License Application, FERC will provide prior public notice for all decisional meetings in which it participates.

The Applicant anticipates it will provide prior notice for meetings not specifically required by the regulations (e.g., study plan development meeting), principally via e-mail using Applicant's Interested Parties Mailing List. Any FERC staff member may participate in a meeting without prior notice to other participants provided that minutes are written and placed into the public record. The Applicant anticipates it will lead such meetings, possibly with the use of an independent facilitator, as appropriate. Meetings will be conducted to foster mutual respect, honor commitments of time by all parties, and provide spokespersons with authority the opportunity to participate.

The Applicant also anticipates preparing summaries of the meetings it notices, and distributing such meeting summaries via e-mail using Applicant's Interested Parties Mailing List. Such meeting summaries will document the purpose of the meeting, location, time, attendees, decisions, follow-up actions and schedule. The Applicant anticipates it will post all meeting notices and summaries on the Project website.

2.3.2 Documents

FERC's regulations identify a number of documents required for the ILP (18 C.F.R. Part 5). The Applicant anticipates there will also be other informal documents generated during the course of the licensing proceeding.

For documents issued by FERC, the Applicant anticipates FERC will distribute these documents in accordance with its protocols. The Applicant anticipates all documents issued or received by FERC will be posted and publicly available in the E-Library on FERC's website at www.ferc.gov, except to the extent they contain Critical Energy Infrastructure Information (CEII) or sensitive cultural or historical resources information required to be shielded from public disclosure. The Applicant will address requests for access to such information on a case-by-case basis, in accordance with applicable Federal and state laws and regulations. To access Project related documents on the FERC website, click on "Documents and Filing," "eLibrary," then "General Search." The website provides further instructions for obtaining documents. Each participant in the licensing proceeding can register to receive a notice each time FERC posts a document to its website regarding the licensing proceeding. To register, go to FERC's website at

www.ferc.gov. Click on "Documents and Filing," then "eSubscription." The website provides further instructions.

The Applicant anticipates using electronic filing whenever possible for documents it files with FERC, and anticipates distributing such documents by e-mail or hard copy, to Applicant's Interested Parties Mailing List (the distribution also will go to FERC's Project No. 12966 Service List after the License Application is accepted). The Applicant anticipates it also will use e-mail for distribution of informal documents it initiates.

The Applicant anticipates most licensing participants will use electronic filing whenever possible for documents they file with FERC, with hard copies to FERC's Project No. 12966 Mailing List (the distribution will go to FERC's Project No. 12966 Service List after the License Application is filed) and by e-mail to Applicant's Interested Parties Mailing List. The Applicant anticipates most licensing participants will use e-mail for distribution of informal documents they initiate.

The Applicant anticipates it will post on the Project website all public documents it sends or receives regarding licensing of the Project.

2.3.3 Project Web Site

The Applicant anticipates establishing a publicly-accessible internet website shortly after filing its NOI as a means of making Project licensing information readily available to participants. The Applicant anticipates posting the PAD, meeting summaries, public documents sent and received, reference materials, the proposed Process Plan and Schedule, and other Project licensing information on the website. The Applicant will notify all individuals on the contacts list provided in Appendix C of the PAD once the website is available. The Project website is: www.water.utah.gov/lakepowellpipeline.

2.3.4 Telephone

The Applicant anticipates telephone calls among licensing participants will generally be treated informally, with no specific documentation, except to the extent the participants agree the communication should be documented on the licensing website or filed with FERC, and subject to the requirement of 18 C.F.R. § 5.8(b)(3)(iv) all communications to or from FERC staff related to the merits of the application must be filed with FERC.

2.3.5 Document Availability

Although the Applicant expects the Communications Protocol described above will fully serve the needs of the participants, FERC's regulations at 18 C.F.R. § 5.2 require the Applicant to make the PAD and any documents referenced therein reasonably available to the public at its principal place of business or another location more accessible to the public, as further specified in Section 5.2. The Applicant will make the PAD and related public records available at Utah Division of Water Resources, 1594 W. North Temple, Salt Lake City, UT. The Applicant also will make the PAD and related public records available at a supplemental site located in the Legacy Center, 43 S. 100 E., St. George, UT. There is no cost associated with viewing these documents in person at that location. Requests to inspect these records must be made in writing and directed to:

Mr. Larry Anderson, P.E.
Lake Powell Pipeline Project Manager
Utah Division of Water Resources
P.O. Box 14620
Salt Lake City, UT 84114-6201

All requests for public records should clearly indicate the document name, publication date (if known) and FERC Project No. 12966. Hard copies, including those distributed by request as part of the consultation process, will be available for a production cost of \$0.15 per page. Documents that need to be scanned to convert electronic format as a citizen's request are subject to the copy charge noted above. There will be no charge for hard copy requests by Federal, state or tribal agencies.

2.3.6 Definitions

FERC Project No. 12966 Mailing List: A mailing list of interested parties prepared and maintained by FERC throughout the Project licensing proceeding.

FERC Project No. 12966 Service List: A mailing list of parties that have formally intervened in the licensing proceeding, prepared and maintained by FERC after it accepts the License Application.

Applicant's Interested Parties Mailing List: A list of interested parties maintained by the Applicant for the licensing proceeding.

2.4 Integrated Licensing Process Flow Chart

Figure 2-1 prepared by FERC illustrates the Integrated Licensing Process pursuant to 18 C.F.R. Part 5.

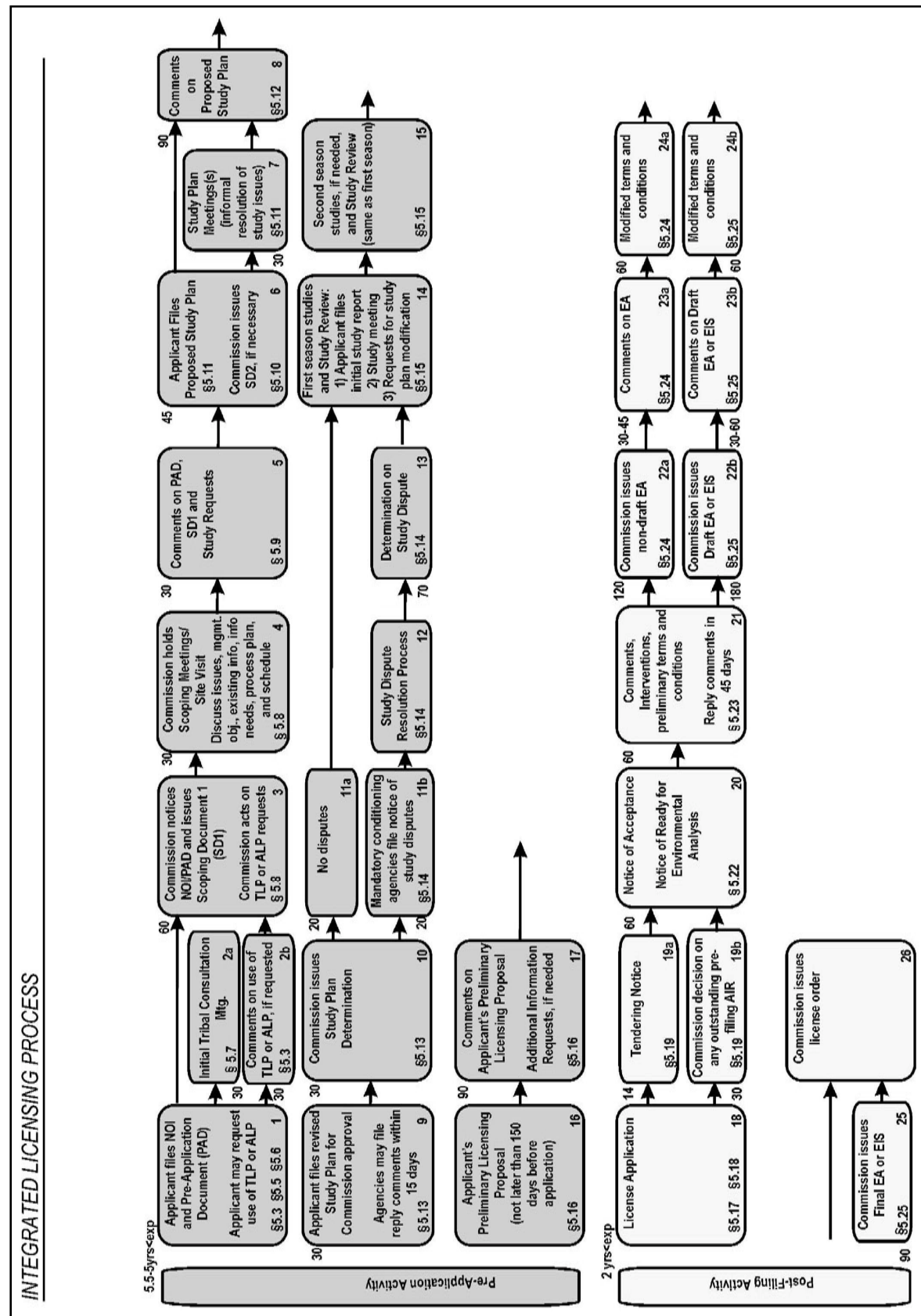


Figure 2-1
Integrated Licensing Process